

SUPERIOR COURT OF THE

DISTRICT OF COLUMBIA

FAMILY DIVISION

DOMESTIC RELATIONS BRANCH

DIVORCE PACKAGE - MINOR CHILDREN

With or Without Property

Control Number DC-006-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.
All forms to be filed with the clerk must be printed on bond paper.

INFORMATION ABOUT DIVORCE

1. **WHO MAY USE THESE FORMS:** You may use the forms in this package only when all of the following facts are true:
 - (a) You meet the ***residency requirements*** and you meet the ***grounds for divorce*** (see below);
 - (b) There are minor children of said marriage;
 - (c) You and your spouse agree on all terms of the divorce.

2. **THE BASICS:** An action for divorce filed in the District of Columbia is filed in the Superior Court – Family Division. The title of the action initiating the divorce is a *Complaint for Absolute Divorce*. The party who is filing the action for divorce is called the Plaintiff, while the other spouse is referred to as the Defendant. ***D.C.C.R., Vol. 2, App. I.***

3. **RESIDENCY REQUIREMENTS:** At least one of the parties to the action for divorce must have resided in the District of Columbia for at least six (6) months immediately prior to the filing of the complaint. ***D.C.C. 16-902.***

4. **GROUND FOR DIVORCE:** The District of Columbia permits divorces to be granted on two grounds. First, a divorce may be granted to the parties if both parties to the marriage have **mutually and voluntarily** lived separate and apart without cohabitation for a period of **six months** prior to the filing of the Complaint for divorce.

Second, a divorce may also be granted if both parties to the marriage have lived separate and apart without cohabitation for a period of **one year** prior to the filing of the Complaint for divorce. ***D.C.C. 16-904.***

5. **LEGAL SEPARATION:** This package contains form for DIVORCE, not for Legal Separation. This information on Legal Separation is provided for your information only. A legal separation cannot be obtained using the forms in this package.

A legal separation is different than a divorce. A legal separation is a court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation **does not terminate the marital status** of the parties, and the parties are **not** free to marry again. In order to review additional information, please see, ***D.C.C. 16-904.***

6. **WAITING PERIODS:** A decree granting an absolute divorce, shall not become effective until the time for noting an appeal shall have expired. ***D.C.C. 16-920.***
7. **DISTRIBUTION OF PROPERTY:** In a divorce, the property such as land, house, buildings, and items of personal property owned by the couple is divided between the parties. Debts owed are also allocated to one party or the other, or both. This is accomplished by means of a *Separation and Property Settlement Agreement*. You and your spouse must agree to the property and debt division and memorialize your agreement in the *Separation and Property Settlement Agreement*, which will be incorporated by reference into the *Judgment of Divorce* that ultimately ends your marriage. You may agree to divide the property any way you like, as long as a basic fairness is maintained, and you both agree. If you cannot agree on any item of this division, the dissolution of marriage transforms into a contested divorce. A contested divorce is outside the scope of this packet.
8. **ALIMONY:** Because this is an agreed divorce, you will decide issues of spousal “alimony”-- the periodic payment of money from one spouse to the other on a temporary or permanent basis. The forms in this no-fault divorce package assume that no alimony will be paid and none will be sought-- but you may add provisions for alimony to the *Separation and Property Settlement Agreement* if you desire. In a contested case, the court might award alimony. A contested divorce is beyond the scope of this divorce package. **You should consult a local attorney regarding the possibilities concerning alimony if you have questions or foresee conflict regarding this issue.** In order to review additional information, please see, ***D.C.C. 16-911-913.***
9. **NAME CHANGE:** Upon request of the party who assumed a new name upon marriage, the court shall permit that party to resume use of the former or maiden name. ***D.C.C. 16-915.***
10. **PARENT EDUCATION CLASS:** The Court may require either or both parties to attend and complete a Parent Education Class designed to inform parents of the effect of divorce upon children of the marriage.
11. **CHILD SUPPORT:** The guideline shall have 5 income levels with a different percentage applied at each level.

In level 1, a noncustodial parent with income of \$7,500 or below shall be considered unable to contribute the guideline percentage. A noncustodial parent with gross income below \$7,500 shall be treated on an individual basis and, in nearly all cases, shall be ordered to pay at least a nominal sum of \$50 per month. If the individual circumstances permit, a noncustodial parent with an income below \$7,500 shall be ordered to contribute more.

In level 2, a noncustodial parent with income that is not less than \$7,501 and not more than \$15,000 per year, and whose income with application of the guideline will not be below the poverty level, shall contribute the following percentage of income for basic child support:

| | |
|-----------------------|-----|
| One child | 20% |
| Two children | 26% |
| Three children | 30% |
| Four or more children | 32% |

In level 3, a noncustodial parent with income that is not less than \$15,001 and not more than \$25,000 per year, and whose income with application of the guideline will not be below the poverty level, shall contribute the following percentage of income for basic child support:

| | |
|-----------------------|-----|
| One child | 21% |
| Two children | 27% |
| Three children | 31% |
| Four or more children | 33% |

In level 4, a noncustodial parent with income that is not less than \$25,001 and not more than \$50,000 per year shall contribute the following percentage of income for basic child support:

| | |
|-----------------------|-----|
| One child | 22% |
| Two children | 28% |
| Three children | 32% |
| Four or more children | 34% |

In level 5, a noncustodial parent with income that is not less than \$50,001 and not more than \$75,000 per year shall contribute the following percentage of income for basic child support:

| | |
|-----------------------|-----|
| One child | 23% |
| Two children | 29% |
| Three children | 33% |
| Four or more children | 35% |

If the parties a written agreement that is to be merged in an order, the judicial officer shall examine the child support provisions of the agreement, and compare the child support provisions to the guideline. If the amount of child support agreed upon is outside of the range of child support that would be ordered presumptively upon application of the guideline, the judicial officer shall determine if the agreed upon level of child support is fair and just. If the parties are represented by counsel, the judicial officer shall inquire whether the attorney informed the clients of the guideline. If the clients have not been

informed of the guideline, the judicial officer shall advise the attorneys to do so. If a party is not represented by an attorney, the judicial officer shall ensure that the party is aware of the child support amount that the court would order presumptively pursuant to the guideline.

Application of the guideline shall be presumptive. The guideline shall be applied unless application of the guideline would be unjust or inappropriate in the circumstances of the particular case. Departures shall be set forth and explained in writing. The factors that may be considered to overcome the presumption are:

- (a) The needs of the child are exceptional and require more than average expenditures;
- (b) The gross income of the noncustodial parent is substantially less than that of the custodial parent;
- (c) A property settlement provides resources readily available for the support of the child in an amount at least equivalent to the formula amount;
- (d) The noncustodial parent supports a dependent other than the child for whom the custodial parent receives credit in the formula calculation, and application of the guideline would result in extraordinary hardship;
- (e) The noncustodial parent needs a temporary period of reduced child support payment to permit the repayment of a debt or rearrangement of his or her financial obligations; a temporary reduction may be included in a child support order if:
 - (i) The debt or obligation is for a necessary expenditure of reasonable cost in light of the noncustodial parent's family responsibilities;
 - (ii) The time of the reduction does not exceed 12 months; and
 - (iii) The child support order includes the amount that is to be paid at the end of the reduction period and the date that the higher payments are to commence;
- (f) The custodial parent provides medical insurance coverage for the child at an additional cost to the custodial parent's medical insurance coverage and the additional cost is significant in relation to the amount of child support prescribed by the guideline;
- (g) Children of more than 1 noncustodial parent live in the custodial parent's household, receive a child support payment from the noncustodial parent, and the resulting gross income for the custodial parent and the children in the household causes the standard of living of the children to be greater than that of the noncustodial parent; or
- (h) Any other exceptional circumstance that would yield a patently unfair result.

12. **CHILD CUSTODY:** In determining the care and custody of a child, the best interest of the child shall be the primary consideration. To determine the best interest of the child, the court shall consider all relevant factors, including, but not limited to:

- (a) The wishes of the child as to his or her custodian, where practicable;
- (b) The wishes of the child's parent or parents as to the child's custody;
- (c) The interaction and interrelationship of the child with his or her parent or parents, his or her siblings, and any other person who may emotionally or psychologically affect the child's best interest;
- (d) The child's adjustment to his or her home, school, and community;
- (e) The mental and physical health of all individuals involved;
- (f) Evidence of an intrafamily offense;
- (g) The capacity of the parents to communicate and reach shared decisions affecting the child's welfare;
- (h) The willingness of the parents to share custody;
- (i) The prior involvement of each parent in the child's life;
- (j) The potential disruption of the child's social and school life;
- (k) The geographic proximity of the parental homes as this relates to the practical considerations of the child's residential schedule;
- (l) The demands of parental employment;
- (m) The age and number of children;
- (n) The sincerity of each parent's request;
- (o) The parent's ability to financially support a joint custody arrangement;
- (p) The impact on Temporary Assistance for Needy Families, or Program on Work, Employment, and Responsibilities, and medical assistance; and
- (q) The benefit to the parents.

For more information, see the District of Columbia Divorce Law Summary.

FORMS LIST

The following forms are included in this package:

1. Complaint for Absolute Divorce **(DC-802D)**
2. Separation and Property Settlement Agreement **(DC-DO-11A)**
3. Vital Statistics Form (obtain from clerk)
4. Financial Statement **(DC-809D)**
5. Consent Answer **(DC-810D)**
6. Instructions for Consent Answer **(DC-812D)**
7. Uncontested Praecipe (example, obtain current version from clerk) **(DC-811D)**

Note: Depending on your County additional forms may be required that are County-specific. These forms will be available from the Clerk.

FORM EXPLANATIONS

All forms included in this are identified and described below.

1. **Complaint for Absolute Divorce – (DC-802D)** This document contains the legal details of your request for the court to dissolve your marriage. Your *Separation and Property Settlement Agreement (DC-DO-11A)* must be signed by both spouses and attached to the *Complaint* as “Exhibit A” at the time you file the *Complaint (DC-802D)*.

2. **Separation and Property Settlement Agreement – (DC-DO-11A)**
This is the agreement by which you and your spouse divide all of your marital property, assets and debts. Both spouses must sign the Agreement in front of a Notary Public. This agreement must be attached to the *Complaint (DC-802D)*. If approved by the judge, it will be incorporated into the final Judgment of Divorce in your case.

3. **Vital Statistics Form – You must obtain this form from the clerk.** It is an information sheet for use by the court.

4. **Financial Statement – (DC-809D)** This form is used to provide relevant financial information regarding the parties to each party and the Court.

5. **Consent Answer – (DC-810D)** Your spouse must sign this form and it must be filed. It indicates that your spouse agrees with everything in the *Complaint (DC-802D)* and *Settlement Agreement (DC-808D)*, and will not contest the divorce if decided on that basis.

6. **Instructions for Consent Answer – (DC-812D)** This packet should be sent to your spouse along with the *Consent Answer (DC-810D)*. It explains to your spouse how to fill out the *Answer (DC-810D)* form.

7. **Uncontested Praecipe - (DC-811D)** Your spouse must sign this form and it must be filed. Similar to the *Consent Answer (DC-810D)*, it indicates that your spouse agrees with everything in the *Complaint (DC-802D)* and *Settlement Agreement (DC-DO-11A)*, and will not contest the divorce if decided on that basis. This form is an example. You should obtain the most current version from the clerk.

INSTRUCTIONS AND STEPS

Note: All forms containing a space for the signature of a Notary Public must be signed by the appropriate party or parties in front of a Notary Public. Make several copies of the documents that you prepare. You and your spouse should have a copy of everything you file, stamped “filed” by the clerk.

ALL INFORMATION SHOULD BE TYPED NEATLY IN THE SPACED PROVIDED ON THE COMPLAINT FORM.

BE SURE TO OBTAIN A CERTIFIED COPY OF YOUR MARRIAGE CERTIFICATE. YOU WILL NEED TO BRING IT TO YOUR HEARING.

STEP 1: In cooperation with your spouse, fill out the following forms:

Form 1- *Complaint for Absolute Divorce (DC-802D)*
Form 2- *Separation and Property Settlement Agreement (DC-DO-11A)*

Attach the completed *Complaint (DC-802D)* to the *Separation and Property Settlement Agreement (DC-DO-11A)*. Label the *Agreement (DC-DO-11A)* “Exhibit A” by writing this across the bottom margin of the first page in large, clear letters.

Care should be taken when completing the *Separation and Property Settlement Agreement (DC-DO-11A)*, as the terms therein shall become part of the divorce decree. Attach the completed *Separation and Property Settlement Agreement (DC-DO-11A)* to the *Complaint (DC-802D)*. Label the *Agreement (DC-DO-11A)* “Exhibit A” by writing this across the bottom margin of the first page in large, clear letters.

STEP 2: Make at least 4 copies of the *Complaint (DC-802D)* (with *Agreement (DC-DO-11A)* attached). Go to the courthouse and FILE your completed documents and any required copies with the clerk. You must pay filing fees at this time- call ahead to determine the amount and acceptable forms of payment. Keep extra stamped “filed” copies of your *Complaint (DC-802D)*.

Obtain the following documents from the clerk:

Form 3- *Vital Statistics Form*
Form 7- *Uncontested Praecipe (DC-811D)* (most current version)

Fill out the *Vital Statistics Form* and file with the clerk.

STEP 3: Complete, mail or deliver the following forms:
Form 5- *Consent Answer (DC-810D)*
Form 6- *Instructions for Consent Answer (DC-812D)*
Form 7- *Uncontested Praecipe (DC-811D)* (most current version)

Attach a stamped "Filed" copy of the *Complaint (DC-802D)* (with attached *Settlement Agreement (DC-804D)*) to your spouse. Instruct your spouse to sign and return the *Answer (DC-810D)* and *Praecipe (DC-811D)*.

STEP 4: Each party should complete the following form:
Form 4- *Financial Statement (DC-809D)*

Each party should provide his or her spouse with a completed copy.

STEP 5: If required by the Court, each spouse should make arrangements to attend a Parent Education Class. A *Certificate of Completion* is usually required to be filed with the Court after attending the course.

STEP 6: FILE with the clerk the completed, signed *Consent Answer* and the completed, signed *Uncontested Praecipe (DC-811D)*.

STEP 7: Obtain your final hearing date from the clerk. Your spouse should attend the hearing. Bring multiple copies of all your documents to the hearing. Bring a Certified Copy of your Marriage Certificate to the hearing. Answer any questions the Judge has. If the Judge approves your paperwork, he/she will sign the Judgment of Divorce. The signed Judgment must be filed with the clerk. Your divorce is not final until the appeal period has expired. Consult the clerk as to the length of this appeal period. Make sure your spouse is notified of the filing of the Judgment by sending him/her a certified copy of the same by certified mail, return receipt requested.

CHECKLIST

- ☐ Forms 1-2 completed signed and notarized, as per instructions.
- ☐ *Complaint (DC-802D)* attached to *Separation and Property Settlement Agreement (DC-DO-11A)* as “Exhibit A.”
- ☐ Forms 1-2 filed with the clerk of court.
- ☐ Filing fees paid at this time- call ahead to determine the amount and acceptable forms of payment.
- ☐ Pick up Form 3 and the most current version of Form 7 from clerk. Complete and file Form 3.
- ☐ Copies of all filed forms delivered to your spouse, with Forms 4-7.
- ☐ Spouse completes Forms 4-7, and returns to you.
- ☐ If required by Court, each spouse attends Parent Education Class and files *Certificate of Completion* with the Court.
- ☐ Attend final uncontested hearing. Bring certified copy of marriage certificate and copies of all documents. Judgment approved and signed by Judge.
- ☐ Signed Judgment filed with clerk. Certified copy obtained.
- ☐ Certified copy of Judgment mailed to spouse, by certified mail, return receipt requested.

Divorce is not final until appeal period has expired.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet may contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible. If they do not become visible, then they were not included in this form package.

To complete the forms click on the gray shaded areas and type. You may also change other words in the document if the document is not locked. The separation agreement is a good example of a document that is not locked and allows you to make modifications outside the gray shaded areas.

Some forms may be locked which means that the content of the forms cannot be changed while the form is locked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes re-lock the document, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/DC/DC-006-D.htm>

DISCLAIMER

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THESE FORMS WERE PREPARED FOR STATEWIDE USE. HOWEVER, SOME COUNTIES OR JUDGES MAY REQUIRE CERTAIN MODIFICATIONS TO THE FORMS FOR USE IN YOUR PARTICULAR COUNTY AND MAY REQUIRE SPECIAL FORMS NOT INCLUDED. CHANGES REQUIRED BY PARTICULAR JUDGES ARE NOT UNCOMMON EVEN IF THE FORMS HAD BEEN PREPARED BY YOUR ATTORNEY. REGARDLESS, YOU SHOULD BE ABLE TO USE THESE FORMS AND INSTRUCTIONS, WITH ANY REQUIRED MODIFICATIONS, TO MAKE IT THROUGH THE PROCESS. IF YOU NEED TO MAKE CHANGES, OR IF SPECIAL FORMS ARE REQUIRED IN YOUR COUNTY, YOU CAN MAKE THE CHANGES AND REFILE, OR OBTAIN THE SPECIAL FORMS EITHER FROM THE CLERK OR A CLOSED DIVORCE FILE WHICH YOU CAN USE AS AN EXAMPLE.