

SELF-REPRESENTED LITIGANT PETITION FOR 102 DIVORCE **(WITH MINOR CHILDREN) WITH REQUEST FOR INCIDENTAL** **RELIEF**

You may use these forms ONLY if ALL of these are true:

- You or your spouse **is currently pregnant and/or** have children under age 18, *regardless of who the biological father is*, that were born or adopted during your marriage;
- You and your spouse are still living together, or are living separate and apart, but have not yet lived apart for three hundred sixty-five (365) days;
- You **or** your spouse **currently live** in Louisiana;
- Your spouse is **not** in prison;
- Your spouse is **not** a servicemember on active duty in the U.S. Military;
- You and your spouse **are not** in a “covenant marriage” (If you have a covenant marriage, then you would have agreed to pre-marriage counseling and a longer time for living separate and apart. You would have also completed a “Declaration of Intent” and filed it with your marriage certificate.)

BEFORE YOU START

If you can, try to find a lawyer to help you first. This is very important if domestic violence is an issue. Divorces in domestic violence situations have important deadlines and certain benefits that affect when and how you file a case in court. Some benefits that may be affected if you file this form rather than a divorce for domestic violence situations may include limitations on spousal support, community property, and a lengthier time frame to obtain your divorce. Again, it is in your best interest to find a lawyer to help you.

This Article 102 Divorce can be filed before you and your spouse have lived separate and apart for the required length of time, which is 360 days if you have minor children under age 18 born or adopted during the marriage. Filing this divorce affects community property by “terminating” the community at the time the case is filed. That means new property or debts either spouse acquires while waiting for divorce will not be considered community property. It is possible to ask the court for “exclusive use and occupancy” of the home or other property while waiting the required time if you and your spouse do not agree who should have the right to use the family’s property.

You will be filing your divorce as a “self-represented litigant.” That means you are handling your own case without a lawyer. As the person suing for divorce, you are the “**Petitioner**.” Your spouse is the “**Defendant**.” 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.

Note: You may also have the right to seek child support by contacting the Louisiana Department of Children and Family Services Office of Child Support Enforcement.

To learn more about the divorce process, visit LouisianaLegalNavigator.org or LouisianaLawHelp.org. To find help, visit bit.ly/legal-referrals or <http://www.LSBA.org/goto/FindLegalHelp>.

HOW TO COMPLETE THE FORMS

Read instructions all the way through before starting.

1. **Decide in which court you must file your case.** If you file your case in the wrong court, then you might lose the filing fees you paid. 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 case in:

- The parish in which you are currently “domiciled” (which means where you live and where your permanent/legal home is); **OR**
- The parish in which your spouse is domiciled; **OR**

- The parish where you and your spouse last lived together as a married couple.
2. **Consider how you will serve your divorce papers on your spouse.** “Serve” means the way you are required by law to get certain legal papers to your spouse on the other side of your case. If you and your spouse agree about getting a divorce, you can ask him/her to “waive” service of process and other legal delays. Getting a waiver will make the process go faster. Your spouse must sign a waiver form before a notary. If your spouse will not waive service and he/she lives in Louisiana, you must ask the court to have the Sheriff serve him/her at home or work. If your spouse will not waive service and he/she lives in another state, you will have to use the “Long Arm” process to serve your spouse (more instructions below).
 3. **Figure out your case “filing fees.”** Call the Clerk at the Court for the court where you plan to file your case. Ask how much it costs to file for divorce. If you can pay the court fees, get your payment ready. Find out what kind of payment the Clerk of Court will accept. For example, find out if you can use a money order, a credit card, etc. If you cannot afford to pay the court costs to file your case, you can fill out an “[**IN FORMA PAUPERIS AFFIDAVIT**](#)” or “IFP” (bit.ly/in-forma-pauperis). The IFP asks the court to *delay* (but not eliminate) paying the cost of filing and other court fees. **You may still have to pay fees at the end of the case.** The court could also order your spouse to pay them, or the two of you to split the costs, but you must ask for the payment arrangement you want in your petition. If required, fill out the IFP but do not sign it yet.

NOTE: It is common that the clerks at the Clerk of Court’s office where you plan to file your divorce can serve as a notary for these documents. Call the Clerk’s office in advance of filing to see if this service is available.
 4. **Get your petition ready to file.** Fill in the top part (called the “caption”). Fill in all blanks on the pages marked “(1a - PETITION)” and “(1b – VERIFICATION),” but **do not sign yet**. Find a notary, ask about their fees, and schedule an appointment. (Learn more about notaries here: bit.ly/la-notaries.) Bring your Photo ID and your original, unsigned documents to your notary appointment. If you are filing the “IFP,” bring **an adult witness that can speak to your financial situation** to your appointment as well. Sign the VERIFICATION (and IFP, if required) in front of the notary. Make at least **one (1) copy** of your completed PETITION.
 5. **File your petition with the court.** Bring these with you to the Clerk of Court’s Office where you will file your case: your filing fees or IFP, your copy of the PETITION, all the original pages marked with “1a” and “1b” at the bottom, and the Rule to Show Cause Setting Hearing on Incidental Matters (marked at the bottom as “2-RULE TO SHOW CAUSE on INCIDENTAL MATTERS”). Go to the Civil Department and tell the staff that you do not have a lawyer, and that you want to file your divorce. Ask the Clerk of Court to “clock stamp” AND write the docket number of your case on your copy of the PETITION. The court will fill out the 2-RULE TO SHOW CAUSE on INCIDENTAL MATTERS setting a hearing date. You must serve a notice of this court hearing date on your spouse.

NOTE: You will need your docket number and the date you filed your petition for other documents you file in your case. Keep your copy of the Petition for Divorce in a safe place.
 - 6a. **If your spouse is willing to waive service of process**, ask the Clerk of Court’s office for a “certified copy” of your Petition when you file. Hand or mail your spouse the certified copy of your divorce, along with the “Sworn Affidavit of Waiver of Service and Process,” which is marked “(3a – WAIVER).” He/She will need to find a notary and sign the WAIVER in the notary’s presence, then return the waiver back to you or file it directly with the Clerk of Court. If your spouse doesn’t file it for you, you must file the WAIVER with the Clerk of Court. After the WAIVER is properly *signed and notarized*, then you must wait three hundred sixty-five (365) days without a [reconciliation](#) before moving on to Step 7 below.

NOTE: For a definition of reconciliation, go to <https://louisianalawhelp.org/resource/divorce-dictionary/BE7390C6-171C-4EB0-8A18-D9C5F50C14F5>.
 - 6b. **If regular service is required on your spouse and your spouse lives in Louisiana**, you must provide your spouse’s information at the end of the PETITION. Check back with the Clerk of Court’s office about 1-2 weeks after you have filed your case to see if the Sheriff served your spouse. Once the Clerk of Court’s office tells you that your spouse has been served, you must wait at least three hundred sixty-five (365) days from the date your spouse was served and without a [reconciliation](#) before moving on to Step 7 below.

- 6c. **If regular service is required on your spouse and your spouse lives in another state**, ask the Clerk of Court for a “certified copy” of your Petition and a “Citation for Long Arm Service” when you file your court papers. Have the certified copy of the Petition delivered to your out-of-state spouse at his/her physical address either by **United States Postal Service certified mail** or a **commercial delivery service** (like FedEx or UPS). You **must** have a return receipt or proof of delivery to submit to the court. Once you receive the return receipt or proof of delivery, fill out the AFFIDAVIT OF LONG ARM SERVICE, which is marked “(3b – LONG ARM)” and sign it in front of a notary. Then, file that document and your proof of delivery in your case with the Clerk of Court. You must then wait three hundred sixty-five (365) days from the date you **filed** the AFFIDAVIT OF LONG ARM SERVICE and without a [reconciliation](#) before moving on to Step 7 below.
7. **Wait the required time without reconciling and call the Clerk of Court to check the status of your case.** You must live separate and apart for three hundred sixty-five (365) days without a reconciliation. Make sure your spouse has not filed an “Answer” or other pleading. If your spouse has filed an “Answer” to the lawsuit, check with the court to see if any hearings have been scheduled. When you call, ask the Clerk of Court staff whether you are required to file the form titled “[APPENDIX 27.0A: LA. C.C.P. ART. 102 DIVORCE CHECKLIST](#).” Also, ask the Clerk of Court if the assigned judge requires in-court testimony and not Affidavits of Correctness.
8. **Prepare your divorce paperwork.** The next step is to complete the form marked “(4-AFFIDAVIT)” and sign it in the presence of a notary! Fill out the caption only on the RULE TO SHOW CAUSE WHY ART. 102 DIVORCE SHOULD NOT BE GRANTED marked “(5-RULE RE DIVORCE).” If the Clerk of Court told you that you **do not** have to fill out the “Appendix 27.0A Divorce Checklist” mentioned above, make sure you fill out the “Petitioner’s Certification” on the page marked “(7- JUDGMENT).” For the “Petitioner’s Certification,” you will need to know the date of service and whether it was [domiciliary or personal service](#). (See [LouisianaLawHelp.org/resource/understanding-service-of-process-article](#) for definitions of domiciliary and personal service.)
- 9a. **File your Rule to Show Cause.** Bring a copy and the original of: (i) the AFFIDAVIT (marked “(4-AFFIDAVIT)”), (ii) the RULE TO SHOW CAUSE WHY ART. 102 DIVORCE SHOULD NOT BE GRANTED marked “(5-RULE RE DIVORCE)”), (iii) the JUDGMENT OF 102 DIVORCE WITH MINOR CHILDREN marked “(7-JUDGMENT),” and (iv) the completed Appendix 27.0A DIVORCE CHECKLIST (if necessary) to the Clerk of Court’s office. Ask the Clerk of Court to file them. Later, the court will fill out the 5-RULE RE DIVORCE setting a hearing date. You must have this document served on your spouse.
NOTE: The rule to show cause why the 102 divorce should not be granted should be filed within two years of service of the Petition on the Defendant or of the Defendant’s execution of waiver of service of the original petition. If the rule is not filed within this time, you may have to re-file a petition for divorce and pay the filing costs again.
- 9b. **If your spouse is willing to waive service of process**, then ask the Clerk of Court’s office for a “certified copy” of the Rule when you file. Hand or mail your spouse the certified copy of your divorce, along with the “Waiver of Service of Rule for 102 Divorce,” which is marked “(6-WAIVER).” Your spouse must find a notary and sign the WAIVER in front of the notary’s presence, then return the waiver back to you or file it directly with the Clerk of Court. If your spouse doesn’t file it for you, then you must file the WAIVER with the Clerk of Court.
10. **Attend your court hearing and file for your Judgment of Divorce.** Be prepared to attend the hearing on the date listed in the 5-RULE RE DIVORCE. You may want to bring a copy of the JUDGMENT OF 102 DIVORCE WITH MINOR CHILDREN marked “(7-JUDGMENT)” with you. The court may take testimony of the parties before ruling. Alternatively, the court may waive the appearance of the parties and issue its ruling and completing the JUDGMENT.

You are considered legally divorced as of the date your Judge has **signed** your JUDGMENT OF 102 DIVORCE WITH MINOR CHILDREN. If you were granted “In Forma Pauperis” status, then the court should send you a certified copy of your Default Judgment of Divorce. If not, you can request one for a fee. Keep this certified copy for your records.

All litigants are better off when represented by a licensed lawyer. For help finding representation, visit bit.ly/legal-referrals or www.LSBA.org/goto/FindLegalHelp. If you do not understand a legal term, need to have a hearing in open court, or need to clarify the correct response or application to your situation, you may seek advice from a lawyer or more information from the following resources:

Law Library of Louisiana: www.lasc.libguides.com/resources-for-self-represented-litigants

Louisiana Civil Legal Navigator: www.louisianalegalnavigator.org

Louisiana LawHelp: www.louisianalawhelp.org

Free Legal Answers: LA.freelegalanswers.org

_____*_____**JUDICIAL DISTRICT COURT**
PETITIONER*
VERSUS*DOCKET NO: _____ DIV. _____
_____*_____
DEFENDANT*_____ PARISH, LOUISIANA

PETITION FOR 102 DIVORCE WITH MINOR CHILDREN
WITH REQUEST FOR INCIDENTAL RELIEF

The petition of _____, *(print your name)*
a major domiciled in the County/Parish of _____, *(print name of county/parish where you live)* State of _____, respectfully represents that this court is
the appropriate venue because: *(check all that apply)*

- ☐ Petitioner is domiciled in the parish of filing.
- ☐ Defendant is domiciled in the parish of filing.
- ☐ The parties last lived together as spouses in the parish of filing.

1.

Made Defendant is _____, *(print spouse’s name)*
a major currently domiciled in the County/Parish of _____, *(print name of county/parish where your spouse lives)* State of _____.

2.

The parties were married on the _____ day of _____, _____ *(print date of marriage)* in _____ County/Parish, State of _____, *(print county/parish and state where you and your spouse were married)* and last lived as spouses in _____ County/Parish, State of _____.

3.

Petitioner and Defendant are living separate and apart as of the date this Petition was filed and intend to live separate and apart continuously, and without reconciling, for 365 days from service of the petition and **before** filing a rule to show cause why a divorce should not be granted.

4.

There are _____ *(print number of minor children)* minor children of the marriage, whose names and ages, are: *(print your child(ren)’s name(s) and age(s) from oldest to youngest, separated by commas)* _____

(1a - PETITION)

5.

Petitioner believes it is in the best interest of the minor child(ren) that any custody order issued in connection with this Petition be rendered as follows: **(Check ONE of the following AND write a brief factual statement)**

☐ Petitioner requests that the parties be awarded joint custody with no designation of a domiciliary parent and the parties will submit a Joint Custody Implementation Plan, which will outline when each parent spends time with the child(ren) and who is responsible for making decisions about the child(ren).

☐ Petitioner requests that the parties be awarded joint custody, with _____ designated as domiciliary parent, and with the parties sharing equal time with the minor child(ren) as follows: _____.

☐ Petitioner requests that the parties be awarded joint custody, with _____ designated as domiciliary parent, and with custodial periods awarded to _____ as follows: _____.

☐ The minor child(ren) are no longer in the care, custody, and control of either Petitioner or Defendant; and therefore, custody is not an issue.

☐ Petitioner requests that *sole custody* be awarded subject to one of the following visitation plans being implemented: **(check only ONE of the following subparagraphs)**

☐ Petitioner requests that the Defendant be awarded reasonable visitation as follows: _____.

☐ Petitioner requests that the Defendant be awarded supervised visitation as follows: _____.

☐ Petitioner requests that the Defendant not be awarded any visitation for the following reasons: _____.

6.

Petitioner believes the custody arrangement requested is in the best interest of the child(ren) for the following facts and reasons: _____

_____.

(1a - PETITION)

7.

(Check ONE of the following)

☐ Petitioner requests that Defendant be ordered to pay child support because Defendant has income or is capable of earning sufficient money to contribute to the support of the minor child(ren) and asks the Court to order the Defendant to pay child support.

☐ No child support is requested in this pleading at this time.

8.

Statement regarding spousal support, Petitioner: *(check the ONE that applies)*

☐ Is unable to support his/herself during the pendency of this proceeding and asks the Court to order the Defendant to pay interim spousal support to him/her.

☐ Is not asking for spousal support.

9.

☐ *(Check if applicable)* Petitioner is asking for use and occupancy of the former marital residence located at _____, or, alternatively, for reasonable rental income should the defendant is granted the use and occupancy of the former marital residence. *(If you do not need this, do not check the box.)*

10.

☐ Petitioner *(check, if applicable)* wishes to have his/her name last name confirmed as _____.

☐ Defendant *(check, if applicable)* wishes to have his/her name last name confirmed as _____.

[If you or your spouse took the other's last name during the marriage and want to return to: (1) a pre-marriage last name, (2) the name of your/their minor children, or (3) the last name on a birth certificate, print the last name here. Do not check this off for your spouse unless you have asked, and your spouse has told you their preferred last name. If you do not need this (or it is not important to you), do not check the boxes.]

11.

The Defendant is not an active-duty service member with the U.S. Armed Forces or its allies, as defined by the Servicemembers Civil Relief Act (SCRA), and the spouses did not enter a covenant marriage.

12.

☐ *(Check if filing IFP)* Petitioner, due to poverty and want of means, is unable to pay the costs of this suit and desires to file and prosecute this action under the provisions of LA C.C.P. Articles 5181-5188. *(If you do not need this, do not check the box.)*

(1a - PETITION)

WHEREFORE, Petitioner prays that after all legal delays and the requirements of law are met, that there be judgment granting petitioner a divorce, that the requested pre-marriage name(s) be confirmed, and for all general and equitable relief.

PETITIONER FURTHER PRAYS that: *(select one of the following)*

- ☐ Petitioner be cast with the costs of these proceedings.
- ☐ Defendant be cast with the costs of these proceedings.
- ☐ The parties share the costs of these proceedings in equal amounts.

FURTHER, PETITIONER ASKS THE COURT TO SET A HEARING TO: *(select all that apply)*

- ☐ Establish legal and physical custody of the minor children.
- ☐ Establish child support for the benefit of the minor children.
- ☐ Establish interim spousal support.
- ☐ Award use and occupancy of the former family residence or, alternatively, for

reasonable rental reimbursement if the defendant is granted use and occupancy of the former family residence.

- ☐ Award of separate property upon proof that the spouses have lived separate and apart without reconciliation for at least thirty days from the date of, or prior to, the filing of the petition for divorce.
- ☐ Other relief requested: _____.

Respectfully submitted by:

PETITIONER, Self-Represented *(signature)*
Print your name and address:

Telephone No. _____

Email Address* _____

****(Provide a private and secure email address. You must regularly check this address because you may be served official court documents during the case).***

(1a - PETITION)

(Check one of the service options below)

CLERK OF COURT:

- ☐ **NO SERVICE IS REQUIRED AS THE DEFENDANT WILL ACCEPT SERVICE**
(Please provide the Petitioner a certified copy of the Petition)
- ☐ **PETITIONER WILL COMPLETE LONG ARM SERVICE**
(Please provide the Petitioner a certified copy of the Petition and a Citation for Long Arm Service)

PLEASE SERVE DEFENDANT:

(Fill in name and physical home or work address)

Best days/times to serve: _____

(1a - PETITION)

PETITIONER

VERSUS

DEFENDANT

*

*

*

*

*

_____ JUDICIAL DISTRICT COURT

DOCKET NO: _____ DIV. _____

_____ PARISH, LOUISIANA

VERIFICATION

STATE OF _____
PARISH/COUNTY OF _____

BEFORE ME, the undersigned authority, personally came and appeared:

PETITIONER

who, after being duly sworn, did depose and say that:

I am the petitioner in the above-entitled matter, and all the allegations contained in the petition are true and correct to the best of the Petitioner’s knowledge, information, and belief.

PETITIONER (Affiant) Signature

SWORN TO AND SUBSCRIBED before me, notary, this _____ day of _____, 20____.

NOTARY PUBLIC

(Print name and notary/bar roll number)

(1b - VERIFICATION)

_____	*	_____ JUDICIAL DISTRICT COURT
PETITIONER	*	
	*	
VERSUS	*	DOCKET NO: _____ DIV. _____
	*	
_____	*	_____ PARISH, LOUISIANA
DEFENDANT	*	

RULE TO SHOW CAUSE SETTING HEARING ON INCIDENTAL MATTERS

Considering this 102 Divorce with minor children based on living separate and apart after filing petition and the relief sought therein, which was properly served on the Defendant:

IT IS ORDERED that the Defendant, _____, show cause on _____ day of _____, 20__ at _____ o'clock __.m. before the Hearing Officer and on _____ day of _____, 20__ at _____ o'clock __.m. before the Judge why the relief sought in the Petition should not be granted.

This _____ day of _____, 20__ , at _____, Louisiana.

DISTRICT JUDGE

(Check one of the service options below)

CLERK OF COURT:

- ☐ **NO SERVICE IS REQUIRED AS THE DEFENDANT WILL ACCEPT SERVICE**
(Please provide the Petitioner a certified copy of the Petition)
- ☐ **PETITIONER WILL COMPLETE LONG ARM SERVICE**
(Please provide the Petitioner a certified copy of the Petition and a Citation for Long Arm Service)

PLEASE SERVE DEFENDANT:

(Fill in name and physical home or work address)

Best days/times to serve: _____

_____	*	_____ JUDICIAL DISTRICT COURT
PETITIONER	*	
	*	
VERSUS	*	DOCKET NO: _____ DIV. _____
	*	
_____	*	_____ PARISH, LOUISIANA
DEFENDANT	*	

WAIVER OF SERVICE AND NOTICE OF PETITION FOR 102 DIVORCE

*[*NOTE: THIS PLEADING CANNOT BE DATED OR FILED UNTIL AFTER THE PETITION FOR 102 DIVORCE IS FILED]*

STATE OF _____
COUNTY/PARISH OF _____

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in this state, personally appeared:

DEFENDANT

Who, after being duly sworn, did depose and state that they are the Defendant in the above and foregoing numbered and entitled cause and that:

- 1. Defendant acknowledges and accepts receipt of a certified copy of the Petition for 102 Divorce with children based on living separate and apart after filing petition and request for incidental relief on _____ in the above numbered and entitled case;
- 2. Defendant expressly waives the issuance of formal citation, service of process, all legal delays, and the special notice required by R.S. 13:3491; and
- 3. Defendant would like to revert to their pre-marriage name of _____.
(Put a line through this sentence if you do not need to change your last name.)

Defendant (Affiant) signature

(Print name)

SWORN TO AND SUBSCRIBED BEFORE ME, NOTARY PUBLIC,
THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

(Print name and notary/bar roll number)

(3a – WAIVER)

_____	*	_____ JUDICIAL DISTRICT COURT
PETITIONER	*	
	*	
VERSUS	*	DOCKET NO: _____ DIV. _____
	*	
_____	*	_____ PARISH, LOUISIANA
DEFENDANT	*	

AFFIDAVIT OF LONG ARM SERVICE

STATE OF _____
PARISH/COUNTY OF _____

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in this state,
personally appeared:

PETITIONER

Who, after being duly sworn, did depose and state that they are the Petitioner in the above and
foregoing numbered and entitled cause and that: **(check one)**

☐ Petitioner sent a certified copy of the Petition for 102 Divorce and Citation by registered or
certified mail, after having enclosed it in an envelope properly addressed to the Defendant, with
sufficient postage affixed, and deposited in the United States mail on _____
(write in the date you mailed the documents by registered/certified mail). The return receipt from
the postal service of the Defendant is attached to this affidavit and will be filed into the record.

☐ Petitioner used the services of _____ **(write in the commercial delivery
service you used)**, a commercial courier, to make delivery of a certified copy of the Petition for
102 Divorce and Citation. The delivery was made on _____ **(write in the date the
delivery was made)** at the following address: _____ **(write
in the delivery address)**. The confirmation of delivery is attached to this affidavit and will be filed
into the record.

Petitioner (Affiant) Signature

SWORN TO AND SUBSCRIBED BEFORE ME, NOTARY PUBLIC,
THIS _____ DAY OF _____, 20 _____.

NOTARY PUBLIC

(Print name and notary/bar roll number)

(3b – LONG ARM)

_____	*	_____ JUDICIAL DISTRICT COURT
PETITIONER	*	
	*	
VERSUS	*	DOCKET NO: _____ DIV. _____
	*	
_____	*	_____ PARISH, LOUISIANA
DEFENDANT	*	

AFFIDAVIT

*[*NOTE: THIS PLEADING CANNOT BE EXECUTED UNTIL AFTER 365 DAYS HAVE PASSED SINCE THE DEFENDANT WAS SERVED OR ACCEPTED SEVICE.]*

STATE OF _____

PARISH/COUNTY OF _____

BEFORE ME, the undersigned notary public, personally came and appeared:

PETITIONER

Who, being duly sworn, did depose and state:

- That Petitioner is a person of the full age of majority and who, when the petition was filed, was domiciled in _____ County/Parish, State of _____; *(print name of county/parish and state where you lived at the time the petition was filed)*
- That they are the Petitioner in the above entitled and numbered action and filed the original petition for 102 Divorce on _____; *(print the date the Petition was filed with the Clerk of Court)*
- That the Defendant is a major who is currently domiciled in _____ County/Parish, State of _____; *(print name of county/parish and state where your spouse lives)*
- That Petitioner and Defendant were married on the _____ day of _____, _____; *(print date of marriage)*
- That Petitioner and Defendant have are _____ (print number of minor children) minor children of the marriage, whose names and ages, are (print your child(ren)’s name(s) and age(s) from oldest to youngest, separated by commas): _____

 _____.

6. Petitioner served Defendant with the Petition for 102 Divorce by: *(check the one that applies)*

- ☐ The Defendant was served with the Petition for 102 by the Sheriff on _____.
(Print the date the Sheriff serviced the Defendant) [Note: A copy of the Sheriff's return MUST be in the record.]
- ☐ The Defendant executed an Acceptance and Waiver of Service which was filed into this record on _____. *(Print the date the Waiver was filed in the court record)*
- ☐ The Defendant was served via long arm statute and the Affidavit of service, including the green card, was filed on _____, *(print the date the Affidavit and return receipt were filed in the court record)* which was at least 30 days prior to the filing of this Rule.

7. Petitioner and Defendant have lived separate and apart since _____, *(print the date of physical separation)* a period of _____ days after service of process was either made on Defendant by the Sheriff, Long Arm Service or after the Defendant signed an Acceptance and Waiver of Service. Petitioner and Defendant are still living separate and apart, have not reconciled since their separation, and therefore the legally required period of time required to obtain this divorce has elapsed;

8. That Petitioner desires to obtain a divorce under Civil Code Article 102 based on living apart after filing the Petition; and

9. The Defendant is not an active-duty service member with the U.S. Armed Forces or its allies, as defined by the Servicemembers Civil Relief Act (SCRA), and the spouses did not enter a covenant marriage.

PETITIONER

SWORN TO AND SUBSCRIBED before me, on this _____ day of _____
20____.

NOTARY PUBLIC

(Print name and notary/bar roll number)

_____	*	_____ JUDICIAL DISTRICT COURT
PETITIONER	*	
	*	
VERSUS	*	DOCKET NO: _____ DIV. _____
	*	
_____	*	_____ PARISH, LOUISIANA
DEFENDANT	*	

RULE TO SHOW CAUSE WHY ART. 102 DIVORCE SHOULD NOT BE GRANTED

*[*NOTE: THIS PLEADING CANNOT BE FILED UNTIL AFTER 365 DAYS HAVE PASSED SINCE THE DEFENDANT WAS SERVED OR ACCEPTED SEVICE. SEE REQUIRED CHECKLIST FOR ADDITIONAL INFORMATION.]*

Considering this 102 Divorce with minor children based on living separate and apart after filing petition and the relief sought therein was properly served on the Defendant, the requisite time period of 365 days since service of the petition has elapsed, and the parties have lived separate and apart continuously for at least 365 days:

IT IS ORDERED that the defendant to show cause on the _____ day of _____, 20____ at _____ o'clock __.m. why a final judgment of divorce should not be granted.

This _____ day of _____, 20____, at _____, Louisiana.

DISTRICT JUDGE

(Check one of the service options below)

CLERK OF COURT:

☐ **NO SERVICE IS REQUIRED AS THE DEFENDANT WILL ACCEPT SERVICE**

(Please provide the Petitioner a certified copy of the Petition)

☐ **PETITIONER WILL COMPLETE LONG ARM SERVICE**

(Please provide the Petitioner a certified copy of the Petition and a Citation for Long Arm Service)

PLEASE SERVE DEFENDANT:

(Fill in name and physical home or work address)

Best days/times to serve: _____

(5 – RULE TO SHOW CAUSE)

_____	*	_____ JUDICIAL DISTRICT COURT
PETITIONER	*	
	*	
VERSUS	*	DOCKET NO: _____ DIV. _____
	*	
_____	*	_____ PARISH, LOUISIANA
DEFENDANT	*	

WAIVER OF SERVICE OF RULE FOR 102 DIVORCE

STATE OF _____
COUNTY/PARISH OF _____

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in this state,
personally appeared:

DEFENDANT

Who, after being duly sworn, did depose and state that they are the Defendant in the above and foregoing numbered and entitled cause and that:

1. Defendant acknowledges and accepts receipt of the Rule to Show Cause Why Divorce Should Not Be Granted filed on _____ (*print the date the Rule was filed into the court record*) in the above captioned and numbered matter.
2. Defendant expressly acknowledges, accepts, and waives service of a certified copy of said pleading and notice, all legal delays, notice of the hearing, appearance at the hearing, and the special notice required by R.S. 13:3492.

Defendant (Affiant) signature

(*Print name*)

SWORN TO AND SUBSCRIBED BEFORE ME, NOTARY PUBLIC,
THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

(*Print name and notary/bar roll number*)

(6 – WAIVER)

_____	*	_____ JUDICIAL DISTRICT COURT
PETITIONER	*	
	*	
VERSUS	*	DOCKET NO: _____ DIV. _____
	*	
_____	*	_____ PARISH, LOUISIANA
DEFENDANT	*	

JUDGMENT OF 102 DIVORCE with MINOR CHILDREN

☐ This matter came for hearing on the ____ day of _____, 20____, on Petitioner’s Rule to Show Cause Why the 102 Divorce with minor children should not be granted. Parties who were present were: ☐ Petitioner ☐ Defendant. The parties were sworn and testimony was taken.

OR

☐ The Court, having considered the entire record in this matter, waived the appearance of the parties.

Based on the evidence submitted and the record, the Court enters Judgment as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that Petitioner _____ (*print name*) is hereby granted a divorce on the grounds that the parties have lived separate and apart continuously and without reconciliation for a period of 365 days or more, and that there are minor children of the marriage, as per Civil Code Article 102.

☐ (*Check if applicable*) **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that:

- ☐ Petitioner’s last name is confirmed as _____, (*print your pre-marriage last name, if required*) which is his/her pre-marriage last name.
- ☐ Defendant’s last name is confirmed as _____, (*print your spouse’s pre-marriage last name, if required*) which is his/her pre-marriage last name.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs associated with these proceedings are assessed to:

- ☐ Each party shall pay their own costs
- ☐ Defendant (*because Petitioner was granted In Forma Pauperis status and prevailed in this matter*)
- ☐ _____ (*other cost arrangement*)

JUDGMENT RENDERED this _____ day of _____, 20____, at _____, Louisiana.

Clerk's Certification

Deputy Clerk

Date

Petitioner's Certification

Customer's Certification
(Sign and date below to indicate that you have reviewed the record)

I hereby certify that defendant:

- ☐ Was served via domiciliary/personal service (*circle one*) on _____. (*Write the date of service*)
- ☐ Was served by Long Arm Service on _____, (*write the date of service*) and the Affidavit of Long Arm Service was filed herein on _____. (*Fill in the date you filed the Affidavit of Long Arm Service*)
- ☐ Has executed a sworn Waiver of Service, which was filed herein on _____. (*Fill in the date you filed the waiver of service*)

Petitioner

Date _____

CLERK OF COURT:

Please send a copy of the judgment to both parties at the following addresses:

PETITIONER

(Fill in your name mailing address)

DEFENDANT

(Fill in your spouse's name mailing address)

(7 – JUDGMENT)