

Form Instructions for Divorce with 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 have biological or adopted minor children with your spouse;
3. You are not currently pregnant with your spouse's child, or your spouse is not pregnant with your child;
4. Neither you nor your spouse is currently in the military; and
5. You and your spouse **do** have an agreement on custody/parenting time and how property should be divided.

If either you are or your spouse is in the military, or if you are 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

Specific instructions for each form begin on page 5.

You should fill out the following forms:

Form Title	Form Number	Details	When to File
Appearance By Unrepresented Person in Civil Case	TCM-TR31-7	This form notifies the court that you intend to participate in a civil case.	See Step 4
Confidential Form-Not for Public Access	TCM-TR3.1-4	You will put all confidential information for the Appearance Form such as Social Security numbers. This form must be printed on green paper.	See Step 4
Verified Petition for Dissolution of Marriage and Agreement	PS-31152-14	This form asks the court to grant you a divorce and approve the agreement made between the parties.	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 you and your spouse agree to the terms of the divorce and you are waiving your right to a final hearing.	See Step 4
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, parenting time, 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 green paper to print the 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

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.

File the Confidential Form on green paper. Remaining forms in this packet do not ask for confidential information, so they may be filed on white paper.

Step 4: File your 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
- Confidential Form – Not for Public Access
- Verified Petition for Dissolution of Marriage and Agreement
- 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.

The summons and other papers you file to start the case cannot be served by first-class mail. In order to begin your case you must personally notify your spouse that you will be filing for divorce. This can be done by having the Sheriff deliver a copy to your spouse or leave a copy at your spouse's residence, or by you sending the paperwork to your spouse by registered or certified mail. This is called "service" or "being served." After the summons has been served, any new documents that need to be filed must be served, and can be done by first-class mail, fax, or email. Methods of service can vary by county, so ask your Clerk's Office about your options.

Step 5: File your final forms

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

- 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.

*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.*

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 and 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	"In re the _____ of." Enter the word <i>Marriage</i> and leave the space next to it blank.
5	Enter your full name.
8	Enter your spouse's full name.
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	Leave blank. The Clerk will provide this information.
41-42	Check the "Yes" box.
44-45	If you have any other pending cases related to your divorce case, check the "Yes" box. Otherwise, check the "No" box
47-52	If you checked "Yes" on Line 44, enter the caption(s) and case number(s).
53	Provide additional, information, if any, required by your county's local rules. Read your county's local rules here: http://courts.in.gov/2694.htm
55	Sign your name.

Instructions for filling out the
Confidential Form, Not for Public Access Form (Form #TCM-TR3.1-4)

Line #	Instructions
4	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.
5	In the blank after the word "Room," enter the court number.
6	Enter the name of the county where you are filing these papers. Leave the case number blank because the clerk will assign your case a number.
7	"In re the _____ of:" Enter the word <i>Marriage</i> and leave the space next to it blank.
8	Enter your full name.
11	Enter the name of your spouse.
14-21	Enter the name and social security number of each minor child you have with the other party.

REMINDER: This form is to be printed on green paper.
For more information about confidentiality of court records, see Indiana Administrative Rule 9(G) at <http://www.in.gov/judiciary/rules/admin>

Instructions for filling out the
Verified Petition for Dissolution of Marriage (Form #PS-31152-14)

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.
11	Do not check this 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.
20	Check this box and enter the number of children that you and your spouse have together.

Line #	Instructions
22-25	Enter the name and date of birth of each child you have with your spouse.
26	Enter the name of the parent you want to have custody of your children.
29	If there are no debts or property to divide, check this box.
30	If there is property that your spouse has that you want, or debts that you owe that you think your spouse should pay, check this box.
29-32	If you checked the box in Line 28, list the items or debts.
35	Enter the name of the wife if she is not 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-	Enter your spouse's full name.
13-15	Enter your spouse's address.
28-30	Leave blank. 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	Leave blank. The Sheriff will fill this out if you choose service by sheriff.

Instructions for filling out the
Verified Waiver of Final Hearing (Form PS31152-2)

Line #	Instructions- DO NOT FILE THIS FORM WITH THE COURT UNTIL 60 DAYS HAVE PASSED SINCE THE FILING OF THE VERIFIED PETITION FOR DISSOLUTION
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.
19	Sign your name under "Your Signature", your spouse must sign their name under "Spouse's Signature"
21-24	Enter your address, under your signature, and your spouse's address under their signature.

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.
3	Enter the name of the county where you are filing the divorce. Leave the cause number blank because the Clerk will assign a number. If the Clerk has already assigned a cause number, enter it here.

Line #	Instructions
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	First blank: enter the date on which you were married (the format will appear as MMMMM DD, YYYY). Second blank: enter the date on which you were separated (the format will appear as MMMMM DD, YYYY) that you separated.
17	First blank: Enter the party title (Petitioner or Respondent) for the person in the marriage who has lived in the county for the last three months. Second blank: Enter the name of the county where you are filing these papers.
20	First blank: 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". Second blank: 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	Do not check this box.
24	Check this box and in the blank enter the number of children that you and your spouse have together.
26-29	Enter the name and date of birth of each child you have with your spouse.

Line #	Instructions
30	<p>Before filing out section 6, please review the Indiana Parenting Time Guidelines which can be found here: http://www.in.gov/judiciary/rules/parenting/</p> <p>Custody agreements should be made in consideration of the best interest of the child(ren).</p> <p>There are two types of custody in Indiana, physical and legal. Physical custody refers to where the child(ren) is physically located(where they primarily stay). Legal custody refers to the ability to make major decisions that arise in the child(ren)'s life such as education, healthcare and religious training.</p> <p>The Custodial parent is the parent who has physical custody of the child(ren) the majority of the time. The Non-custodial parent is the parent who that does not have physical custody the majority of the time, but who has parenting time with the child(ren) according to the Indiana Parenting time Guidelines.</p>
31-38	Check the box that represents the terms of the parties' agreement.
39-43	Check this box if the parties have agreed to an alternative custody arrangement. In the space provided, describe in detail your alternate custody agreement, and give reasons has to why the alternative custody arrangement is justified.
45-46	Check the box that corresponds to the party who will have parenting time (visitation) with the minor child(ren) according to the Indiana Parenting Time Guidelines.
48-57	Check this box if the parties have agreed to a alternative parenting time schedule from that which is recommended by the Indiana Parenting Time Guidelines. In the space provided the parties should give details as to the parenting time schedules as well as to why an alternative schedule is justified.(e.g The Petitioner's job requires him to irregularly leave town on business, so parenting time every other weekend is not appropriate.)
58	<p>Before completing this section please download and fill out the Child Support Obligation Worksheet. The worksheet will need to be attached to your agreement. You can find the worksheet here: http://www.in.gov/judiciary/files/csow.pdf</p> <p>In order to fill out the Child Support Obligation Worksheet you will need to use the Child Support Calculator found here: http://mycourts.in.gov/csc/parents/</p>

Line #	Instructions
59-63	Check the box that corresponds with the party who will be required to pay weekly child support. In the blank, enter the dollar amount per week that the parent will be required to pay.
64-66	These boxes should only be checked if parenting time is equally shared. Check the box that tells the Court which parent will be responsible for the payment of controlled expenses. Generally, controlled expenses are everyday expenses that are necessary, but not always easily planned for ahead of time. Example: school supplies, winter coats, supplies for school project.
67-71	Check the box that corresponds with the party who will be receiving child support. First blank: enter the resulting amount from the Child Support Worksheet, Uninsured Health Care Expense, calculation A. Second blank: enter the percentage of uninsured medical expenses that Petitioner will be required to pay from the Child Support Obligation Worksheet, Uninsured Health Expenses calculation B. Third blank: enter the percentage of uninsured medical expenses that Respondent will be required to pay from the Child Support Obligation Worksheet, Uninsured Health Expenses calculation B.
72-73	Check the box that corresponds with the party who will be responsible for paying the administrative fee charged by the Clerk annually.
75-76	Check the box that corresponds with the party who will be responsible for maintaining health insurance on the children.
77	Check this box if neither parent has affordable health insurance available at a reasonable cost.
85-86	Check the box that corresponds with the party who will claim the child(ren) on taxes.
89-94	Check this box if the Petitioner and Respondent will alternate claiming the child(ren) on taxes. First blank: enter the first year that the Petitioner will be able to claim the dependent children, then circle the corresponding odd or even year. Second blank: enter the first year that the Respondent will be able to claim the dependent children, then circle the corresponding odd or even year.
95	The court's assignment of responsibility to pay a joint marital debt to one party will not 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>

Line #	Instructions
96	Check this box if the parties have no outstanding debts for which they are jointly 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.
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 did not 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 will not 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 did not 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 will not 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 no vehicles 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 the choices listed on the form.
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.
200-204	Check this box if the parties have a different plan for what will happen to the rented home. In the space provided, 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	Leave blank. This will be filled out by the Notary.
228	Respondent should sign his/her full name in the presence of the Notary
230-240	Leave blank. This will be filled out by the Notary.
241-270	Leave blank. This will be filled out by the Judge.
273	Enter Petitioner's full name.

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