**SELF-REPRESENTED LITIGANT**

**PETITION FOR DIVORCE UNDER ARTICLE 103 (with children)**

**This form is intended for litigants who:**

* + Have children and wish to ask the court for a divorce under Louisiana Civil Code Article 103.

**Information you will Need:**

1. The exact date and location (parish) where you were married.
2. The location (parish) where you and your spouse last lived together.
3. The exact date when you and your spouse began living in separate homes.
4. The exact current address of your spouse.
5. The names and dates of birth of all children born of the marriage.

**Instructions:**

These instructions are meant to guide you through the process of **asking the court for a divorce.** There are multiple types of divorce in Louisiana and these forms address Civil Code Article 103 only.

This packet of forms is not legal advice and cannot take the place of the advice and/or representation that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action. When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.

1. Be sure you have the correct form.
2. Read all instructions before you begin.
3. Fill in the blanks with 100% accurate information- *any false statement made in court or written in a court document may constitute perjury.*
4. Print or type all information you provide.
5. Check all options that pertain to your situation.
6. Forms must be filed using legal size (8.5” x 14”) paper.

 **INSTRUCTIONS FOR FILING PETITION FOR**

**ARTICLE 103 DIVORCE WITH CHILDREN**

These instructions are meant to guide you through the process of asking the court for a divorce under Article 103 of the Louisiana Civil Code.

This packet of forms is not legal advice and cannot take the place of the advice and/or representation that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action. When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.

**YOU MUST MEET ALL OF THE FOLLOWING CONDITIONS TO USE THESE FORMS.**

* You want to divorce your spouse with whom you have children (born or adopted).
* You must live separate and apart from your spouse for at least three hundred sixty five (365) days before filing for divorce.
* You must **not** have entered into a covenant marriage.
* Your spouse is not an active member of the United States armed forces.

You will be filing your divorce “In Proper Person,” which means without any attorney representing you. As the person suing for divorce you will be called the **Petitioner** and your spouse will be called the **Defendant.** All the forms you need to file for a divorce are attached.

**HOW TO COMPLETE THE FORMS**

**PLEASE PRINT OR TYPE ALL INFORMATION CLEARLY!**  Make sure all of the blanks are filled in on all pages.

**A**. The first form is titled “**PETITION FOR DIVORCE”**. The Petition for Divorce includes an area titled “**VERIFICATION”**. You must sign this Verification *in the presence of a Notary Public*.

**B.** Bring your original **Petition for Divorce and Verification,** along with one photocopy,to the Clerk of Court in the parish where you live. Go to the Civil Department and tell the clerk you do not have a lawyer, and that you want to file for divorce. Ask the clerk to **stamp the date** on the copy of the petition you brought to keep for yourself.

**C. After the Petition is filed,** your spouse needs to be served with a copy of the petition. You can deliver it yourself if your spouse signs the **Acceptance of Service OR** you can have the Sheriff deliver (or “serve”) your spouse. If your spouse cannot or will not sign the Acceptance of Service document, you will need to request that the sheriff serve him/her.

 If you are going to have the Sheriff serve your spouse, let the Clerk’s Office know that you need for your spouse to be personally served by a Sheriff’s deputy. You need to give the clerk an address (home or work) where the sheriff can find your spouse to deliver the divorce papers. If the address is hard to find, give the clerk directions. You will need to check back with the Clerk’s Office to see if your spouse has been served. You may have to pay for this service and the amount varies by location.

**D.** If your spouse signed the **Acceptance of Service**, you should bring the signed form along with a **MOTION FOR PRELIMINARY DEFAULT** to the Clerk’s Office**.**

 If your spouse has been served by the sheriff, he/she is allowed fifteen (15) days from the date he/she was served to answer the suit. After 15 days, you will need to check with the Clerk’s office to make sure your spouse has not filed an answer or other pleading. **If your spouse has filed a motion in opposition to the divorce, these forms are no longer applicable and you will need to come to Court.**

 If your spouse has **NOT** filed anything in response to the petition you filed, **OR** if your spouse has signed the **Acceptance of Service,** take the form titled **MOTION FOR PRELIMINARY DEFAULT** to the Clerk’s office. Be sure to bring two (2) copies of the Motion for Preliminary Default along with the original. Ask the Clerk to give you a copy **stamped with the date** for you to keep, and to file the original. Ask to have the other copy of the Motion for Preliminary Default, which is marked with the date that the Judge signed it, sent to you.

**E.** You will receive acopy of the Preliminary Default in the mail. If granted, it should show the date the Preliminary Default was signed by the Judge. Now complete the form titled **AFFIDAVIT OF FACTS**. You must sign this form in the presence of a Notary Public. Bring the Affidavit of Facts and the **JUDGMENT OF DIVORCE** to the Clerk’s office. Ask the Clerk to have a Judge sign them. The judge may not grant the Divorce based on the affidavits, and instead may require you to appear in open court with two witnesses who have personal knowledge that you and your spouse have remained separate and apart for the required time without reconciling.

**F.** Once the Judgehas signed your **JUDGMENT OF DIVORCE,** the Clerk’s office will send you a certified copy of it. You are divorced as of the date of the Judge’s signature at the bottom of the Judgment of Divorce. Keep this certified copy for your records.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 17th JUDICIAL DISTRICT COURT**

**(Petitioner)**

**VERSUS DOCKET NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LAFOURCHE PARISH, LOUISIANA**

**(Defendant)**

**FILED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DEPUTY CLERK\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \***

**PETITION FOR DIVORCE UNDER CIVIL CODE ARTICLE 103**

**WITH MINOR CHILDREN**

 The petition of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*print your name*), a major domiciled in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Parish where you permanently reside*) Parish with respect represents:

**1.**

Made defendant is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (*print your spouse’s name)* a major currently domiciled in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Parish/County, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Parish/State where your spouse permanently resides)*.

**2.**

The parties were married on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, \_\_\_\_, (*date of marriage)* in \_\_\_\_\_\_\_\_\_\_\_\_ Parish/County, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*location of marriage)*. The parties last lived together in \_\_\_\_\_\_\_\_\_\_\_\_\_Parish/County, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*where you last lived together as husband and wife).*

**3.**

 Petitioner and defendant physically separated on the \_\_\_\_day of\_\_\_\_\_\_\_\_\_\_\_\_ (month), \_\_\_\_ (year), and have continued to live separate and apart with the intent to divorce since that time.

**4.**

The defendant is not an active member of the United States Armed Forces or any of its allies.

**5.**

 The parties did not contract a covenant marriage.

**6.**

.

 [NUMBER] children were born, adopted, or legitimated between the Petitioner and Defendant before or during the course of their marriage.

 [NUMBER] of children are minors, namely:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name DOB

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name DOB

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name DOB

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name DOB

 [NUMBER] children are of the full age of majority, namely:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name DOB

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name DOB

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name DOB

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name DOB

**7.**

 Petitioner requests and is entitled to a divorce under the provisions of Louisiana Civil Code Article 103(1), based on the parties having lived separate and apart for more than three hundred sixty five (365) days without reconciliation.

**8.**

Petitioner believes it is in the best interest of the child(ren) that the custody order be set as follows: (*please select* ***one*** *of the following)*

\_\_\_\_\_ Petitioner requests that the parties be awarded joint custody, with

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ designated as domiciliary parent, and with custodial periods awarded to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_ 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 Petitioner be awarded sole custody subject to one of the

following by the Respondent: (*please select an additional one of the following)*

\_\_\_\_\_ Petitioner requests that the Respondent be awarded reasonable visitation

as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_ Petitioner requests that the Respondent be awarded supervised visitation

 as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_ Petitioner requests that the Respondent be not be awarded any visitation

 because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**9.**

\_\_\_\_\_\_ Petitioner requests that an award of child support be ordered in accordance with applicable law.

**10.**

(*Please select* ***one*** *of the following.)*

 Petitioner and Defendant have not acquired community property during the

 marriage.

 Petitioner and Defendant have acquired community property during the marriage.

 Petitioner is entitled to a partition of the community property, by order of this court, existing between the parties and Petitioner does hereby reserve Petitioner’s right

 to a partition of the community property.

 Petitioner and defendant own property that is part of the community of acquets

 and gains, consisting principally of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Irreparable injury, loss or damage may otherwise result to petitioner since defendant will dispose of, encumber, or conceal such items of community property and it is thus necessary that a temporary restraining order issue, without bond and without prior notice, and then an injunction issue after hearing, enjoining the defendant from alienating, encumbering, donating, wasting, concealing, or destroying, any items of community property belonging to and in the name of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**11.**

 Petitioner/Defendant [circle one] wishes to keep the maiden name/married name [circle one] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_. (Note: The wife must request or agree to any name change.)

**12.**

(*please select* ***one*** *of the following)*

 Petitioner does not have the ability to pre-pay the court costs or to pay the costs as they accrue, and requests that Petitioner be allowed to file *in forma pauperis* under the Code of Civil Procedure Articles 5185-5188. The Uniform IFP (in forma auperis) form provided by the Clerk of Court is included with the petition.

 Petitioner is able to pay and will pay the court costs in addition to any service charge and tax.

 Petitioner requests that the Defendant be ordered to pay with all costs for said reasons: \_\_\_\_\_

 Petitioner requests that Defendant share equally in the court costs.

**WHEREFORE,** petitioner prays that after all legal delays and due proceedings, there be judgment granting petitioner a divorce in accordance with the provisions of Louisiana Civil Code Article 103.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(printed full name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(street address)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(city/state/zip code)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(telephone number)

**CLERK OF COURT:**

**\_\_\_\_\_\_ Defendant to accept service (**and sign “ACceptance of service”)

 **or**

**\_\_\_\_\_\_ please serve:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(defendant’s full name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(street address)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(city/state/zip code)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(telephone number)

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 17th JUDICIAL DISTRICT COURT**

**(Petitioner)**

**VERSUS DOCKET NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LAFOURCHE PARISH, LOUISIANA**

**(Defendant)**

**FILED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DEPUTY CLERK\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \***

**VERIFICATION**

**STATE OF LOUISIANA**

**PARISH OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**BEFORE ME, the undersigned Notary Public**, personally came and appeared:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner’s Name (Print)

who, after being duly sworn, did depose and say that he/she is the petitioner in the above entitled matter, and all of the allegations contained in the petition are true and correct to the best of his/her knowledge, information and belief. Furthermore, that there are no existing prior custody decrees involving the mentioned child(ren) in this state or any other state.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 AFFIANT

**SWORN TO AND** **SUBSCRIBED** before me, this\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTARY PUBLIC,** No.:\_\_\_\_\_\_\_\_\_\_\_

Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My Commission expires: \_\_\_\_\_\_\_\_\_\_

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 17th JUDICIAL DISTRICT COURT**

**(Petitioner)**

**VERSUS DOCKET NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LAFOURCHE PARISH, LOUISIANA**

**(Defendant)**

**FILED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DEPUTY CLERK\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*\* \* \* \* \***

**ACCEPTANCE OF SERVICE AND WAIVER OF CITATION AND ALL DELAYS**

**STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[STATE WHERE SIGNED AND NOTARIZED]**

**PARISH OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_ [PARISH WHERE SIGNED AND NOTARIZED]**

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (*Defendant)* who, after being duly sworn, did state that:

 Defendant acknowledges receipt of a certified copy of the above-captioned “PETITION FOR DIVORCE UNDER CIVIL CODE ARTICLE 103 WITH CHILDREN” entitled \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ v. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Party Names)* , filed \_\_\_\_\_\_\_\_\_\_\_\_\_ (*Filing Date)* with the docket number \_\_\_\_\_\_\_\_ of the 17th Judicial District Court for the Parish of Lafourche, State of Louisiana.

Defendant expressly and formally acknowledges and accepts service of a certified copy of the petition and waives the issuance of formal citation and service of process.

Defendant further waives all legal delays allowed by law, particularly those delays allowed for answering and/or excepting to the pleadings provided in Louisiana Code of Civil Procedure Articles 928, 1001, and 1002.

Defendant further waives notice of trial, and waives Defendant’s appearance at trial of this matter.

Defendant acknowledges that, by signing here, Petitioner will be allowed to go forward with this lawsuit in Defendant’s absence, and Defendant understands that Petitioner intends to do so.

Defendant acknowledges that Defendant may be ordered to pay some or all of the court costs in this proceeding.

Respectfully submitted,

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN PROPER PERSON (Printed Name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City State Zip

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Telephone Number

SWORN TO AND SUBSCRIBED

before me, on this day of , 20 \_\_ .

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC, No.: \_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name:

My Commission Expires:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 17th JUDICIAL DISTRICT COURT**

**(Petitioner)**

**VERSUS DOCKET NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LAFOURCHE PARISH, LOUISIANA**

**(Defendant)**

**FILED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DEPUTY CLERK\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*\* \* \* \* \***

**MOTION AND ORDER FOR PRELIMINARY DEFAULT**

**ON MOTION** **OF Petitioner**, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and on suggesting to this Honorable Court that:

A verified Petition for Divorce was filed in this matter on the \_\_\_ day of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (month), 20\_\_\_(*date the Petition for Divorce was originally filed with the Clerk of Court).* Defendant was served on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ (*date your spouse was served with a copy of the Petition.).*

**OR**

Defendant signed the Acceptance of Service which was filed with the Court on

the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (month), 20\_\_ (*date you filed the Acceptance of Service document).*

 No answer or other responsive pleading having been filed, petitioner now moves for entry of Preliminary Default under Code of Civil Procedure Article 1702(E).

 Respectfully submitted,

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 PETITIONER, In Proper Person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(printed full name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(street address)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(city/state/zip code)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(telephone number)

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 17th JUDICIAL DISTRICT COURT**

**(Petitioner)**

**VERSUS DOCKET NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LAFOURCHE PARISH, LOUISIANA**

**(Defendant)**

**FILED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DEPUTY CLERK\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CLERK’S CERTIFICATION**

I hereby certify that a review of the record reveals that no answer or other responsive pleadings have been filed in this cause.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Clerk

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

**ORDER**

 Considering the above Motion,

 **IT IS ORDERED** that a Preliminary Default be entered in the above captioned cause.

 THUS DONE AND SIGNED this \_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Louisiana.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DISTRICT JUDGE, DIVISION \_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 17th JUDICIAL DISTRICT COURT**

**(Petitioner)**

**VERSUS DOCKET NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LAFOURCHE PARISH, LOUISIANA**

**(Defendant)**

**FILED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DEPUTY CLERK\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*\* \* \* \* \***

**AFFIDAVIT OF FACTS**

**STATE OF LOUISIANA**

**PARISH OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner (Print name)

Who, being duly sworn, did depose and state:

1. That Petitioner is a person of the full age of majority and who is domiciled in

\_\_\_\_\_\_\_\_\_ Parish, Louisiana;

 2. That he/she is the petitioner in the above entitled and numbered action;

 3. That the defendant is a major currently domiciled in the Parish of

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. That petitioner and defendant were married on \_\_\_\_\_\_\_\_\_\_\_\_\_ (*date)*;

 5. Of the marriage, \_\_\_ child(ren) were born of the marriage, namely:

 (a). \_\_\_\_\_\_\_\_\_\_\_\_\_, d/o/b \_\_\_\_, who resides with *\_\_\_\_\_\_\_\_\_(print name of party)*

(b) \_\_\_\_\_\_\_\_\_\_\_\_\_, d/o/b \_\_\_\_, who resides with *\_\_\_\_\_\_\_\_\_(print name of party)* (c) \_\_\_\_\_\_\_\_\_\_\_\_\_, d/o/b \_\_\_\_, who resides with *\_\_\_\_\_\_\_\_\_(print name of party)* (d) \_\_\_\_\_\_\_\_\_\_\_\_\_, d/o/b \_\_\_\_, who resides with *\_\_\_\_\_\_\_\_\_(print name of party)* (e) \_\_\_\_\_\_\_\_\_\_\_\_\_, d/o/b \_\_\_\_, who resides with *\_\_\_\_\_\_\_\_\_(print name of party)*

6. That petitioner and defendant physically separated on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(day/month/year) and have remained living separate and apart without reconciliation since that time.

 7. That petitioner desires to obtain a divorce under Civil Code Article 103(1) on
 the basis of the parties having lived separate and apart without reconciliation

 for three hundred sixty five days (365) or more;

 8. That defendant is not a member of the Armed Forces or any of its allies;

 9. That the parties have not contracted a covenant marriage.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Petitioner signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(printed full name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(street address)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(city/state/zip code)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(telephone number)

 **SWORN TO AND SUBSCRIBED** before me, on this day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_

20\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC, No.:\_\_\_\_\_\_\_\_\_\_\_

Printed Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My Commission expires:\_\_\_\_\_\_\_\_\_\_

**CLERK’S CERTIFICATION**

I hereby certify that service was made on the defendant on \_\_\_/\_\_\_/\_\_\_\_\_ (date), a judgment for preliminary default was entered on \_\_\_/\_\_\_/\_\_\_\_\_ (date), and that no answer or opposition has been filed by the defendant as of \_\_\_/\_\_\_/\_\_\_\_\_ (date) at \_\_\_:\_\_\_ (am/pm).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Clerk

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 17th JUDICIAL DISTRICT COURT**

**(Petitioner)**

**VERSUS DOCKET NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LAFOURCHE PARISH, LOUISIANA**

**(Defendant)**

**FILED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DEPUTY CLERK\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*\* \* \* \* \***

**JUDGMENT OF DIVORCE**

This matter was considered pursuant to the provisions of Louisiana Civil Code Article 103(1) and Code of Civil Procedure Article 1702(E). The Court having considered the entire record of this matter and petitioner’s affidavit of facts and/or testimony given in open court, and the law and evidence in favor thereof, renders as follows:

 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that the preliminary default previously entered herein on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, be now confirmed.

 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that there be a judgment in favor of petitioner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and against defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, decreeing a divorce between the parties on the basis of the parties having lived separate and apart continuously and without reconciliation for a period of three hundred and sixty five (365) days or more as per Civil Code Article 103(1); **AND** that Petitioner/Defendant [circle one] is allowed to keep the maiden name/married name [circle one] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that \_\_\_\_\_\_\_\_\_\_\_\_\_

shall pay the court costs of these proceedings.

 **JUDGMENT RENDERED AND SIGNED**, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ , at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Louisiana.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DISTRICT JUDGE, DIVISION \_\_\_**

**Clerk to issue Notice**

JUDGMENT SUBMITTED BY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(printed full name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(street address)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(city/state/zip code)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(telephone number)