

# **DIVORCE CASE**

**DISSOLUTION OF MARRIAGE  
With no minor Children**

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**A DO-IT-YOURSELF GUIDE**

**Including Helpful Forms**

**HOW TO BEGIN A DIVORCE CASE**

**YOUR FUTURE MAY DEPEND ON THE OUTCOME OF YOUR CASE. YOU SHOULD CONSIDER USING A LAWYER TO ENSURE THAT YOUR RIGHTS ARE FULLY PROTECTED.**

**HOWEVER, IF YOU DO NOT WISH TO USE A LAWYER, ATTACHED IS A “CHECKLIST” FOR A SIMPLE DIVORCE CASE.**

**THE CHECKLIST IS NOT INTENDED TO BE COMPREHENSIVE OR APPLICABLE TO EACH AND EVERY CASE. THEY ARE INTENDED ONLY AS AN AID TO YOU IN UNDERSTANDING AND COMPLYING WITH COURT PROCEDURE.**

**THE CHECKLIST IS NOT “GUARANTEED” IN ANYWAY.**

**CHECKLIST FOR DIVORCE CASES (with no minor children):**

1. Petition for Dissolution of Marriage

This is the formal request for the court to DISSOLVE the marriage, resolve any questions or disputes about PROPERTY and DEBT. A copy of the Petition must be promptly served upon the other party (called the Respondent). [See “Service” Section]

2. Temporary Domestic Order

This is a court order, which is issued to help the parties while the case is being resolved. The Temporary Domestic Order [or “TDO”] makes provision for keeping the peace, keeping the bills up. The TDO must be promptly served upon the other party.

3. Notice of Hearing for Interim Order Dividing Income and Expenses and Order for Production

The Notice of Hearing for Interim Order Dividing Income and Expenses and Order for Production schedules an Interim Support and Expense hearing to establish responsibility for sharing the income of the parties and to make sure the bills are paid until the Final Decree. This hearing is MANDATORY.

4. Summons and Return of Service

A SUMMONS is notice to the Respondent that a formal written response must be filed with the court within 30 days after the Summons, Petition, TDO and Notice of Hearing for Interim Order Dividing Income and Expenses and Order for Production are served.

If there is no response after proper service, the Judge can then enter a Default Decree.

**SERVICE IS VERY IMPORTANT**

**“Serve” means placing the Petition (as well as the Summons, Temporary Domestic Order and Notice of Hearing for Interim Order Dividing Income and Expenses and Order for Production) in the hands of the other party; in other words, service must be personal. Mailing the papers is NOT good enough, not even Certified Mail.**

**Anyone who is over 18 and who is not a party to the case may serve the papers. That means that the Petitioner CANNOT serve the papers. The Sheriff’s Office or a professional process server can service but they usually charge a fee. If the court has already found that you can’t pay court fees, the Sheriff will serve the papers for free.**

**To prove that service is done, ask the person who performed the service to complete a RETURN OF SERVICE and then make sure it is filed with the Clerk of the Court.**

5. After a RESPONSE is filed, you may request a hearing using a REQUEST FOR HEARING form. See the Judge’s Trial Court Assistant for help on requests for hearing and notices of hearing.

If no written response has been filed within 30 days of service, you may apply to the Court for a “Default Decree.”

6. If your debts and property are large or complicated, you may use a MARITAL SETTLEMENT AGREEMENT with a detailed distribution of property and debts. Because no case is alike, the court cannot offer you a sample Marital Settlement Agreement.

7. When all your disputes have been resolved (either by your agreement or by court decision) a FINAL DECREE is entered. This is the document, which marks the official end of the case. A sample Final Decree is available in this Packet.

**USEFUL TELEPHONE NUMBERS:**

Santa Fe Police Dept.	955-5080	Child Support Hearings	827-5050
Santa Fe Sheriff	986-2460	Court Clerk	476-0134
Rio Arriba Sheriff	753-3320	Mediation Services	827-5051
Los Alamos Sheriff	662-8028	Domestic Violence Section	827-4350