

How to file for Divorce when the Husband and Wife agree (Joint Petition for Divorce)

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READ THIS:

Information provided in this packet IS NOT LEGAL ADVICE, it is information. This information is not a substitute for a competent lawyer.

When you sign a legal document or file any papers in court, it can seriously affect you in the future. You should always try to get legal advice before filing documents.

Bar Association lawyer referral services are listed in our brochure "Legal Resources in and around Suffolk County." Also listed are free legal service providers. You may be eligible for help.

PETITION AND PAPERS FOR NO FAULT, JOINT PETITION FOR DIVORCE

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You and your spouse both want to file a petition for divorce and you want to file it jointly, AND,
- ✓ You believe that the marriage is irretrievably broken (you and your spouse cannot make this marriage work out)

Your case **must** be filed in the Suffolk County Probate and Family Court if:

YOU WERE MARRIED IN MASSACHUSETTS AND

- ✓ You last lived together in Suffolk County and one of you still lives in Suffolk County

Your case may be filed in the Suffolk County Probate and Family Court if:

- ✓ You last lived together in another county, neither of you lives in that county now, and one of you lives in Suffolk County now.

IF YOU WERE NOT MARRIED IN MASSACHUSETTS, you can file for divorce in Massachusetts if:

- ✓ You lived together as married in Massachusetts, and the breakdown of the marriage took place in Massachusetts **OR**
- ✓ The breakdown of the marriage took place in another state, but you have lived in Massachusetts for more than one year and you did not move to Massachusetts for the purposes of obtaining a divorce.

In all cases you and your spouse must complete and file the following forms:

1. **Joint Petition** for Divorce-signed by both parties
2. **Separation Agreement**-signed by both parties and notarized. The court does not provide this form, but there is a sample form included with this packet. It is only a sample. You must create your own agreement or you may hire an attorney to assist you with your divorce and separation agreement.
3. **Affidavit of irretrievable breakdown** -signed by both parties. You may file one affidavit signed by both parties or file separate affidavits. The court does not provide this form. There is a sample available at the resource center. It is only a sample. You must create your own affidavit or you may hire an attorney to assist you with your divorce.
4. **Certified Copy of Marriage Certificate** -this cannot be a photocopy. It must be a Certified Copy. You can usually obtain a certified copy from the city hall of the place you were married. The certified copy stays in the file and cannot be returned to you.
5. **Financial Statements** on original court forms. Each party must file a financial statement and all lines must be filled out completely. If either party has income over \$75,000 per year, they must use a longer form. Ask at the front counter or the resource center if you need this form.
6. **Vital Statistics Form**
7. **Trial Request Form**

If you have children under the age of 18 you must also complete the following:

8. **Child Support Guidelines Worksheet**
9. Both parents must attend a **Parent Education Class**. Please be sure to pick up the information about this requirement.
10. **Affidavit of Care and Custody**
11. **Public Assistance Affidavit**

The filing fee is \$ 215. Notice of the hearing is sent out by mail. Both parties must be present at the court hearing in order for the Judge to sign the findings. If one of the parties for good cause cannot be present, you must file a motion to ask to Judge to waive the requirement of his/her appearance.

The Divorce Judgment enters thirty (30) days following the date of the final divorce hearing.

The Final Judgment enters ninety (90) days after the entry of the Divorce Judgement.

Your divorce is not final until 120 days after the date of your divorce hearing.

Certified copies of the Final Judgment Decree are \$20.00 each and can be obtained after the judgment of divorce becomes final. This means you cannot get a certified copy of the Final Judgment Decree until 120 days after your divorce hearing.

ALL FORMS MUST BE COMPLETE AND ON FILE BEFORE THE COURT CAN ISSUE A DATE FOR YOUR DIVORCE HEARING.