

Petition for Divorce Based on Domestic Violence

Under La. Civ. Code art. 103(5) | Uncontested | Divorce Issue Only | No Minor Children

Your Safety During Divorce

Filing for divorce can be an important step toward ending an abusive relationship. It can also be a time when safety risks increase.



Abuse is often about power and control. When you leave or file for divorce, your spouse may feel that control is being taken away. For some survivors, this can lead to increased harassment, threats, or violence. As a result, leaving is often the most dangerous period of time for survivors of abuse.

Even if you have already left the relationship and have a protective order, filing for divorce may still increase your safety risk. Here are some steps you can take to help protect your safety during the divorce process and afterward:

- **Put your safety first.** If you have a protective order, continue to follow it. If you feel in danger, contact local law enforcement or a domestic violence hotline right away.
- **Get legal help.** An attorney with experience in family law and domestic violence can help protect your rights. If you are representing yourself, take time to learn about your options and the protections available to you.
- **Keep records.** Write down and save evidence of any threats, harassment, abuse, or violations of a protective order. This may help during your divorce case.
- **Ask about temporary orders.** You may be able to request temporary spousal support or property orders to provide stability while the divorce is pending.
- **Protect your privacy.** Be careful about sharing your location or plans. Consider changing passwords, adjusting social media privacy settings, and securing your home if needed.

You do not have to go through this alone. Local shelters, legal aid organizations, and advocates can help you with additional guidance and support. Divorces in domestic

violence situations have important deadlines and certain benefits that affect when and how you file a case in court. Again, it is in your best interest to find a lawyer to help you.

- To find a lawyer, visit lalegalnav.org/service-providers.
- To learn more about the divorce process, visit lalegalnav.org/subtopics/divorce.
- To learn more about domestic violence and abuse, visit lalegalnav.org/subtopics/domestic-violence-abuse.

If you need immediate assistance, you may call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) for local resources and confidential support.

Before You Fill Out This Form

What is this form?

This is the *Petition for Divorce Based on Domestic Violence* court form. This form can help you ask the court for a divorce from your spouse under La. Civ. Code art. 103(5), based on the fact that you have received a civil protection order against your spouse during the marriage. By filing this form, you can:

1. Ask the court for a divorce; and
2. Request a last name change (optional).

You must file this case in a judicial district court.

All the forms you need to file for a divorce are part of this forms packet or they are mentioned in the instructions. These forms assume that your spouse will not challenge or respond to the divorce. The name for this is an “uncontested” divorce.

Who can use this form?

This form is for people who want to start a divorce against their spouse based on domestic violence. If you are handling your own case without a lawyer, you will be filing your divorce as a self-represented litigant.

You may only use these forms if all statements below are true:

- Your spouse will not challenge or file a response to the divorce,
- After a hearing, you were granted a civil protective order during the marriage against your spouse,
- You have not reconciled with your spouse after the protective order was granted,
- You and your spouse do not have any children under age 18 who were born or adopted during your marriage, no matter who the biological father is,
- You or your spouse is not currently pregnant,
- Either you or your spouse currently lives in Louisiana,
- Your spouse is not on active duty in the U.S. Military; and
- You and your spouse do not have a “covenant marriage,” which requires a contract through the church, and more binding conditions for divorce.

What can I expect when filling out this form?

In this form, you will provide information about your spouse, your marriage, and the requests you want the court to consider in your divorce, including changing your last name. Completing the *Petition* form will take about 30–45 minutes.

What do I need to get started?

To get started, you will need:

- Information about your spouse, including their current address,
- Information about your marriage, including when and where you were married, and
- Information about the protective order the court granted you, including when and where it was filed, and the case or docket number, which is located on the top of your court documents.

You will also need a certified copy of the executed protective order to file as evidence, which is signed by the judge and stamped at the top. If you can't find yours, you can get a new certified copy from the court that issued the protective order.

Paying Filing fees

It costs money to file forms with the court. If you can't afford to pay the filing fees up front, you can ask the court to let you delay paying them until a later date. This is called filing "In Forma Pauperis," or sometimes referred to as an "IFP," "Pauper Form," or "Fee Delayer." Filing an [*In Forma Pauperis*](#) form requires a notary and another adult who knows you to complete. You can find the IFP form at bit.ly/in-forma-pauperis.

Getting legal help

Free legal help is available in Louisiana for those that qualify. If you need help, a lawyer can explain your rights and may attend your court hearing with you. Scan the QR code or visit www.lalegalnav.org/service-providers to find legal help.



Petitioner: _____	Case Number: _____
versus	Division: _____
Defendant: _____	Court for the Parish/City of: _____
Filed: / /	Deputy Clerk: _____
State of Louisiana	

Petition for Divorce Based on Domestic Violence under La. Civ. Code art 103(5)

Petitioner Information

Section 1

My name is _____. I live in the Parish/County of _____, State of _____.

I can file this form in this district court because:

Check all that apply to you.

- I live in the parish where I am filing this form.
- My spouse lives in the parish where I am filing this form.
- We last lived together as a married couple in the parish where I am filing this form.

Eligibility for this Divorce

Section 2

I qualify to file for this specific type of divorce because:

All these items must be checked off and true.

- I am asking for a divorce under Louisiana Civil Code Article 103(5). During our marriage, a court issued a protective order against my spouse to protect me from abuse, after a contradictory hearing or consent decree.
- I am over the age of 18.
- No children under the age of 18 were born or adopted during the marriage, regardless of who the biological father is, and neither spouse is currently pregnant.
- My spouse and I have not reconciled since the protective order was granted nor since I filed this petition for divorce.
- My spouse is not an active-duty member of the U.S. Armed Forces or its allies under the Military Servicemembers Civil Relief Act (SCRA).
- My spouse and I did not enter into a covenant marriage.

Defendant Information

Section 3

My spouse's name is _____. They live in the Parish/County of _____, State of _____.

Marriage Information

Section 4

My spouse and I were married on ____/____/_____ in the Parish/County of _____, State of _____. We last lived together as spouses in the Parish/County of _____, State of _____.

Protective Order Information

Section 5

I was granted a protective order against the defendant named in Section 3. That order was granted on ____/____/____ and was heard by the _____ Judicial District Court in the Parish/County of _____, State of _____.

The case number or docket number for that protective order case is _____.

Request for Name Change

Section 6

This section is optional. If you took your spouse's last name during the marriage, you can request your name be changed to:

- Your pre-marriage last name,
- The last name of your/their minor children, or
- The last name on your birth certificate.

Check if applicable:

I would like to change my last name to: _____

Request to the Court

Section 7

I request that this Honorable Court:

1. Take judicial notice of the protective order,
2. Grant my divorce after all legal delays and due proceedings, as allowed under Louisiana law (See La. Civ. Code art 103(5)),
3. Order my spouse to pay all costs of these proceedings in accordance with Louisiana law (See La. R.S. 9:314, 9:367, and/or 46:2136.1), and
4. Provide any other relief the court finds appropriate.

I also request that this Honorable Court:

Check all that apply to you.

Confirm my name change.

Allow me to file *In Forma Pauperis*, as I am unable to pay the costs of this case due to financial hardship, as allowed under Louisiana law (See La. Civ. Code Ann. art. 5181-5188).

Signature

Section 8

Respectfully submitted by:

Petitioner, Self-Represented

- **Only write your address below if your spouse already knows where you live.** If they don't, and you want to keep your address safe, fill out and attach the *Confidential Address Request Form* instead.
- Provide an email address that your spouse cannot access and that you will check regularly. The court may send you official documents there during your case.

My mailing address is: _____

My email address is: _____

My telephone number is: _____

Provide the defendant's name and one or more physical location(s) they can be served:

Provide the best times to serve the defendant at the location(s) you listed above:

Stop: Review the instructions for next steps.

Next Steps for Filing Your Divorce

Under La. Civ. Code art. 103(5) | Uncontested | Divorce Issue Only | No Minor Children

What happens next?

You have finished filling out your petition for divorce. The next steps are to review your forms, sign them in front of a notary, and file them with the clerk of court.

You will file these forms with the clerk:

1. The *Petition*, which you just completed.
2. The notarized *Verification* form, which is included after these instructions.
3. Optional: The *In Forma Pauperis* form.

From there, the court will attempt to serve your spouse at the address(es) you provided in your form. The court **will not** contact you automatically to inform you that your spouse has been served, so you will need to follow up with the clerk of court's office to confirm.

Once your spouse has been served, you must wait at least twenty-one (21) days before filing your final confirmation documents. You will file two more forms:

1. The *Affidavit of Truth of Facts* form, which you will complete with a notary, and
2. The *Judgment of 103(5) Divorce* form.

You are not divorced until a judge reviews your documents and signs the *Judgment of 103(5) Divorce*.

Step-by-step instructions for filing your *Petition for Divorce*

Step 1: Check your work

Before you do anything else, review your completed petition carefully. Make sure all blanks are filled in and that the names, dates, case numbers, and addresses on your petition match the court documents you received, especially on your protective order that you submit.

Step 2: Complete an *In Forma Pauperis* (IFP) form, if needed

It costs money to file forms with the court. If you can't afford to pay the filing fees up front, you can ask the court to let you delay paying them until a later date. This is called filing "In Forma Pauperis," or sometimes referred to as an "IFP," "Pauper Form," or "Fee Delayer." You can find the IFP form at bit.ly/in-forma-pauperis.

Filing an [*In Forma Pauperis*](#) form requires a notary and another adult who knows you to complete. Do not sign until you are in front of a notary.

Step 3: Take your forms to a notary

Bring your *Petition*, *Verification*, and optional *In Forma Pauperis (IFP)* form to a notary and have them notarized.

To find a notary, ask about their fees, and schedule an appointment, visit bit.ly/la-notaries. For your appointment, bring your photo ID and your original, unsigned documents.

After your documents are signed, make at least one copy of them for your records.

Step 4: Find your certified copy of your Protective Order

If you need a new certified copy, go to (or call) the clerk of court in the parish where it was granted to request one. You may have to pay a fee.

Step 5: File your forms with the court

(a) Decide in which court you will file your case.

If you file your case in the wrong court, then you may lose your filing fees. If the case accidentally goes forward in the wrong parish, your divorce will not be valid, and you will not be legally divorced.

You can only file your divorce in one of the following parishes:

- The parish where you currently live (are domiciled), or
- The parish where your spouse lives, or
- The parish where you and your spouse last lived together as a married couple.

Once you've decided which court you will file your divorce in, call the clerk of court to ask about filing fees and how the clerk will accept payment (credit card, check, cash, etc.).

(b) Gather all required items, including:

- Your original, signed *Petition for Divorce Based on Domestic Violence and Verification*,
- Your certified copy of your protective order,
- Payment for the fees required to file your divorce or your completed *In Forma Pauperis* form,
- The copy you made of your notarized documents.

(c) Go to the courthouse to file your documents.

When you get to the courthouse, ask for directions to the civil department. Tell the staff that you do not have a lawyer, and that you are filing a new case. At the civil department, a clerk of court will help you officially file your divorce.

Give the original documents to the clerk of court, then ask them to stamp a date and write your case's docket number on your copy of the *Petition* and *Verification*.

Note: Keep your copies of the forms with the date and the docket number in a safe place. You will need your docket number and the date you filed your petition for other documents you file in your case.

Getting legal help

Free legal help is available in Louisiana for those that qualify. If you need help, a lawyer can explain your rights and may attend your court hearing with you. Scan the QR code or visit www.lalegalnav.org/service-providers to find legal help.



Stop: The next section must be completed with a notary.

Petitioner: _____	Case Number: _____
versus	Division: _____
Defendant: _____	Court for the Parish/City of: _____
Filed: / /	Deputy Clerk: _____
State of Louisiana	

Verification

Parish of: _____ State of: _____

Petitioner Statement

I, _____, the petitioner in the above-entitled matter, after being duly sworn, do depose and say that all of the allegations contained in the petition are true and correct to the best of my knowledge, information, and belief.

Petitioner Signature

Notary Statement

Before me, the undersigned authority, personally came and appeared the above-named petitioner, sworn to and subscribed before me, this _____ day of _____, 20_____.

Notary Public (Print name and Bar Roll number)

Next Steps for Finalizing Your Divorce

Under La. Civ. Code art. 103(5) | Uncontested | Divorce Issue Only | No Minor Children

Steps-by-step instructions

Step 1: Confirm your spouse has been served

About 1-2 weeks after you have filed your divorce, call the clerk of court's office to see whether your spouse has been "served" by the sheriff. If they have been served, ask what date. You must wait at least twenty-one (21) days from the date your spouse was served before moving on to the last step.

To determine when you can file your confirmation documents, start counting on the day after your spouse was served. You cannot file your confirmation documents until the twenty-second (22) day after your spouse was served.

Step 2: Prepare your confirmation documents

After the waiting period has passed, call the clerk of court again to make sure that the defendant did not file an answer. If they did, you may not be able to use the rest of this form packet, and it's in your best interest to consult a lawyer. When you call the clerk of court, also ask whether you are required to file the "[Divorce Checklist](#)."

To prepare your final documents, you must fill out the following:

- The "Petitioner Statement" section on *Affidavit of Truth of Facts* form (3 - Affidavit),
- The signature block on the *Judgment of 103(5) Divorce* form (4 - Judgment), and
- The Divorce Checklist, if required by the parish where you filed.

Step 3: Bring your *Affidavit of Truth of Facts* to a notary

Bring your unsigned *Affidavit of Truth of Facts* form to a notary and have it notarized.

To find a notary, ask about their fees, and schedule an appointment, visit bit.ly/la-notaries. Don't forget to bring your photo ID and the original, unsigned document.

Step 4: File your confirmation documents

Take your notarized *Affidavit of Truth of Facts* form (3 - Affidavit) and the *Judgment of 103(5) Divorce* (4 - Judgment), to the clerk of court's office where you filed your *Petition*.

Note: You are not divorced until the judge reviews your documents and signs your *Judgment of 103(5) Divorce*. If you were granted "In Forma Pauperis" status, then the court should send you a certified copy of your *Judgment of 103(5) Divorce*. If not, you can request one for a fee. Keep this certified copy for your records.

Step 5: Follow court orders or appeal the judgment

Once the judge signs your *Judgment of 103(5) Divorce*, it is a legally binding court order. Keep all court documents and any written orders you receive in a safe place.

Getting legal help

Free legal help is available in Louisiana for those that qualify. If you need help, a lawyer can explain your rights and may attend your court hearing with you. Scan the QR code or visit www.lalegalnav.org/service-providers to find legal help.



Petitioner: _____	Case Number: _____
versus	Division: _____
Defendant: _____	Court for the Parish/City of: _____
Filed: _____/_____/_____ _____	Deputy Clerk: _____
State of Louisiana	

Affidavit of Truth of Facts

Parish of: _____ State of: _____

Petitioner Statement

I, _____, the petitioner in the above-entitled matter, Who, being duly sworn, did attest and testify as to the truth of all of the factual allegations contained in the petition, specifically as follows:

1. I live in the Parish/County of _____, State of _____.
2. My spouse lives in the Parish/County of _____, State of _____.
3. My spouse and I were married on ____/____/____ in the Parish/County of _____, State of _____. We last lived together as spouses in the Parish/County of _____, State of _____.

4. No children under the age of 18 were born or adopted during the marriage, regardless of who the biological father is, and neither spouse is currently pregnant.
5. I was granted a protective order against the defendant named in Section 3 of the *Petition for Divorce Based on Domestic Violence*. That order was granted on _____ / _____ / _____ and was heard by the _____ Judicial District Court in the Parish/County of _____, State of _____.
6. The case number or docket number for that protective order case is _____.
7. We have not reconciled since the protective order was granted.
8. I request a judgment of divorce be granted pursuant to Louisiana Civil Code Article 103(5).

Stop: The following section must be completed with a notary.

Respectfully submitted by:

Petitioner, Self-Represented

Notary Statement

Before me, the undersigned authority, personally came and appeared the above-named petitioner, sworn to and subscribed before me, this _____ day of _____, 20_____.

Notary Public (Print name and Bar Roll number)

Petitioner: _____	Case Number: _____
versus	Division: _____
Defendant: _____	Court for the Parish/City of: _____
Filed: / /	Deputy Clerk: _____
State of Louisiana	

Judgment of 103(5) Divorce

The Court, after considering the affidavit of truth of facts, the certified copy of the protective order, the law, the evidence and the entire record, and finding that a hearing is not necessary, grants the default judgment as follows:

It is ordered, adjudged, and decreed that the Court finds in favor of Petitioner, _____, and against Defendant, _____, granting an absolute divorce and forever dissolving the bonds of matrimony that existed between them in accordance with Louisiana Civil Code Article 103(5).

It is further ordered, adjudged, and decreed that Petitioner's name is confirmed as _____ which shall be her/his true and lawful name.

It is further ordered, adjudged, and decreed that Defendant, _____, shall be cast with all court costs and fees allowed in accordance with Louisiana Revised Statutes 9:314, 9:367, and/or 46:2136.1.

Judgment read, rendered, and signed this _____ day of _____, 20_____, at _____, Louisiana.

Judge

Respectfully submitted by:

Petitioner, Self-Represented

- **Only write your address below if your spouse already knows where you live.** If they don't, and you want to keep your address safe, fill out and attach the *Confidential Address Request Form* instead.
- Provide an email address that your spouse cannot access and that you will check regularly. The court may send you official documents there during your case.

My mailing address is: _____

My email address is: _____

My telephone number is: _____

