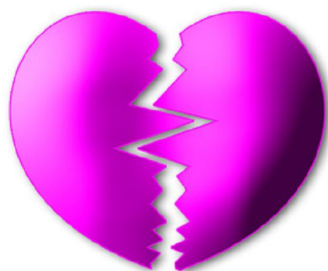




What Do I Need to File for Divorce?

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Overview

The planning process for divorce includes identifying the documents necessary to file a case. Divorce laws vary slightly from one jurisdiction to another in the United States. The documents used to initiate a marriage dissolution case largely are the same no matter where you happen to reside. The typical court clerk maintains a selection of forms for people who do not retain attorneys. These forms include the documents needed to commence a divorce. In addition to filing the correct documents, you must also satisfy related requirements to file for divorce.

Types

Of the documents necessary to file for divorce, the most fundamental item is the petition or complaint,

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according to "Nolo's Essential Guide to Divorce" by Emily Doskow. The petition or complaint sets forth basic information about your marriage and the essential facts relating to your desire to terminate your marriage. The summons is a document provided by the clerk that accompanies a copy of your divorce petition or complaint when served on your spouse by the sheriff. Together, these forms commonly are called divorce papers. The summons provides your spouse with specific information about when and how to respond to the petition or complaint.

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Effects

In addition to starting your divorce case, once the summons and petition or complaint are served on your spouse, the court has what is known as jurisdiction over her, according to "Nolo's Essential Guide to Divorce." Jurisdiction is the legal term meaning the court has the ability to enter orders effecting the interests of both you and the other party to the divorce.

Costs

In making a list of what you need to file for divorce, keep in mind the filing fee. The amount of money necessary to start a divorce case varies from court to court. A rough range of filing fees charged in different locations runs between \$75 and \$200. The court clerk provides specific information about filing fees. If you truly find yourself financially unable to pay the filing fee, the court clerk maintains either a motion, application or affidavit seeking to have the fee waived or payment delayed because of your financial status.

Separation Requirement

Another element you must satisfy to file for divorce is meeting the separation requirement to seek a marriage dissolution. In other words, prior to filing for divorce you must separate from your spouse for a set period of time, according to "The Complete Divorce Handbook: A Practical Guide" by Brette McWhorter Sember. The separation requirement differs sharply across the country. Some states have no separation requirement. Other states require a period of separation of one year.

Warning

Divorce law and procedures represent complicated legal matters. Consider retaining the services of an attorney to assist you in preparing for and in pursuing a divorce case. The American Bar Association maintains resources to put you in touch with local and state bar organizations. These groups provide directories of lawyers who practice in different areas of the law, including divorce.



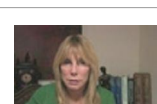
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References

- "Nolo's Essential Guide to Divorce"; Emily Doskow; 2008
[Cornell University Law School: Divorce Overview](#)
- "The Complete Divorce Handbook: A Practical Guide"; Brette McWhorter Sember; 2009

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Last updated on: 06/22/10

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