

GUIDE TO COMPLETING UNCONTESTED DIVORCE

General Rules:

1. You will need to contact the Clerk of Court to schedule your final hearing.
2. Be sure to bring any publication notices, etc. (if required).
3. Bring the final decree form with you to Court, hand it to the Judge and follow the accompanied dialogue.

Uncontested Divorce Actions (Uniform Superior Court Rule 24.6):

1. By written consent of both parties to a hearing, the divorce may be granted any time 31 days after service or upon filing an Acknowledgment of Service.
2. In an unanswered action, a divorce may be granted any time 46 days after service, unless the time for response has been extended by Court Order, and there are no children involved.
3. A divorce action served by publication may be granted 61 days or more after the date of the first publication in the Legal Organ (Newspaper) in the County the petition was filed.
4. For uncontested divorces where minor children are involved, the parties are required to attend "In the Best Interest of the Children" seminar before getting the divorce completed.

Calculation of Days:

When filing of an Acknowledgment of Service, count each day, including weekends. If the 30th day falls on a weekend or holiday, count the next working day as the 30th day and come in on the 31st day. A divorce filed without a consent for trial must wait 45 days. The same rule applies if the 45th day falls on weekends or holidays. If serving by publication, time is calculated 61 days after the first publication. Count the next day after publication as the first day. The same rule applies if the 61st day falls on weekends or holidays.

DIALOGUE FOR UNCONTESTED DIVORCE DECREES

When the Judge calls the name of your case, come forward to the place

designated and when told by the Court to proceed, use essentially the following dialogue:

1. My name is _____. I have lived in _____ County the last _____ (months)(years).
2. My spouse's name is _____ and he or she has also lived in _____ County for the last _____ (months)(years).

OR

My spouse lived in _____ County at the time I filed this divorce action but he or she has left the county and I do not know his or her whereabouts at this time.

OR

My spouse left on or about _____ (date) and I have no contact with him or her since then.

3. My spouse and I were married on _____ (date) and we separated on or about _____ (date).
4. Our marriage is irretrievably broken, there are no hopes for reconciliation, and we cannot and will not live together in the future. Other legal grounds may be used instead of the ground of "irretrievably broken."
5. If applicable: My spouse and I have reached a Contract of Settlement signed by us on _____ (date) and that agreement settles all matters of custody, child support, alimony, property division, and debts, etc.
6. Tell the Judge whether there are any minor children of the marriage and that you have attended the divorcing parent's seminar and filed your Certificate of Attendance with the Clerk of Court. Also, requirements of the Child Support Guidelines law that came into effect **January 1, 2007**, must be followed or substantially complied with by both parties.

7. I am asking that the Judge adopt the settlement agreement made between me and my spouse and I am asking that the Judge grant a divorce decree.
8. If applicable: I am also asking that the Judge restore my maiden name to me,
which is _____.
9. When the Judge has signed the decree, it is appropriate to say "Thank you, your Honor, may I be excused?" If the Judge replies, "yes," you may leave.