

STATE OF INDIANA

DISSOLUTION OF MARRIAGE PACKAGE

MINOR CHILDREN

With or Without Property

Control Number IN-006-D

This packet contains the following:

1. Information about Dissolution of Marriage
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 dissolution to use this packet.
All forms to be filed with the Clerk must be printed on bond paper.

INFORMATION ABOUT DISSOLUTION OF MARRIAGE

1. **WHO CAN USE THESE FORMS:** You may use these forms only when all of the following facts are true;
 - (a) You have lived in Indiana for at least the past six months and in your current county for at least the past three months;
 - (b) There are minor children of the marriage; and
 - (c) The parties agree to all provisions of the divorce.

2. **THE BASICS:** In a typical dissolution of marriage proceeding, there are basic two requirements that must be met before you can file for dissolution. Those requirements are below:
 - (a) You must satisfy the **residency** requirements. You or your spouse must have resided in Indiana for at least six months immediately preceding the filing of the petition and at least one of the parties must have resided in the county of filing for at least three months immediately prior to the filing of the action.
 - (b) Your marriage must have suffered an irretrievable breakdown with no reasonable likelihood of reconciliation.

3. **RESIDENCY REQUIREMENTS:** At least one of the parties must have been a resident of Indiana for at least six months prior to the filing of the petition for dissolution of marriage and a resident of the county where the petition is filed for three months immediately prior to the filing of the petition.

4. **GROUND FOR DISSOLUTION OF MARRIAGE:** The State of Indiana permits judgments of dissolution of marriage to be granted upon the following grounds:
 - a. Irretrievable breakdown of the marriage;
 - b. Conviction of a felony by either party;
 - c. Impotence which existed at the time of the marriage;
 - d. Incurable insanity of either party for a period of at least two years.

This package is based upon the irretrievable breakdown of the marriage.

5. **LEGAL SEPARATION:** The court may issue a decree of legal separation for a period not to exceed one year if the court finds that the present circumstances of the marriage make it intolerable for both parties to live together; the marriage should be

maintained; and neither party has filed a petition for dissolution of marriage. **This package does not contain forms for a legal separation.**

6. **WAITING PERIOD:** At least sixty days must elapse between the date of the filing of the petition for dissolution of marriage and the entrance of a summary dissolution decree. A hearing is not required if there has been filed with the court verified pleadings, signed by both parties, containing:
- (a) A written waiver of final hearing; and
 - (b) Either:
 - (A) A statement that there are no contested issues in the action; or
 - (B) A written agreement that settles any contested issues between the parties.
7. **ALIMONY/SUPPORT:** Since this is an agreed upon dissolution of marriage proceeding, you and your spouse will decide issues of alimony. The forms assume that no alimony will be paid and is waived but you may add provisions for alimony if you desire. In a contested case, the courts may award alimony if the court finds that a spouse lacks sufficient property to provide for his or her needs and is the custodian of a child whose condition requires that the spouse forego employment, the court will order support for that spouse in an amount and for a term that the court deems appropriate. Factors the court will consider in determining the amount and term of an award of alimony include:
- (a). The educational level of each spouse at the time of marriage and at the time the action for dissolution is commenced;
 - (b) Whether an interruption of education, training, or employment of a spouse occurred because of homemaking or childcare responsibilities;
 - (c) The earning capacity of each spouse;
 - (d) The time and expense necessary to acquire sufficient education or training to enable the spouse seeking alimony to find appropriate employment.
- In no case will the court order alimony for a period in excess of three years.
8. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon dissolution of marriage proceeding, the parties will agreed to property distributions. Indiana is an equitable distribution state, which means that in a contested case, the court will divide all of the property of the parties, whether jointly or separately owned, as it deems reasonable and just. A rebuttable presumption exists that the property should be divided equally between the parties, although this presumption may be rebutted after consideration of the following factors:

- (a) The contribution of each spouse to the acquisition of the property;
- (b) The extent to which the property was acquired before the marriage or through inheritance or gift;
- (c) The economic circumstances of the parties;
- (d) The conduct of the parties during the marriage as it relates to the disposition or dissipation of their property;
- (e) The earnings or earning ability of the parties as it relates to a final division of property and determination of property rights of the parties.

9. **CHILD SUPPORT:** In an action for dissolution of marriage, the court may order either parent or both parents to pay any amount reasonable for support of a child, without regard to marital misconduct, after considering all relevant factors, including:

- (a) The financial resources of the custodial parent;
- (b) The standard of living the child would have enjoyed if:
 - i. The marriage had not been dissolved; or
 - ii. The separation had not been ordered;
- (c) The physical or mental condition of the child and the child's educational needs; and,
- (d) The financial resources and needs of the noncustodial parent. **IC 31-16-6-1**

10. **VISITATION/CUSTODY:** The court shall determine custody and enter a custody order in accordance with the best interests of the child. In determining the best interests of the child, there is no presumption favoring either parent. The court shall consider all relevant factors, including the following:

- (a) The age and sex of the child.
- (b) The wishes of the child's parent or parents.
- (c) The wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age.
- (d) The interaction and interrelationship of the child with:
 - i. The child's parent or parents;
 - ii. The child's sibling; and
 - iii. Any other person who may significantly affect the child's best interests.
- (e) The child's adjustment to the child's:
 - i. Home;
 - ii. School; and
 - iii. Community.
- (f) The mental and physical health of all individuals involved.
- (g) Evidence of a pattern of domestic or family violence by either parent.

(h) Evidence that the child has been cared for by a de facto custodian. **IC 31-17-2-8**

11. **NAME CHANGE:** A woman who desires the restoration of her maiden or former name must set out the name she desires to be restored to in the petition for dissolution.
12. **MEDIATION:** The court may continue dissolution proceedings and order the parties to seek counseling if it finds that there is a reasonable possibility of reconciliation, or if there is a minor child of the marriage.

In making a determination as to whether to order the parties to participate in mediation, the court will consider whether the parties have the ability to pay for mediation and whether such mediation would be appropriate in helping the parties resolve their disputes. **AIC 31-15-9.4-1**

For more information, see the Indiana Dissolution of Marriage Law Summary.

FORMS LIST

The forms included in this package are:

1. Appearance (IN-812D)
2. Summons (IN-811D)
3. Verified Petition for Dissolution of Marriage and for Provisional Orders
(IN-815D)
4. Child Support Worksheet (IN-817D)
5. Health Insurance Premium Worksheet (IN-823D)
6. Post-Secondary Education Worksheet (IN-824D)
7. Parenting Time Credit Worksheet (IN-825D)
8. Guideline Schedule for Weekly Support Payments (IN-827D)
9. Verified Waiver of Final Hearing (IN-819D)
10. Settlement Agreement and Decree of Dissolution of Marriage (IN-820D)

You and your spouse must agree to all terms of the dissolution of marriage to use this packet.

FORM EXPLANATIONS

All forms included in this package are identified below.

1. **Appearance (IN-812D)** – This form is used to identify the parties, inform the Court as to the type of case filed, and identifies any other related court cases currently pending before the Court.

2. **Summons (IN-811D)** – This form is used to notify the Respondent that he or she has been sued for Dissolution of Marriage and to inform the Respondent of his or her legal rights.

3. **Verified Petition for Dissolution of Marriage (IN-815D)** – This is the document in which you are asking the court to grant your dissolution of marriage along with any other relief requested.

4. **Child Support Worksheet (IN-817D)** – Child support worksheet provided to assist parties in determining correct amount of support to be paid.

5. **Health Insurance Premium Worksheet – HIPW (IN-823D)** - The Health Insurance Premium Worksheet is provided to assist parties in determining the responsible party or parties for providing insurance coverage for any minor children.

6. **Worksheet - Child Support Obligation - Post-Secondary Education Worksheet (IN-824D)** - The Post-Secondary Education Worksheet is provided to assist parties in determining the correct amount of support to be paid for any children born of the marriage. In addition, this worksheet provides the educational backgrounds of both parties.

7. **Worksheet - Child Support Obligation - Parenting Time Credit Worksheet (IN-825D)** - This Parenting Time Credit Worksheet is provided to assist parties in determining the visitations for any children born of the marriage. In addition, this worksheet provides a breakdown of parenting time expenses.

8. **Guideline Schedule for Weekly Support Payments (IN-827D)** - This worksheet provides the formula used by the court system in deriving that amount.

9. **Verified Waiver of Final Hearing (IN-819D)** – Form by which both parties waive the final hearing and request that the Court approve the settlement agreement.

10. **Decree of Dissolution of Marriage and Settlement Agreement (IN-820D)** – This document provides for the final distribution of any assets and debts of the parties, provides for support of any children of the marriage and any other agreements reached between the parties.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

STEP 1: The filing party should complete the following forms:

- *Appearance (IN-812D)*
- *Summons (IN-811D)*
- *Verified Petition for Dissolution of Marriage and for Provisional Orders (IN-815D)*
- *Verified Waiver of Final Hearing (IN-819D)*
- *Child Support Worksheet (IN-817D)*
- *Health Insurance Premium Worksheet – HIPW (IN-823D)*
- *Worksheet - Child Support Obligation - Post-Secondary Education Worksheet (IN-824D)*
- *Worksheet - Child Support Obligation - Parenting Time Credit Worksheet (IN-825D)*

Once completed, the Petitioner should make three copies of each document and have two self-addressed stamped envelopes and file with the Clerk of Court in the county of filing. In some counties, the Court will prepare the Summons, which is the paper the Court uses to notify your spouse that you have filed for divorce. You may need to provide a physical description or date of birth for the Clerk to issue the Summons. The Clerk will provide the case number and process the forms. The Clerk will stamp the forms with a filing date and will send you a notice of when the provisional hearing will be. You must wait at least sixty (60) days after you file the papers to finish your divorce.

STEP 2: Make four copies of the completed and signed *Waiver of Final Hearing (IN-819-D)* and the *Decree of Dissolution of Marriage and Settlement Agreement (820D)*. Both parties are required to sign these two forms and both parties should be in agreement with the terms of settlement. Once completed, take the originals and copies of the forms along with a self-addressed stamped envelope (one for you and one for your spouse) to the Clerk of Court.

STEP 3: Both parties should jointly complete the *Decree of Dissolution of Marriage and Settlement Agreement (IN-820D)*, making certain to agree to all of the terms contained therein. The parties should also complete the *Verified Waiver of Final Hearing form (IN-819D)*. Make four (4) copies of these forms and take the

originals and copies, along with a self-addressed envelope for you and for your spouse, to the Clerk for filing.

STEP 4: There is a sixty (60) day waiting period from the date of filing of the initial papers for divorce before the Court will sign your divorce.

STEP 5: The *Decree of Dissolution of Marriage and Settlement Agreement (IN-820D)* will be signed and entered. The dissolution of marriage is final once the *Decree (IN-820D)* is signed by the Judge. Once the Judge has signed the *Decree (IN-820D)*, a copy will be mailed to you and your spouse in the provided envelopes.

Notes: When presenting Pleadings to the Clerk make sure you have at least 3 copies for the Clerk. The Clerk will return the copies to you that the Court does not need.

This package is a guide and you should complete all forms based upon your situation, making any necessary revisions.

CHECKLIST

- ☐ Filing party completes and makes three (3) copies of following forms:
 - *Appearance (IN-812D)*
 - *Summons (IN-811D)*
 - *Verified Petition for Dissolution of Marriage and for Provisional Orders (IN-815D)*
 - *Verified Waiver of Final Hearing (IN-819D)*
 - *Child Support Worksheet (IN-817D)*
 - *Health Insurance Premium Worksheet – HIPW (IN-823D)*
 - *Worksheet - Child Support Obligation - Post-Secondary Education Worksheet (IN-824D)*
 - *Worksheet - Child Support Obligation - Parenting Time Credit Worksheet (IN-825D)*

- ☐ Above-listed forms and two (2) self-addressed stamped envelopes taken to Clerk for filing.

- ☐ Parties jointly complete *Decree of Dissolution of Marriage and Settlement Agreement (IN-820D)*, making certain to agree to all of the terms contained therein. Parties also complete *Verified Waiver of Final Hearing* form (IN-819D). Make four (4) copies of these forms and take originals and copies, along with self-addressed envelope for you and your spouse, to Clerk for filing.

- ☐ Sixty (60) day waiting period must elapse from date of filing initial papers for divorce.

- ☐ *Decree of Dissolution of Marriage and Settlement Agreement (IN-820D)* signed and entered by Judge. The dissolution of marriage is final once the *Decree (IN-820D)* is signed by the Judge. Once Judge has signed the *Decree (IN-820D)*, a copy will be mailed to you and your spouse in the provided envelopes.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet 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.

The forms are locked which means that the content of the forms cannot be changed. 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 and re-protecting the document, 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/IN/IN-006-D.htm>

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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 IS 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.