

Introduction

A divorce can be complicated, and disputes over children and property make them even more complicated. Representing yourself in such cases may not be appropriate or wise. Although it is up to you to decide whether and how you use a lawyer in your divorce, the law does allow you to do your divorce by yourself, known as proceeding pro se (pronounced "pro-say"). Another option is to hire a lawyer to do only part of your divorce. This is called **Limited Scope Representation**.

You should understand that these forms and instructions are intended only for divorce cases where:

- There are children but custody and visitation have been agreed to by both parties;
- The husband is the father of all of the minor children of the wife;
- The wife is not pregnant and no children are expected;
- There is no real property (real estate), nor an ongoing business being operated by one of the parties, and all other property has or can be divided without argument. The parties are fully aware of all debts incurred during the marriage and have or will be able to agree on who will pay each debt.
- Neither party has a pension or retirement plan with his or her present employer, or from a past employer.
- No alimony will be requested by either party.

NOTE: UNLESS YOU MEET ALL OF THESE REQUIREMENTS YOU SHOULD NOT ATTEMPT TO DO YOUR OWN DIVORCE USING THESE FORMS AND INSTRUCTIONS, AND YOU SHOULD NOT PROCEED WITHOUT THE HELP OF A LAWYER.

Facts About Filing for Divorce in Nebraska

- You or your spouse must be a resident of Nebraska for at least one (1) year before filing your divorce with the court. The one exception is when you were married in Nebraska, have been married less than one (1) year, and have lived in Nebraska the entire time since your marriage.
- You start the legal process by filing a Complaint for Dissolution with the Clerk of the District Court in the county where you or your spouse lives.
- The cost of filing a Complaint for Dissolution can be found by clicking [here](#). Once you file, you will be given a case number for your case. This number must be on all documents you file with the court in the future.
- If one or both individuals changed their name and wants to have their former name restored, they must individually ask the court to restore their former name using the Complaint for Dissolution (if plaintiff) or the Answer and Counterclaim (if defendant).
- If you are filing for a divorce without a lawyer, you must complete all the necessary forms. The Clerk of the District Court cannot help you prepare any

legal documents and can provide only limited information about the process.

- Once you have filed your Complaint for Dissolution, it is important that you inform the Clerk of the District Court if your or your spouse's address changes.

Forms and Filing

Forms

Click [here](#) for a complete list of forms and instructions.

Filing the forms

What must you take to the [Clerk of the District Court](#) to file a divorce?

- [Complaint for Dissolution of Marriage](#) -- This is the first document you must give to the Clerk of the District Court. When you file this document, you begin the process of getting a divorce. However, filing the Complaint is only the beginning of the process – you will not be divorced until the judge signs a Decree of Dissolution of Marriage and the Decree is filed with the Clerk of the District Court. Please refer to the [Instructions for Filling out the Complaint](#) for details on how to fill out the Complaint.
- [Vital Statistics Certificate](#) -- Nebraska law requires that you file a fully completed Vital Statistics Certificate of Dissolution of Marriage or Annulment. Fill out the Vital Statistics Certificate and take it with you when you file the Complaint. If you do not know the responses to some of the information the form wants, you must try to locate the information. If you cannot find the information, you may put "unknown" in the appropriate box on the form. (According to Nebraska Law, "...furnishing of the information to complete the record shall be a prerequisite to the granting of the final decree.")
- Filing fee or filing fee waiver papers -- In order to file the Complaint with the Clerk of the District Court, you will need to pay the filing fee. The filing fee for a divorce case can be found by clicking [here](#). If you cannot afford to pay the filing fee because you have a very low income, you can ask the judge to waive the filing fee. Click [here](#) for instructions and the list of forms needed to ask the judge to waive the filing fee.
- Confidential Party Information and Social Security Information forms -- These documents must be given to the Clerk of the District Court at the time of filing your Complaint. Please refer [here](#) for forms and instructions for completing them.

What Happens Once the Forms are Filed?

Once you (1) file the Complaint, (2) file the Vital Statistics Certificate, (3) give the Confidential Party Information and Social Security Information forms to the Clerk of the District Court, and (4) either pay the filing fee or have the filing fee waived by the judge, the Clerk will actually create a file on your divorce case. At that point, the Clerk will give your file a case number and will know the name of the judge who will hear your divorce

case. If you need the name of the judge, please contact the Clerk's office for that information.

Giving Notice of the Divorce Case to your Spouse

Once you file your divorce with the Clerk of the District Court, you must give formal notice to your spouse that you have filed. This formal notice is called "service" or "service of process." If you know what method you want to use to give notice to your spouse, you can prepare the paperwork and take it with you when you file the Complaint.

NOTE: YOU MUST SERVE YOUR SPOUSE (OR FILE A VOLUNTARY APPEARANCE SIGNED BY YOUR SPOUSE) WITHIN SIX (6) MONTHS OF WHEN YOU FILE YOUR COMPLAINT FOR DIVORCE. IF YOU DO NOT SERVE YOUR SPOUSE OR FILE A VOLUNTARY APPEARANCE SIGNED BY YOUR SPOUSE WITHIN SIX (6) MONTHS OF THE TIME YOU FILE YOUR COMPLAINT FOR DIVORCE, YOUR CASE WILL AUTOMATICALLY BE DISMISSED.

You can give notice to your spouse in one of the following ways: Voluntary Appearance, Praecipe for Summons, or Service by Publication. Each method is discussed in more detail below. Usually, it is best to try the Voluntary Appearance first. If that does not work, then try the Praecipe for Summons. If that does not work, then try Service by Publication.

If you serve your spouse by publication, the court may not be able to award child support. The court will be able to give you a divorce, but may not be able to do much more than that.

Voluntary Appearance -- Your spouse can accept service by signing a Voluntary Appearance. Here is the procedure.

1. Prepare a Voluntary Appearance form for your spouse to sign using the [Instructions for Filling out the Voluntary Appearance](#).
2. Give your spouse the Voluntary Appearance and a photocopy of the Complaint you filed with the Clerk of the District Court.
3. Have your spouse sign the Voluntary Appearance and return it to you. (Tell your spouse to keep the photocopy of the Complaint.)
4. Take the signed Voluntary Appearance to the Clerk of the District Court and file it.

Praecipe for Summons -- You can have your spouse served by the sheriff in the county where your spouse lives. Here is the procedure.

1. Prepare a Praecipe (pronounced "pray-si-pee") for Summons, using the [Instructions for Filling out the Praecipe for Summons](#).
2. File the Praecipe for Summons with the Clerk of the District Court where you filed your divorce. The Praecipe is a request that the Court issue a Summons to be served on your spouse by the sheriff. The Summons tells your spouse that you have filed the Complaint and the time by which a response to the Complaint is

due.

3. If the judge waived the filing fees for you, be sure to attach a copy of the Order to Proceed In Forma Pauperis signed by the judge so the county will pay the sheriff's bill for serving the summons on your spouse.
4. You should list all addresses in the Praecipe where the sheriff might be able to find your spouse, including your spouse's home and/or work addresses. If your spouse is usually at a location during certain hours, you can list that in the Praecipe.

Service in the Same County

- If your spouse is living or working in the county where you file your Complaint, the sheriff of that county will pick up the summons and copy of the Complaint and serve it on your spouse at the address you list in the Praecipe. The sheriff will then file papers with the court indicating that your spouse was served.
- If the sheriff cannot serve your spouse, you can either file another Praecipe with the court asking the sheriff to try again, or you can request that the court allow you to serve by publication. See list of forms entitled "[Service by Publication](#)" discussed below.

Service in a Different County or State

- If your spouse lives or works in a different county in Nebraska or in a state other than Nebraska, you must pick up the Summons from the Clerk once it is ready. (You can ask the Clerk when you file the Praecipe about how long it will take to prepare the Summons and how to find out when it is ready.)
- Once you pick up the Summons, find out the address and phone number of the sheriff's office where you must mail the Summons. (If you do not know the address or phone number of the sheriff's office, see [Service by Publication](#) discussed below.)
- Before you mail the Summons, call the sheriff's office and discuss how they expect to be paid for serving the Summons on your spouse. Some out-of-county sheriffs and most out-of-state sheriffs want payment in advance.
- Once you make arrangements with the sheriff, mail the Summons and a copy of the Complaint to the sheriff. Include a letter explaining to the sheriff that the Summons and a copy of the Complaint must be personally served on your spouse before the "return date" on the Summons (the date by which the Summons must be served in order for service to be effective).
- When the sheriff serves your spouse, or if the sheriff is unable to serve your spouse, the sheriff will return documents to you with a "return of service." The return of service will indicate whether or not your spouse was served. You must file all of this paperwork with the court, even if your spouse was not served.

If you cannot get your spouse to sign a Voluntary Appearance and if the sheriff is unable to serve a Summons on your spouse, you can ask the court for permission to serve your spouse with notice of the divorce in another way, referred to as [Service by Publication](#).

Click [here](#) for a complete list of forms and instructions.

What Happens After You Give Notice to Your Spouse

Waiting Period

- Your spouse is considered the defendant in the divorce case if you filed the Complaint.
- Your spouse has 30 days after being served to file a written response to your Complaint with the court. (If your spouse signed a Voluntary Appearance, the 30 days begin to run the day after you file the Voluntary Appearance with the court.) Your spouse does not have to file papers responding to your Complaint, but is entitled to do so if your spouse wants to. If your spouse would like his/her former name restored, he or she should file the Answer and Counterclaim found below.
- You cannot ask the court to hear your divorce case until at least 60 days have passed from the time your spouse was served. (A) If the sheriff served your spouse in person, the 60 days begin to run the day after the sheriff served your spouse. (B) If you filed a Voluntary Appearance signed by your spouse, the 60 days begin to run the day after you file the Voluntary Appearance with the court. (C) If you served your spouse by publication, the 60 days begin to run the day after the last date the Notice of Divorce Proceeding was published in the newspaper.

Defendant's Filing of Answer and Counterclaim for Dissolution of Marriage

If you are the defendant in this divorce you can file an [Answer and Counterclaim for Dissolution of Marriage](#). Prepare the Answer and Counterclaim for Dissolution of Marriage using the [Instructions for Filling out the Answer and Counterclaim for Dissolution of Marriage](#).

Name restoration: Use this form to request that the judge restore your former name to you and to express yourself directly to the Court.

- After you have signed the original Answer and Counterclaim for Dissolution of Marriage you must file it with the Clerk. Make sure to fill out the information requested in the Certificate of Service at the bottom of the last page of the Answer and Counterclaim and sign the Certificate of Service before you file the original Answer and Counterclaim with the Clerk of the District Court.
- Make two copies of the Answer and Counterclaim for Dissolution of Marriage after you have signed it but before you file it with the court. Send one of those copies to your spouse by first-class mail, and keep the other copy for your files.

Certificate of Completion of Parenting Education Course

All parties to a divorce proceeding are required to attend a basic level parenting education course sometime before the final hearing. You can obtain a list of court-approved parenting education course providers from the Clerk of the District Court. Once

you have completed the course, prepare the [Certificate of Completion of Parenting Education Course](#) using the [Instructions for Filling out the Certificate of Completion of Parenting Education Course](#). Remember to attach to the Certificate a copy of all of the paperwork you receive from the provider showing that you completed the Parenting Education Course. After you have completed the Certificate, make one copy to keep for your files and file the original with the Clerk of the District Court.

Requesting a Hearing Date

You must contact the Clerk of the District Court to figure out how to get a hearing date and time in your divorce case, since different courts have different procedures.

Preparing for the Hearing

Once you are given a hearing date and time, you must prepare a [Notice of Hearing](#) using the [Instructions for Filling out the Notice of Hearing](#) in order to give your spouse notice of when the hearing will be held unless your spouse was served by publication. If your spouse was served by publication, you need not prepare and file a Notice of Hearing. Here are the procedures for preparing the Notice of Hearing:

- You must sign the original Notice of Hearing and file it with the Clerk. Make sure to fill out the information requested in the Certificate of Service at the bottom of the Notice of Hearing and sign the Certificate of Service before you file the original Notice of Hearing with the Clerk of the District Court.
- Make two copies of the Notice of Hearing after you have signed it but before you file it with the court. Send one of those copies to your spouse by first-class mail, and keep the other copy for your files.
- Make certain to check with the Clerk about how far ahead of the hearing date you need to file the Notice of Hearing with the Clerk's office.

At the time of your divorce hearing, the court must decide how much child support the non-custodial parent will have to pay to the parent with custody. In Nebraska, the courts use [Child Support Guidelines](#) to determine the amount of child support to order. In order for the court to use the Guidelines, it must have certain financial information about each spouse. The Financial Affidavit for Child Support will provide the court with that financial information.

- Prepare the [Financial Affidavit for Child Support](#) using the [Instructions for Filling out the Financial Affidavit for Child Support](#). Once you have completed the Financial Affidavit, put it with the papers you will take with you to court. The court will use the information in the Financial Affidavit for Child Support to calculate the amount of child support the non-custodial parent will be required to pay.
- Prepare a [Decree of Dissolution of Marriage](#) using the [Instructions For Filling out Decree of Dissolution of Marriage](#). If you served your spouse by publication, use the [Decree of Dissolution of Marriage – Service by Publication](#) and the [Instructions for Filling out Decree of Dissolution of Marriage -- Service by Publication](#). You will take this Decree to the hearing to give to the judge.

- Prepare a Parenting Plan. You may use the [Parenting Plan](#) and the [Instructions for Filling Out the Parenting Plan](#) on the web site if you wish. If you and your spouse have developed your own [Parenting Plan](#), either by yourselves or with the help of a mediator, then you must attach that Parenting Plan to the Decree of Dissolution of Marriage. If you and your spouse do not prepare a Parenting Plan, the judge will prepare one for you. If you served your spouse by publication, you may use the [Absent-Parent Parenting Plan](#) and refer to the [Instructions for Filling Out](#).
- Prepare what you are going to say in court. A sample of what you might say in court is included with these forms and is entitled "[Instructions for your Divorce Hearing](#)." It's okay to write out what you want to say ahead of time and read it when you go to court. Practice what you want to say so that you won't be too nervous when you go to court.

The Hearing

- You must go to the hearing and testify (talk under oath) in open court about your divorce. Once you have testified, the judge will decide if you will get a divorce and if the Decree of Dissolution that you prepared is done correctly.
- If the judge signs the Decree, that means that the judge has decided to grant your divorce. The judge will usually tell you the day of your hearing whether or not the Decree will be signed.
- If the judge signs the Decree and you want an official ("certified") copy, you should ask the Clerk of the District Court how to get one and what the cost will be to get one.

After the Hearing

If the judge signs the Decree and files the Decree with the Clerk's office, the divorce will not be final for 30 days. Also understand that you cannot remarry anyone anywhere in the world until at least six (6) months and one (1) day have passed from the date the Decree is signed by the judge and filed with the Clerk's office.