

**DISTRICT COURT**

**STATE OF NEBRASKA**

**DISSOLUTION PACKAGE**

**ADULT CHILDREN**

**With or Without Property**

**Control Number NE-004-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 Court must be printed on Bond paper.**

## **INFORMATION ABOUT DISSOLUTION OF MARRIAGE**

1. **WHO CAN USE THESE FORMS:** You may use this package for dissolution of marriage only when all of the following facts are true;
  - (a) Your marriage is irretrievably broken and there is no reasonable prospect of reconciliation; and,
  - (b) There are no minor children of said marriage, and the wife is not now pregnant. All children of the marriage are over the age of twenty-one (21) and emancipated.
2. **THE BASICS:** In a typical dissolution of marriage, there are a few basic requirements that must be met before you can obtain a judgment of dissolution of marriage. Those requirements are below:
  - i. The residency requirements must be met.
  - ii. The court must find that the marriage is irretrievably broken; and,
  - iii. The court finds that every reasonable effort to effect reconciliation has been made.
3. **RESIDENCY REQUIREMENTS:** Nebraska law requires that no action for dissolution of marriage may be brought unless at least one of the parties has had actual residence in this state with a bona fide intention of making this state his or her permanent home for at least one year prior to the filing of the petition, or unless the marriage was solemnized in this state and either party has resided in this state from the time of marriage to filing the petition. All dissolution of marriage proceedings shall be brought in the district court of the county in which one of the parties resides.
4. **GROUND FOR DISSOLUTION OF MARRIAGE:** Nebraska law permits a judgment of dissolution of marriage based upon the finding that the marriage is irretrievably broken.
5. **LEGAL SEPARATION:** Nebraska law permits a judgment of separation to be granted based upon the finding that the marriage is irretrievably broken. Legal separation means a decree of a court providing that two persons who have been legally married shall thereafter live separate and apart and providing for any necessary adjustment of property, support, and custody rights between the parties but not dissolving the marriage.

**This package does not contain forms for a legal separation.**

6. **NEBRASKA CONCILIATION LAW:** No decree of dissolution of marriage shall be entered unless the court finds that every reasonable effort to effect reconciliation has been made. Proceedings shall be subject to transfer to a conciliation court in counties where such a court has been established. In counties having no conciliation court, the court may refer the parties to qualified marriage counselors or family service agencies, or other persons or agencies determined by the court to be qualified to provide conciliation services, if the court finds that there appears to be some reasonable possibility of a reconciliation being effected.
7. **WAITING PERIOD:** No suit for divorce shall be heard or tried until sixty days after perfection of service of process, at which time the suit may be heard or tried and a decree may be entered.
8. **ALIMONY/SUPPORT:** Since this is an agreed upon dissolution 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. The purpose of alimony is to provide for the continued maintenance or support of one party by the other when the relative economic circumstances and the other criteria make it appropriate. In a contested case, this means the court may order payment of such alimony by one party to the other as may be reasonable, having regard for the circumstances of the parties, duration of the marriage, a history of the contributions to the marriage by each party, including contributions to the care and education of the children, and interruption of personal careers or educational opportunities, and the ability of the supported party to engage in gainful employment without interfering with the interests of any minor children in the custody of such party. Orders for alimony may be modified or revoked for good cause shown, but when alimony is not allowed in the original decree dissolving a marriage, such decree may not be modified to award alimony. Except as otherwise agreed by the parties in writing or by order of the court, alimony orders shall terminate upon the death of either party or the remarriage of the recipient.
9. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon dissolution proceeding, the parties will agreed to all terms of the distribution of property in the Separation and Property Settlement Agreement. The terms of the separation agreement, except those providing for the support, parenting, and parental contact with children, are binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties, on their own motion or on request of the court, that the separation agreement is unconscionable. The purpose of a property division is to distribute the marital assets equitably between the parties. In a contested case, this means the court may order division of property as may be reasonable, having regard for the circumstances of the parties, duration of the marriage, a history of the contributions to the marriage by each party, including contributions to the care and

education of the children, and interruption of personal careers or educational opportunities, and the ability of the supported party to engage in gainful employment without interfering with the interests of any minor children in the custody of such party.

10. **NAME CHANGE:** Upon request by a wife whose marriage is dissolved or declared invalid, the court shall order the wife's maiden name or a former name restored.

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

## **FORMS LIST**

The forms included in this package are:

1. Instructions for Filling out Complaint for Dissolution (NE-DC-6-4-1A)
2. Complaint for Dissolution of Marriage (NE-DC-6-4-1)
3. Confidential Party Information (NE-DC-6-5-11)
4. Separation Agreement (NE-DO-3A)
5. Social Security, Gender, Birth Dates (NE-DC-6-5-12)
6. Voluntary Appearance (NE-DC-6-4-3)
7. Praecipe for Summons (NE-DC-6-4-4)
8. Notice of Hearing (NE-DC-6-4-5)
9. Decree of Dissolution of Marriage (NE-DC-6-4-6)
10. Vital Statistics Certificate (NE-HHS-73)

## **FORM EXPLANATIONS**

All forms included in this package are identified below.

1.                   **Instructions for Filling out Complaint for Dissolution (NE-DC-6-4-1A)** – This form will assist you in filling out the Complaint for Dissolution of Marriage.
2.                   **Complaint for Dissolution of Marriage (NE-DC-6-4-1)** – The Complaint for Dissolution of Marriage is the document through which you are asking the court to grant the dissolution of marriage along with any other relief requested.
3.                   **Confidential Party Information (NE-DC-6-5-11)** – This document must be given to the Clerk of the District Court at the time of filing your Complaint.
4.                   **Separation and Property Settlement Agreement (NE-DO-3A)** – 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.
5.                   **Social Security, Gender, Birth Dates (NE-DC-6-5-12)** – This document must be given to the Clerk of the District Court at the time of filing your Complaint.
6.                   **Voluntary Appearance (NE-DC-6-4-3)** – This form allows your spouse to accept service.
7.                   **Praecipe for Summons (NE-DC-6-4-4)** – This form allows you serve your spouse by the sheriff in the county where your spouse lives.
8.                   **Notice of Hearing (NE-DC-6-4-5)** – This form gives notice of when the Final Hearing for the Dissolution of Marriage will be.
9.                   **Decree of Dissolution of Marriage (NE-DC-6-4-6)** - This document grants the dissolution of marriage and any other relief requested.
10.                  **Vital Statistics Certificate (NE-HHS-73)** - Nebraska law requires that you file a fully completed Vital Statistics Certificate of Dissolution of Marriage or Annulment.



### Steps to No-Fault Dissolution of Marriage

**STEP 1:** The filing party (Petitioner) should complete the Complaint (*NE-DC-6-4-1*) Once completed, these documents should be filed with the Clerk of Court in the county of filing.

**STEP 2:** The Respondent should then be provided copies of the above filed documents.

**STEP 3:** The parties should jointly complete the Separation and Property Settlement Agreement (*NE-DO-3A*), making certain to agree to all of the terms contained therein. Once completed, this document should then be filed with the Clerk of Court.

**STEP 4:** After the required waiting period of 60 days (two months) from the day of notice to your spouse, contact the Clerk of Court for information regarding setting the matter for a final hearing.

**STEP 5:** Prior to the date of the final hearing, complete the Decree (*NE-DC-6-4-6*). Present the Decree (*NE-DC-6-4-6*) at the final hearing to the Court for review and be prepared to answer any questions the Judge may have. The Judge may sign the Decree (*NE-DC-6-4-6*) at the final hearing or may take it under review. The divorce becomes final thirty (30) days after the Decree (*NE-DC-6-4-6*) is signed by the Judge, except for purposes of re-marriage. The divorce will not be final for the purpose of remarriage until 6 months after the Judge signs the Decree (*NE-DC-6-4-6*).

**Notes:** When presenting Pleadings to the Clerk make sure you have at least 4 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

- ☐ Petitioner completes Petition and Property Statement. Both documents filed with Clerk of Court in the county of filing. Filing fee paid.
- ☐ Respondent provided with copies of filed Petition and Support Affidavit. Respondent also provide Entry of Appearance form and instructed to sign in front of Notary Public and return to Petitioner for filing with Clerk of Court.
- ☐ Parties jointly complete Separation and Property Settlement Agreement form, making certain to agree to all terms contained therein. Agreement then filed with Clerk of Court.
- ☐ After required waiting period of sixty (60) days elapses from date of notice to Respondent, Clerk of Court contacted to schedule final hearing.
- ☐ Decree completed prior to final hearing. At final hearing, Decree presented to Court for review.
- ☐ Decree final, thirty (30) days after signed by Judge, except for purposes of re-marriage. For purposes of remarriage, divorce becomes final six (6) months after signed by Judge.

### 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/NE/NE-004-D.htm>

## **DISCLAIMER**

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