

# *Form Instructions for* **Divorce without Children and with Agreement on All Issues**

## READ BEFORE YOU USE THIS PACKET

When you sign a court document, you may be helping or hurting your case. Before you sign any court document or get involved with a court case, it is important that you get advice from a lawyer to make sure you are doing the right thing.

Going to court without a lawyer is risky, and if you choose to be unrepresented, you must be prepared. This form packet has been created to help you, but certain courts have their own procedures and may not accept every form. In fact, courts in some counties have their own local form packets and may prefer that you use them. Check with your county clerk’s office to find out: <http://courts.in.gov/2808.htm>.

You may go to court without representation, but you will have to abide by the appropriate court rules, including Indiana Rules of Evidence, Indiana Rules of Trial Procedure, and any local rules. Learn more about going to court without a lawyer in an informative video at <http://courts.in.gov/2616.htm>.

For additional information, you may refer to the Indiana Self-Service Legal Center that can be found at <http://courts.in.gov/selfservice/>. For legal advice about your case, you should get in touch with a lawyer.

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## Step 1: Who should use this packet

You should use these instructions and the forms listed if you want to divorce your spouse **AND**:

1. You or your spouse have lived in Indiana for at least the past six months and one of you has lived in your current county for at least the past three months;
2. You are not currently pregnant with your spouse's child, or your spouse is not pregnant with your child;
3. Neither you nor your spouse is currently in the military; and
4. You and your spouse **do** have an agreement on how property should be divided.

If either you or your spouse is in the military, or if you or your spouse is pregnant, **DO NOT** use these instructions and the forms listed. There are special issues in your case that these forms do not address, and you need to seek legal advice from a lawyer.

If you are seeking a protection order, you may obtain a petition form from the Clerk of the Court or seek help from a victim advocate. A petition for a protection order must be filed as a separate case from this dissolution matter. For more information, see <http://courts.in.gov/selfservice/2352.htm>.

## Step 2: Prepare your forms

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*Specific instructions for each form begin on page 5.*

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You should fill out the following forms:

Form Title	Form Number	Details	When to File
Appearance By Unrepresented Person in Civil Case	TCM-TR3.1-7	This form notifies the court that you intend to participate in a civil case.	See Step 4
Verified Petition for Dissolution of Marriage	PS-31152-14	This form asks the court to grant you a divorce and make temporary arrangements until the case is over.	See Step 4
Summons	TCM-TR4.1-2	This form notifies your spouse that you have filed for divorce and that your spouse must also file an appearance in the case in order to participate in it.	See Step 4
Verified Waiver of Final Hearing	PS-31152-2	This form informs the court that because you and your spouse agree to the terms of the divorce, you waive your right to a final hearing.	See Step 5
Decree of Dissolution of Marriage	PS-31152-9	This form is the final order of the court ending the marriage and outlining the final arrangements for things like child custody, visitation, and housing.	See Step 6

You can either print the blank forms and fill them out by hand, or fill them out on the computer and then print them out, but you need to learn more about what color paper to use and how many copies you'll need:

- *See Step 3* for important information about using light green paper to print the Appearance Confidential Form.
- Review your local court rules to find out how many copies you will need, and any additional forms or procedures required in your county. Read your county's local rules here: <http://courts.in.gov/2694.htm>.
- In addition to the forms above, you will need to prepare child support forms. *See Step 5* for more information.

If you cannot afford it, you may ask the court to waive the divorce filing fee. To do so, complete the **Motion for Fee Waiver in a Divorce** form packet at <http://courts.in.gov/selfservice/2347.htm>.

## Step 3: Printing your completed forms & understanding confidentiality

### *About Confidentiality*

By law court records are available to the public, and upon request anyone can look in almost any court file. The law also provides that certain information must remain confidential even if it is part of a court record. ***Such confidential information must be filed on green paper*** so that everyone can easily identify it and not release it to the public. It is important that you know what information is confidential and that you submit it to the court on green paper.

Confidential information that should be filed on green paper includes:

- Social Security numbers,
- Bank account numbers,
- Tax records,
- PIN numbers,
- Medical records,
- Child abuse records

For more information on this you may review Administrative Rule 9(G) at <http://www.in.gov/judiciary/rules/admin>.

### *What to File on Green Paper in this Packet.*

Because you do not have children, you do not need to file the Confidential Form-Not for Public Use which must be filed on green paper. No other forms in this packet ask for confidential information.

## Step 4: File your initial forms

Take the originals and copies of the following forms to the Clerk of the Court in the county where you (or your spouse) have lived for at least the last three months:

- Appearance By Unrepresented Person in Civil Case
- Verified Petition for Dissolution of Marriage
- Summons

Locate your Clerk's Office here: <http://courts.in.gov/2808.htm>

The Clerk will provide the case number and process the forms. The Clerk will stamp the forms with a filing date and give you back a copy.

A copy of the file-stamped forms must be sent to your spouse's attorney, or to your spouse if he or she does not have an attorney. This is called "service" or "being served." Service can be accomplished by mail, in person (for example, by a Sheriff or Sheriff's representative), or even by fax or email. Methods of service can vary by county, so ask your Clerk's Office about your options.

Indiana law (IC 31-15-2-10) requires that you must wait at least 60 days to finish your divorce after you have filed these forms.

## Step 5: File your final forms

After at least 60 days have passed since the filing of the Verified Petition for Dissolution of Marriage, take to the Clerk of the Court the originals and copies of:

- Verified Waiver of Final Hearing
- Decree of Dissolution

The Clerk will keep the decree for the judge to sign. When you file your Decree of Dissolution, you must provide the court with three copies and two pre-addressed stamped envelopes so the Clerk can mail one final copy to you and one to your spouse or their attorney.

## Step 6: The Decree of Dissolution

Because you and your spouse have agreed to waive the final hearing, the judge will review the final documents and will sign your Decree of Dissolution and mail a copy to both you and your spouse.

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*You are divorced when the judge signs the Decree of Dissolution.  
You should not get re-married until you have a copy of the  
Decree of Dissolution signed by the Judge.*

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## Form Instructions

The instructions below correspond to the line numbers on the forms. Please make sure you fill in all the lines listed.

### *Instructions for filling out the*

### Appearance by Unrepresented Person in Civil Case (Form #TCM-TR3.1-7)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word "Room," enter the court number.
3	Enter the name of the county where you are filing the divorce. Leave the case number blank because the clerk will assign a number.
4	Enter the word <i>Marriage</i> and leave the space next to it blank.
5	Enter your full name.
8	Enter the name of your spouse.
12	Enter your full name.
13	Check this box if you are the person starting the case.
14	Check this box if you are the person responding to this case.
15	Check this box if you are the person intervening in this case (you are a third party to this case).
22-24	Enter your mailing address.
25	Enter your email address.

Line #	Instructions
26	Check the box if you will accept electronic service of documents in your case at the email address you provided on line 25. Counties with electronic service may not send any documents by mail if you check this box, so if you are willing to accept electronic service, be sure to regularly check your email inbox for new messages about your case. You can ask the clerk about their electronic service practices.
27	Enter the phone number at which you would like to be contacted about your case.
28	If you have a fax, enter your fax number.
29	Check the box if you are willing to accept service of documents in your case at the fax number you provided.
32	Check the box if you prefer not to provide a mailing address where you are staying, but instead would like to receive service of documents in your case through the confidential address provided by the Attorney General's Office. This is typically used in cases involving domestic violence to keep your current address confidential.
33	<b>Leave blank.</b> The clerk will provide this information.
41-42	Check the "No" box
44-45	If you have any other pending cases related to your divorce case, check the "Yes" box). Otherwise, check the box to the left of "No."
47-52	If you checked "yes" on Line 44, enter the case caption(s) and case number(s).
53	Provide any other information required by your county's local rules. Read your county's local rules here: <a href="http://courts.in.gov/2694.htm">http://courts.in.gov/2694.htm</a>
55	Sign your name.

*Instructions for filling out the*  
Verified Petition for Dissolution of Marriage (Form #PS-31152-1)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word "Room," enter the court number.
3	Enter the name of the county where you are filing the divorce. Leave the case number blank because the Clerk will assign a number.
5	Enter your full name as Petitioner.
7	Enter your spouse's full name as Respondent.
11	Do not check box
12	Enter your full name.
13	"Petitioner and Respondent were married on _____" Enter the day, month and year that you were married.
13	"...and separated on _____" Enter the day, month, and year that you were separated.
14	"_____ has been a continuous resident..." Enter the name of the person (either you or your spouse) who has lived in the county for the last three months.
14	"...has been a continuous resident of _____ County." Enter the name of the county where you are filing these papers.
16	Enter the name of the person (either you or your spouse) who has lived in the state of Indiana for the last six months.
19	Check this box.

Line #	Instructions
29	Check this box.
35	Enter the name of the wife if she is <b>not</b> pregnant. If the wife is pregnant, leave this blank.
39	If you are the Petitioner and would like your former name, check this box and enter your former name.
40	If you are the Petitioner and do not wish to change to your former name, check this box.
44	Check this box.
59	Sign your name.
61	Enter your name.
62-64	Enter your mailing address.
67	Handwrite the date this form is sent by first-class mail.
68	Sign the Petition



*Instructions for filling out the*  
Summons (Form #TCM-TR4.1-2)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word "Room," enter the court number.
3	Enter the name of the county where you are filing the divorce. Leave the case number blank because the clerk will assign a number.
5	Enter your full name as Petitioner.
8	Enter your spouse's full name as Respondent.
12-15	Enter your spouse's full name and address.
28-35	<b>Leave blank.</b> The Clerk will fill this out.
32-34	Check the box that says how you would like your spouse to be served. Please note that each of these methods have additional charges, and discuss this with the clerk.
36-71	<b>Leave blank.</b> The Sheriff will fill this out if you choose service by sheriff.

*Instructions for filling out the*  
Decree of Dissolution of Marriage (Form #PS-31152-9)

Line #	Instructions
1	Enter the name of the county where you are filing the divorce. After the form is printed, circle the court (Superior or Circuit) in which it is being filed.
2	In the blank after the word "Room," enter the court number.

Line #	Instructions
3	Enter the name of the county where you are filing the divorce. Leave the case number blank because the Clerk will assign a number. If the Clerk has already assigned a number, enter it here.
5	Enter your full name as Petitioner.
8	Enter your spouse's full name as Respondent.
11	Leave this box blank.
13	Check this box.
16	<b>First blank:</b> enter the date on which you were married (the format will appear as MMMMM DD, YYYY). <b>Second blank:</b> enter the date on which you were separated (the format will appear as MMMMM DD, YYYY) that you separated.
17	<b>First blank:</b> Enter the party title (Petitioner or Respondent) for the person in the marriage who has lived in the county for the last three months. <b>Second blank:</b> Enter the name of the county where you are filing these papers.
20	<b>First blank:</b> Enter the party title (Petitioner or Respondent) for the wife in the marriage. If the marriage involves a same-sex couple, enter the words "Neither party". <b>Second blank:</b> If the marriage involves male/female couple, enter the words "is not" in the blank; if the marriage involves a same-sex couple, enter the word "is" in the blank.
23	Check this box.
30-94	<b>Leave blank.</b>
95	The courts assignment of responsibility to pay a joint marital debt to one party <b>will not</b> prevent the parties' creditor from bringing action against the other party to secure payment on the debt. <i>If the parties have significant jointly held marital debt, it strongly recommended that they seek the assistance of an attorney.</i>
96	Check this box if the parties have no outstanding debts for which they are <b>jointly</b> responsible. (Joint debts are those debts that are in both the Petitioner's and Respondent's name.) If you checked this box, skip to line 113.

Line #	Instructions
97-104	Check the box to list the jointly-held debts that will be paid by Petitioner. List the name of each creditor and the amount of each debt. (A “creditor” is a person or company to whom you owe money.)
105-112	Check the box to list the jointly-held debts that will be paid by Respondent. List the name of each creditor and the amount of each debt. (A “creditor” is a person or company that you owe money.)
115	Check this box if the Petitioner alone will be responsible for the debt that is in the Petitioner’s name only.
120-124	Check this box if you <b>did not</b> check the box on line 115. In the space provided, describe how you will divide the debt that is in the Petitioner’s name only. (Please note: the court’s assignment of responsibility to pay the Petitioner’s debt to Respondent <b>will not</b> prevent the Petitioner’s creditor from bringing action against the Petitioner to secure payment on the debt if is not paid.)
126	Check this box if the Respondent alone will be responsible for the debt that is in the Respondent’s name only.
131-135	Check this box if you <b>did not</b> check the box on line 126. In the space provided, describe how you will divide the debt that is in the Respondent’s name only. (Please note: the court’s assignment of responsibility to pay the Respondent’s debt to Petitioner <b>will not</b> prevent the Respondent’s creditor from bringing action against the Respondent to secure payment on the debt if is not paid.)
137	Check this box if there are <b>no vehicles</b> to divide.
138-144	Check this box if Petitioner will have sole possession and ownership of one or more of the vehicles. In the spaces provided, list the vehicle(s) of which Petitioner will have sole possession and ownership.
145-151	Check this box if Respondent will have sole possession and ownership of one or more of the vehicles. In the space provided, list the vehicle(s) of which Respondent will have sole possession and ownership.

Line #	Instructions
152	Check this box if there is outstanding debt related to one of more of the vehicles. Responsibility to pay any outstanding debt must be assigned to one or both the parties in paragraphs 11 (line 97-112) or 12 (line 114-135) of this document.
155	Check this box if personal property has already been divided.
156-160	Check this box if there is personal property that will only belong to the Petitioner. In the space provided, describe the items.
161-165	Check this box if there is personal property that will only belong to the Respondent. In the space provided, describe the items.
167-168	Check this box if one or both of the parties are owners of the marital residence. In the blank, enter the address of the residence.
169-170	Check the box that corresponds to the party who will retain or take possession of the above listed real estate.
171	Check the box that corresponds to the party who will move out the marital residence. In the blank, enter the date by which the party must move out.
172-174	Check the box that corresponds to the party who will be responsible for paying property taxes and homeowners insurance.
175-177	Check the box that corresponds to the party that shall transfer his/her ownership interest in the real estate. In the blank, enter the date by which this transfer will occur.
178-186	Check the box that corresponds to the party who will refinance the mortgage debt related to the marital residence, so that the mortgage is in that person's name only.
187	Check this box if the parties choose to divide the marital residence in a manner different from what the form lists.
188-191	Describe the alternate manner in which the parties will deal with the possession and ownership of the marital residence. (For example do both parties agree to put the house on the market and split the proceeds?)

Line #	Instructions
192	Check this box if the parties are both legally responsible on a lease for a residence.
193	Enter the address of the property being leased. If the residence is an apartment complex, please list the name of the apartment complex.
194-198	Check the box that corresponds to the party who will retain possession of the leased premises and stay in the home.
199	Check the box that corresponds to the party who will be moving out of the leased residence. In the blank enter the date by which the party will move out of the leased residence.
200	Check this box if the parties have a different plan for what will happen to the rented home.
201-204	Explain your plan for handling the lease at your rented home.
206-208	Check this box if the Petitioner would like his/her former name restored. In the blank, enter the name that the Petitioner would like to use from now on.
209-211	Check this box if the Respondent would like his/her former name restored. In the blank, enter the name the Respondent would like to use from now on
212	Check this box if neither party is requesting a name change.
215	Petitioner must sign his/her full name in the presence of the Notary.
217-227	<b>Leave blank.</b> This will be filled out by the Notary.
228	Respondent should sign his/her full name in the presence of the Notary
230-240	<b>Leave blank.</b> This will be filled out by the Notary.
241-270	<b>Leave blank.</b> This will be filled out by the Judge.
273	Enter the Petitioner's full name.

Line #	Instructions
274-275	Enter Petitioner's address. (This is the address to which the court will mail a copy of the file-stamped and approved decree.)
277	Enter the Respondent's full name.
278-279	Enter the Respondent's address. (This is the address to which the court will mail a copy of the file-stamped and approved decree.)