

# **ROADMAP TO SUCCESS: PETITIONER'S STEP-BY-STEP GUIDE TO COMPLETING YOUR DIVORCE**

## **Dissolution of Marriage/Domestic Partnership, Legal Separation, Nullity**

Legal processes are sometimes confusing and overwhelming. The information provided below is a step-by-step “roadmap” to help you reach your goal of finalizing your divorce.

### **NOTIFYING YOUR SPOUSE THAT YOU HAVE FILED FOR DIVORCE**

Now that you have filed your divorce petition with the Court, please be aware that **YOU ARE NOT YET DIVORCED! THE DIVORCE PROCESS TAKES A MINIMUM OF SIX MONTHS TO COMPLETE.** First, you must officially notify your spouse that you have filed these papers with the Court. This notification is called “service.” All of the papers that must be included in this service are listed below. Many are contained in the yellow packet that you just received from the court clerk. **Have someone other than you and over the age of eighteen** serve the following documents on your spouse:

1. Your completed Summons, Petition, and Declaration Under Uniform Child Custody Jurisdiction Enforcement Act;
2. A Notice of Case Management Conference (which includes your assigned court dates);
3. The yellow packet, containing: (a) Blank Case Management Conference Questionnaire; (b) Family Law Alternative Dispute Resolution information form; (c) Notice to Parties regarding Tentative Rulings - Appendix E; (d) Family Court Services Mediation Program; (e) Blank Declaration Under Uniform Child Custody Jurisdiction Enforcement Act form; (f) Blank Response; (g) Stipulation to Continue Case

Management Conference (Alternative Dispute Resolution); (h) Roadmap to Success: Respondent's Step-By-Step Guide to Completing your Divorce.

### **APPEARING IN COURT IF YOU HAVE NOT BEEN ABLE TO NOTIFY YOUR SPOUSE**

After serving these papers on your spouse, you must file a form with the Court called Proof of Service. If you do not do this within 45 days of the date that you filed your Petition with the Court, you will have to appear in court at the *Status Conference on Failure to Provide Proof of Service* to explain why you have not been able to complete the service. Your court date is on the Case Management Conference form given to you when you filed the Petition. If, however, the proof of service is filed 5 days before the date of your hearing, you do not need to come to court that day.

### **APPEARING IN COURT IF YOUR SPOUSE HAS NOT FILED A RESPONSE TO YOUR PETITION OR IF YOU HAVE NOT FILED A REQUEST TO ENTER DEFAULT**

If your spouse does not file a response and serve that response on you, or if you have not filed a Request to Enter Default within 90 days of the initial filing of the Petition, both you and your spouse must attend the *Status Conference regarding filing of the Response or Default*. Your Notice of Case Management Conference form has your court date. A Request to Enter Default may be filed if: (1) your spouse fails to file a response to your petition, or (2) you and your spouse have entered into a written agreement about all issues related to your divorce and you are not asking the Court to help you settle any outstanding issues. You do not need to come to court if the Response or the Notice of Entry of Default is filed 5 days before the hearing.

## **APPEARING IN COURT IF YOU OR YOUR SPOUSE HAVE NOT SERVED DECLARATIONS OF DISCLOSURE ON EACH OTHER AND FILED A DECLARATION REGARDING SERVICE OF THOSE DECLARATIONS WITH THE COURT**

This is not as confusing as it sounds! Both spouses must serve a form called Declaration of Disclosure on each other. This form is a checklist of key information about your income, property, assets, debts and other financial obligations that you must share with your spouse. You must attach other family law forms that you have completed to this Declaration of Disclosure. Once you have served your Declaration of Disclosure and all other required forms on your spouse, you must then file a Declaration Regarding Service of the Declaration of Disclosure with the Court, so that the Court has a record that you have completed this step.

If either spouse fails to (1) serve the Declaration of Disclosure on the other spouse or (2) file the Declaration Regarding Service of the Declaration of Disclosure with the Court within 110 days of filing of the Petition, then both parties must appear at an *Order to Show Cause hearing* to explain to the Court why this step has not been done. Your Notice of Case Management Conference form has your court date. If, however, each party has served the Declaration of Disclosure and each party's Declaration Regarding Service of the Declaration of Disclosure is filed 5 days before the hearing, you do not need to come to court.

## **APPEARING IN COURT AT THE FIRST CASE MANAGEMENT CONFERENCE**

The *First Case Management Conference* will occur approximately 180 days after the filing of the Petition. Your Notice of Case Management Conference form has your court date. **Both spouses must attend this court appearance** unless you have already received your divorce judgment from the Court. Before this court appearance, both spouses must serve a Case Management Conference Questionnaire on the other spouse and file a copy of

this form with the Court at least 5 court days prior to the First Case Management Conference.

**NOW FOR THE GOOD NEWS!** At this First Case Management Conference, the Court will provide expert assistants – such as lawyers, mediators, form completion assistants, child support experts, interpreters - right in the courtroom to help you and your spouse complete many, if not all, of your outstanding divorce issues. Many people will actually finish their divorce at this hearing. Others will resolve many of their issues and ask the Court to help resolve the remaining ones. The Court is committed to working with you to reach agreement on as many issues as possible at this hearing.

If not all issues are resolved at this hearing, the Court will review the status of your case and unresolved issues and will set up future hearings and other activities to help you move your case forward. These future activities may include: setting a settlement conference; setting the time for your trial or next case management conference or other hearing; scheduling discovery (the process where you and your spouse share additional information with each other); appointing court experts for you or your minor children; referring you to some form of alternative dispute resolution; or referring you to Family Court Services for custody and visitation mediation.