

DIVORCE BY AFFIDAVIT - REQUIRED DOCUMENTS AND TIPS FOR LAWYER-MEDIATORS AND COUNSEL

Required Documents/Fees

- Financial Disclosure Statement signed by each party
- Stipulation for Judgment upon Affidavit (Divorce by Affidavit)
- Affidavit for Request for Granting Divorce without a final hearing signed by each party
- Marital Settlement Agreement signed by both parties
- Proposed Findings of Fact, Conclusions of Law/Judgment
- Parties Approval of Findings of Fact, Conclusions of Law/Judgment
- Divorce / Annulment Worksheet
- Abridgement of Surname (if applicable)
- \$5 Docket fee must be paid

If the parties have minor children:

- Parenting Education Certificates for both parties
- Proposed parenting plan

Helpful tips:

When submitting the document into CCAP, use the term “Divorce by Affidavit” in the title of the Stipulation for Judgment upon Affidavit, the parties’ affidavits and the FFCLJD, to enhance the Clerk’s ability to locate the documents in the queue. The term need not be on the document itself, but should be on the CCAP title.

Examples:

“Stipulation for Divorce by Affidavit”

“Joint Petitioner-Wife – Affidavit - Divorce by Affidavit”

“Proposed – FFCLJD – Divorce by Affidavit”

Hold your filing until after the 100th day of the waiting period, and list the 120th day in your cover letter. It is easier for you to amend the document pre-filing than to amend and resubmit.

A case with a DBA filing will be set for dismissal 45 days after the DBA documents are filed. If a DBA is rejected, an order will be generated that requires the lawyer-mediator or counsel to contact the trial court to obtain a pretrial prior to the dismissal date, or the case will be dismissed