

DISTRICT COURT

STATE OF OKLAHOMA

DIVORCE PACKAGE

ADULT CHILDREN

With or Without Property

Control Number OK-004-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) Incompatibility between the spouses has caused the irremediable breakdown of the marriage and there is no reasonable expectation of reconciliation;
 - (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 eighteen (18) and emancipated;
 - (c) You and your spouse agree on all terms of the divorce.

2. **THE BASICS:** Actions for divorce in the State of Oklahoma are filed in the **District Court**. The name of the action initiating the divorce is the *Petition for Divorce*, while the title of the action granting the divorce is referred to as the *Decree of Divorce*. The party who files the action is the Petitioner, while the other party to the action is the Respondent. **OSA 43-101**

Furthermore, the *Petition* may be filed in the county where the Petitioner has been a resident for at least thirty (30) days, or where the Respondent resides. **OSA 43-103**

3. **RESIDENCY REQUIREMENTS:** Oklahoma law requires that one of the spouses must be a resident of the state for a minimum of six (6) months immediately prior to the filing of the petition for divorce. **OSA 43-102**

4. **GROUND FOR DIVORCE:** Oklahoma law allows a “no fault” divorce based on “incompatibility” due to discord or conflict of personalities such that the legitimate ends of the marital relationship is destroyed preventing any reasonable expectation of reconciliation. This package is only good for this ground. **OSA 43-101**

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, **OSA 43-129**.

6. **WAITING PERIODS:** No divorce, separate maintenance or annulment case shall be heard on its merits until the petition shall have been on file for at least ten (10) days if there are no minor children of the parties or at least thirty (30) days if there are minor children of the parties, except in the case of an emergency duly shown by application setting forth good cause, in the opinion of the trial court, for an earlier hearing. All entries of appearance and waivers must be in writing, must be duly signed and witnessed or acknowledged at least one (1) day after the filing of the petition, and must be filed in the action.

It is unlawful for a party to divorce action to remarry (except to each other) or cohabit with another for six months from the date of decree. Any person who violates this provision is guilty of bigamy and may be imprisoned for a term of not less than one (1) year and not more than three (3) years in the State Penitentiary. **OSA 43-107.1, 43-123**

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 *Decree 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, **OSA 43-121**.

9. **NAME CHANGE:** When a divorce is granted, the court may restore the wife to her maiden or former name if she so desires. **OSA 43-121**

For more information, see the Oklahoma Divorce Law Summary.

FORMS LIST

The following forms are included in this package:

1. Domestic Relations Cover Sheet **(OK-810D)**
2. Petition for Divorce **(OK-801D)**
3. Summons and Notice of Automatic Temporary Injunction **(OK-809D)**
4. Non-Military Affidavit **(OK-805D)**
5. Entry of Appearance and Waiver **(OK-806D)**
6. Separation and Property Settlement Agreement **(OK-803D)**
7. Decree of Divorce **(OK-807D)**

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. **Domestic Relations Cover Sheet (OK-810D)** – This form is used to provide the Court with basic information regarding the parties and the type of action filed.
2. **Petition for Divorce (OK-801D)** – This document contains the legal details of your request for the court to dissolve your marriage. Your Separation and Property Settlement Agreement must be signed by both spouses and attached to the Petition as “Exhibit A” at the time you file the Petition.
3. **Summons and Notice of Automatic Temporary Injunction (OK-809D)** – This form is used to notify the Respondent that a Petition for Divorce has been filed and to inform him or her that a response must be filed within twenty days or their legal rights may be affected. This form is also used to inform the party that an automatic injunction has been issued by the Court prohibiting certain activity.
4. **Non-Military Affidavit (OK-805D)** – This form indicates that your spouse is not in the military on active duty.
5. **Entry of Appearance and Waiver (OK-806D)** – This form must be signed by your spouse in front of a Notary Public. It indicates that your spouse waives all formalities in the case and agrees to the divorce according to the terms of the *Separation and Property Settlement Agreement*.
6. **Separation and Property Settlement Agreement (OK-803D)** – This is the agreement by which you and your spouse divide all of your marital property, assets and debts. This agreement, if approved by the judge, will be incorporated into the final Decree of Divorce in your case. Both spouses must sign the Agreement in front of a Notary Public.
7. **Decree of Divorce (OK-807D)** – This form, once signed by the judge and filed with the clerk, ends your marriage according to the terms of the *Separation and Property Settlement Agreement*.

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.

STEP 1: Fill out the following forms:

- *Domestic Relations Cover Sheet (OK-810D)*
- *Petition for Divorce (OK-801D)*
- *Summons and Notice of Automatic Temporary Injunction (OK-809D)*
- *Non-Military Affidavit (OK-805D)*

STEP 2: Make at least four copies of your completed documents. 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 documents.

STEP 3: Your spouse must now be served with copies of the filed documents. Deliver or mail copies of the stamped “filed” documents, along with the *Entry of Appearance and Waiver (OK-806D)*, to your spouse. Your spouse must sign the *Entry of Appearance and Waiver (OK-806D)* in front of a Notary Public, and return it to you. Once completed by your spouse, the *Entry of Appearance and Waiver (OK-806D)* must then be filed.

STEP 4: You and your spouse should jointly complete the *Separation and Property Settlement Agreement (OK-803D)*, making certain to agree to all of the terms contained therein. Once completed, this document should then be filed.

STEP 5: Contact the Clerk of Court to schedule a date for the divorce hearing. Complete as much of the *Decree of Divorce (OK-807D)* as possible and bring the Decree with you to the hearing. Your spouse does not have to attend. Bring copies of all of your documents. If all is in order, the Judge will sign the *Decree of Divorce (OK-807D)*. Go immediately to the clerk’s office and FILE the signed *Decree*. Obtain a certified copy of the *Decree* for your records. Make or obtain a second copy and mail to your spouse.

CHECKLIST

- ☐ *Domestic Relations Cover Sheet (OK-810D), Petition (OK-801D), Summons (OK-809D) and Non-Military Affidavit (OK-805D) completed and filed.*
- ☐ Filing Fee Paid.
- ☐ Respondent served with copies of *Petition (OK-801D)* and *Summons (OK-809D)*. *Entry of Appearance* form (OK-806D) also provided to Respondent.
- ☐ Respondent signs and returns *Entry of Appearance (OK-806D)*. *Entry of Appearance (OK-806D)* then filed.
- ☐ Parties jointly complete *Separation and Property Settlement Agreement (OK-803D)*. *Agreement* then filed.
- ☐ Clerk contacted to schedule hearing date. *Decree (OK-807D)* completed.
- ☐ Attend final uncontested hearing. *Decree (OK-807D)* approved and signed by Judge.
- ☐ Signed *Decree (OK-807D)* filed with clerk. Certified copy obtained.
- ☐ Copy of *Decree (OK-807D)* mailed to former spouse.

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/OK/OK-004-D.htm>

DISCLAIMER

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