
(PETITIONER)

NO: _____ DIV. _____

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

(DEFENDANT)

STATE OF LOUISIANA

Filed: _____

Deputy Clerk

PETITION FOR DIVORCE PURSUANT TO LA C.C. ART. 102
WITH REQUEST FOR INCIDENTAL RELIEF

[Initial and complete the following information. If there are no initials or information is not provided, the court may not grant you relief.]

NOW INTO COURT comes _____, a person of the full age of majority and domiciled in the Parish/County of _____, State of _____ respectfully represents:

1.

Made Defendant herein is _____, a person of the full age of majority and domiciled in the Parish/County of _____, State of _____.

2.

The parties were married on _____, in the Parish/County of _____, State of _____.
[Date of Marriage]

3.

This court has jurisdiction because one or both spouses are domiciled in the State of Louisiana.

4.

This court is a court of proper venue because one of the following applies:
[Initial only ONE of the following:]

There are no children involved; and

_____ Either Petitioner or Defendant is domiciled in this parish;

OR

_____ This was the parish of the last matrimonial domicile of the parties.

There are minor children born or adopted during the marriage; and

_____ Either Petitioner or Defendant is domiciled in this parish;

OR

_____ This was the parish of the last matrimonial domicile of the parties.

5.

The parties 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 the following period of time prior to filing a rule to show cause why a divorce should not be granted: *[Initial only ONE of the following:]*

_____ 180 days if there were NO children born or adopted during the marriage who are minors as of the date the Petition is filed;

OR

_____ 365 days if there are children born or adopted during the marriage who are still minors as of the date the Petition is filed.

6.

_____ Neither party is an active member of the United States armed forces or any of its allies.

7.

_____ The parties did not contract or convert their marriage to a covenant marriage.

8.

Statement regarding children of the marriage: *[Initial the ONE statement that applies]*

_____ There are NO children born of this marriage. *[If this applies, skip to Paragraph 12.]*

_____ There are no children born or adopted during this marriage who are still minors on the date this Petition is filed. *[If this applies, skip to Paragraph 12.]*

_____ The names and dates of birth of the children who are minors on the date this Petition is filed are:

_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)
_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)
_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)	_____ (CHILD'S NAME)	_____ (DATE OF BIRTH)

9.

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:

[Initial 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; therefore, custody is not at issue.

_____ Petitioner requests that *sole custody* be awarded subject to one of the following visitation plans being implemented: *[Initial 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:

because

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

10.

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

[Attach additional page(s), if necessary].

11.

[Initial only ONE of the below paragraphs]

_____ Petitioner acknowledges that he/she has the right to seek child support by contacting the Louisiana Child Support Enforcement Agency and intends to do so.

OR

_____ 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.

OR

_____ No child support is requested.

12.

[Initial only ONE of the following paragraphs]

_____ I am unable to support myself during the pendency of this proceeding and ask the Court to order the Defendant to pay interim spousal support to me.

OR

_____ I am not asking for an award of spousal support.

13.

[Initial this paragraph only if you want the court to grant you this relief]

_____ I am asking for use and occupancy of the former family residence located at _____, or, alternatively, for reasonable rental income if the defendant is granted use and occupancy of the former family residence.

14.

[Initial this paragraph only if you want the court to grant you this relief]

_____ I am asking the Court to confirm the use of my maiden name which is:

_____ I am asking for 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.

15.

[Initial only ONE of the following paragraphs:]

_____ Each party will pay their own costs.

_____ Petitioner requests that the Defendant be cast with all costs for the following reason(s):

16.

Other relief requested by Petitioner *[include a brief factual statement]*:

WHEREFORE Petitioner prays that *[Initial ALL that apply]*:

_____ Defendant, _____, be served with a certified copy of

this Petition and notice as required by law;

_____ Petitioner is allowed to confirm the use of her the maiden name of

FURTHER, PETITIONER ASKS THE COURT TO SET A HEARING

[Initial 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.
- _____ Other relief requested:

PETITIONER FURTHER PRAYS that: *[Initial ONE of the following]*

- _____ Each party will pay their own costs.
- _____ Defendant is cast with the costs of these proceedings.

By signing below, I do hereby certify that all of the foregoing is true and correct to the best of my knowledge and understand that any false statements may constitute perjury and may subject me to being held in contempt of court.

Initials of Petitioner

Respectfully submitted,

(SIGNATURE)

(PRINTED FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)

_____ **DEFENDANT TO ACCEPT SERVICE**

OR

_____ **PLEASE SERVE:**

(DEFENDANT'S FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(DEFENDANT'S PHONE NUMBER)

(PETITIONER)

NO: _____ DIV. _____

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

(DEFENDANT)

STATE OF LOUISIANA

Filed: _____

Deputy Clerk

SELF-REPRESENTED LITIGANT
VERIFICATION OF PETITION FOR 102 DIVORCE

STATE OF _____ *[State where signed and notarized]*

PARISH/COUNTY OF _____ *[Parish/County where signed before Notary Public]*

BEFORE ME, Notary Public, came and appeared: _____

who, after being first duly sworn, deposed that he/she is the Petitioner in the above and foregoing numbered and entitled cause, has read the pleading, and that that all of the allegations of fact made in the Petition are true and correct.

Signature

SWORN TO AND SUBSCRIBED

before me, on this _____ day of _____, 20__

NOTARY PUBLIC, No.: _____

Printed Name of Notary: _____

My Notarial Commission Expires: _____

(PETITIONER)

NO: _____ DIV. _____

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

(DEFENDANT)

STATE OF LOUISIANA

Filed: _____

Deputy Clerk

RULE TO SHOW CAUSE SETTING HEARING ON INCIDENTAL MATTERS

Considering the Self-Represented Litigant Petition for 102 Divorce Based on Living Separate and Apart After Filing Petition and the relief sought therein:

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

Covington/Franklinton, Louisiana, this ____ day of _____, 20 __.

Judge

DEFENDANT TO ACCEPT SERVICE

OR

PLEASE SERVE:

(DEFENDANT'S FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(DEFENDANT'S PHONE NUMBER)

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

(PETITIONER)

NO: _____ DIV. _____

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

(DEFENDANT)

STATE OF LOUISIANA

Filed: _____

Deputy Clerk

WAIVER OF SERVICE AND NOTICE OF PETITION FOR 102 DIVORCE

State of _____

Parish/County of _____

BEFORE ME, the undersigned Notary Public, on the date mentioned below, personally came and appeared _____, who is the defendant in the above-captioned suit for divorce, and who after being duly sworn, did depose and say:

I have been furnished with a certified copy of the Self-Represented Litigant Petition for 102 Divorce Based on Living Separate and Apart After Filing Petition and Request for Incidental Relief filed on _____ entitled “_____”, bearing docket number _____ Division “___” on the docket of the 22nd Judicial District Court for the Parish of _____, State of Louisiana and notice issued by the Clerk of Court.

I do hereby formally and expressly acknowledge and accept service of a certified copy of said pleading and accompanying notice, and waive formal service of process, all legal delays, and the special notice required by R.S. 13:3491.

THUS SWORN TO AND SUBSCRIBED in the presence of the undersigned Notary Public the _____ day of _____, 20__.
Respectfully submitted,

(DEFENDANT’S SIGNATURE)

(PRINTED FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)

(EMAIL)

SWORN TO AND SUBSCRIBED

before me, on this _____ day of _____, 20__.

NOTARY PUBLIC, No.: _____

Printed Name: _____

My Commission Expires: _____

Seal:

[THIS PLEADING CANNOT BE FILED UNTIL EITHER 180 DAYS OR 365 DAYS AFTER THE DEFENDANT WAS SERVED OR ACCEPTED SERVICE. SEE REQUIRED CHECKLIST FOR ADDITIONAL INFORMATION.]

(PETITIONER)

NO: _____ DIV. _____

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

(DEFENDANT)

STATE OF LOUISIANA

Filed: _____

Deputy Clerk

RULE TO SHOW CAUSE WHY DIVORCE SHOULD NOT BE GRANTED

NOW INTO COURT comes Petitioner, _____, who respectfully represents to the Court as follows:

1.

A Petition for 102 Divorce Based on Living Apart After Filing Petition was filed in this case on _____
[Date the Petition was filed with Clerk of Court]

2.

Service information: [Initial the one that applies and provide the information requested]

_____ The Defendant was served with the Petition for 102 Divorce by the Sheriff on _____
[Date the Sheriff served the Defendant]. [A copy of the Sheriff's return MUST be in the record.]

_____ Defendant executed an Acceptance and Waiver of Service which was filed into this record on _____
[Date the Acceptance and Waiver of Service was executed]. [The original Acceptance and Waiver of Service MUST be in the record]

_____ Defendant was served via long arm statute (La. R.S. 13:3201, *et seq.*) and the Affidavit of service, including the green card, was filed on _____ which is at least thirty days prior to the filing of this Rule. [The Affidavit and return receipt MUST be in the record.]

3.

Petitioner and Defendant have lived separate and apart since _____
[Date of Physical Separation], a period of _____ days after service of process was either made on Defendant by the Sheriff or after the Defendant signed an Acceptance and Waiver of Service. Petitioner and Defendant have not reconciled since their separation and therefore the legally required period of time required to obtain this divorce has elapsed.

4.

Petitioner desires a divorce and asks that the Court order that a hearing be set to determine whether a divorce should be granted and require Defendant to appear before the Court on that date and time to be fixed by the Court.

WHEREFORE, Petitioner, _____, prays that a Rule to Show Cause be issued to the Defendant, _____, and that both the Petitioner and Defendant appear before this Court on a date and at a time to be fixed by the Court to determine why a Judgment of Divorce should not be granted and the Clerk of Court issue notice pursuant to La. R.S. 13:3492.

By signing below, I do hereby certify that all of the foregoing is true and correct to the best of my knowledge and understand that any false statements may constitute perjury and may subject me to being held in contempt of court.

Initials of Petitioner

Respectfully submitted,

(SIGNATURE)

(PRINTED FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)

STATE OF _____ [State where signed and notarized]
PARISH/COUNTY OF _____ [Parish/County where signed before Notary Public]

BEFORE ME, Notary Public, came and appeared: _____
who, after being first duly sworn, deposed that Affiant is the Petitioner in the above and foregoing numbered and entitled cause, that all of the allegations of fact made in the Rule to Show Cause Why Divorce Should Not Be Granted are true and correct, except those allegations made on information and belief; and that as to these, affiant believes them to be true.

Signature

SWORN TO AND SUBSCRIBED

before me, on this ___ day of _____, 20__.

NOTARY PUBLIC, No.: _____
Printed Name of Notary: _____
My Notarial Commission Expires: _____

ORDER

IT IS HEREBY ORDERED that a rule to show cause issue in the above-captioned matter directed to the defendant-in-rule to show cause on the ___ day of _____, 20__ at _____ o'clock a.m./p.m. why a judgment of divorce should not be granted.

Covington/Franklinton, Louisiana, this ___ day of _____, 20__.

JUDGE

[THIS PLEADING CANNOT BE DATED OR FILED UNTIL AFTER THE RULE TO SHOW CAUSE FOR 102 DIVORCE IS FILED]

(PETITIONER)

NO: _____ DIV. _____

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

(DEFENDANT)

STATE OF LOUISIANA

Filed: _____

Deputy Clerk

WAIVER OF SERVICE ON RULE FOR 102 DIVORCE

State of _____

Parish/County of _____

BEFORE ME, the undersigned Notary Public, on the date mentioned below, personally came and appeared _____, who is the defendant in the above-captioned suit for divorce, and who after being duly sworn, did depose and say:

I have been furnished with a certified copy of the Self-Represented Litigant Rule to Show Cause Why Divorce Should Not Be Granted filed on _____ entitled "_____" bearing docket number _____ Division "_____" on the docket of the 22nd Judicial District Court for the Parish of _____, State of Louisiana and notice issued by the Clerk of Court.

I do hereby formally and expressly acknowledge and accept 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.

THUS SWORN TO AND SUBSCRIBED in the presence of the undersigned Notary Public the _____ day of _____, 20__.

(DEFENDANT'S SIGNATURE)

(PRINTED FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)

(EMAIL)

SWORN TO AND SUBSCRIBED

before me, on this ___ day of _____, 20__.

NOTARY PUBLIC, No.: _____

Printed Name: _____

My Commission Expires: _____

Seal:

(PETITIONER)

NO: _____ DIV. _____

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF _____

(DEFENDANT)

STATE OF LOUISIANA

Filed: _____

Deputy Clerk

JUDGMENT OF DIVORCE

This matter came for hearing on the ____ day of _____, 20 ____, on Petitioner's Rule to Show Cause Why 102 Divorce Should Not Be Granted.

____ Present in court: _____, Petitioner/Self-Represented Litigant; and _____, Defendant/Self-Represented Litigant.

The parties were sworn and testimony was taken.

OR

____ The Court, having reviewed the pleadings submitted waived the appearance of the parties.

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

IT IS ORDERED, ADJUDGED AND DECREED that Petitioner, _____, is hereby granted an absolute divorce *a vinculo matrimonii* forever dissolving the bonds of matrimony that existed between Petitioner and Defendant.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner's right to use her maiden name of _____ is confirmed.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that court costs are allocated as follows:

____ Each party shall pay their own costs.

____ Defendant is cast with all costs.

Judgment read, rendered and signed in Open Court/Chambers in Covington/Franklinton, Louisiana, this ____ day of _____, 20 ____.

Judge