



# Help Yourself

## Divorce in D.C.

### Uncontested Divorces

If you and your spouse have agreed to everything in your divorce case, you can obtain an *uncontested divorce*. “Everything” means that you agree about getting a divorce, and also about how you will resolve custody, child support, alimony, and division of property and debts.

#### ■ How do I start an uncontested divorce case?

You can consult an attorney about your case, or you can file it yourself. You can get the necessary court *pleadings* (legal documents) at [www.dcb.org/pleadings](http://www.dcb.org/pleadings) or at the D.C. Superior Court Family Court Self-Help Center (500 Indiana Avenue NW, room JM-570), open Monday through Friday, 8:30 a.m. to 5 p.m. (202-879-1471). The Self-Help Center staff can explain the process and help you fill out the pleadings.

#### ■ Does it matter which one of us files for the divorce?

Either you or your spouse can file a Complaint for Absolute Divorce. The other person can file a Consent Answer. The person who files the complaint will be the *plaintiff*, and the other person will be the *defendant*. If you want your case to move more quickly, you and your spouse can file the complaint and answer at the same time.

#### ■ Where do we file the papers?

To file the pleadings, go to the D.C. Superior Court Family Court Central Intake Center (500 Indiana Avenue NW), open Monday through Friday, 8:30 a.m. to 5 p.m. (202-879-4856).

#### ■ What else do we need to bring?

You will need to bring the complaint and the consent answer, and several court forms, including an uncontested *praecipe* asking the court to set a hearing date, a cross-reference intake form, and a vital statistics form. You can get these court forms at the Self-Help Center or the Central Intake Center. You should bring copies of each document and ask the clerk to *file-stamp* them. Keep them for your records. Your case will be assigned to a judge and you will get a notice of your hearing date in the mail in a few weeks.

#### ■ How much does it cost?

You will need to pay an \$80 filing fee (cash or money order). If you cannot afford the fee, you may want to read “Help Yourself: Fee Waivers in D.C.”

#### ■ What if we have a settlement agreement?

If you have a signed settlement agreement, you can ask the court to include that as part of the divorce order. If the judge includes it, it

can later be enforced by filing a Motion for Contempt in Family Court. If you do not ask the judge to include it, it can later be enforced only by starting a separate case in civil court.

#### ■ Does the plaintiff have to go to a hearing?

Yes. The plaintiff must testify in court and bring certain documents. For more information, see the back of this document.

#### ■ Does the defendant have to come to the hearing?

No, although some judges prefer that the defendant is present in cases where the defendant wants a former name restored, or where the plaintiff does not reside in D.C. and the defendant is the D.C. resident.

#### ■ When is the divorce final?

After the hearing, if the judge grants your divorce, you will get a copy of the divorce order. Your divorce will be final 30 days after the “docketing date,” which could be a few days after your hearing. Either party may file an appeal within those 30 days and also ask the court to *stay* the divorce order. If the stay is granted, the order becomes final once the appeal is resolved; otherwise, the order is still final after the 30 days. If you both agree that you do not want to appeal the judge’s order, you can file a Joint Waiver of Appeal, and then there will not be a 30-day waiting period and the order will be final immediately.

**For more information**, you can go to [www.lawhelp.org/dc](http://www.lawhelp.org/dc), listen to recorded messages about divorce by calling the D.C. Bar Legal Information Helpline at 202-626-3499, or see “Help Yourself: Divorce in D.C.”

There is a **free Pro-Se-Plus Divorce Clinic** each month at D.C. Superior Court where people without lawyers can learn about the divorce laws and process, and get help with questions and paperwork. To register, go to [www.dcb.org/divorceclinic](http://www.dcb.org/divorceclinic), or call the D.C. Bar Pro Bono Program at 202-737-4700 ext. 292 for more information. For specific help with custody matters in your divorce, there is a **free Pro-Se-Plus Custody Clinic**. To register, go to [www.dcb.org/custodyclinic](http://www.dcb.org/custodyclinic), or call the D.C. Bar Pro Bono Program at 202-737-4700 ext. 424 for more information.



## What kind of questions might the judge ask me at the uncontested divorce hearing?

- Please state your name, address, and telephone number for the record.  
*If you are frightened for your safety, or fear harassment or harm from someone, you can tell the judge you want to give a substitute address, or you can ask the judge to let you give your address privately, off the record.*
- How long have you lived in the District of Columbia?
- Who is the defendant in this case?  
*Your spouse is the defendant.*
- Please state your spouse's full name, address, and telephone number for the record.
- How long has your spouse lived at that address?
- Where and when did you marry?
- Are you here today to get divorced?
- Did you bring your marriage certificate? Is this a copy?  
*Give your marriage certificate to the judge's clerk, who will hand it to the judge.*
- Do you have any children together by birth or adoption? Are any of them under age 21?  
*If the answer is yes, the judge will also ask some of these questions:*
  - ▲ Please state the name(s) and date(s) of birth of your child(ren).
  - ▲ Where does each child currently live?
  - ▲ Is there *any* order—from any court anywhere—about the custody, visitation, or support of the child(ren)?
  - ▲ Have you and your spouse agreed about custody of the child(ren)?
  - ▲ Do you and your spouse agree that (if you will have joint custody) you are both fit and proper custodians? Do you and your spouse agree that (if you will not have joint custody) [the custodial parent] is a fit and proper custodian?
  - ▲ *Depending on your agreement, the judge might also ask:* Have you and your spouse arranged for visitation?
  - ▲ *Depending on your child support arrangement, the judge might also ask:* Have you and your spouse arranged for child support? Are you aware of the D.C. Child Support Guideline? What are the names, addresses, and phone numbers of your and your spouse's employers? What are your social security numbers? What are your gross annu-

al incomes? What are your health care and child care expenses for the children?

- How long have you and your spouse lived *continuously* separate and apart without cohabitation (sexual relations)?  
*If you have lived apart for more than six months, but less than one year, the judge might ask:* Have you and your spouse *mutually and voluntarily* lived separate and apart from each other without cohabitation for more than six months?
- Are there any personal or real property rights that need to be decided here today (such as your house, cars, pensions, bank accounts, or debts)?
- Are you asking for a former name (such as your maiden name) to be restored?  
*If the answer is yes, the judge will also ask:* Is your request made for any illegal or fraudulent purposes?

### Remember to...

- Bring your marriage certificate, if you were married by ceremony.
- Bring other evidence (your testimony is one kind of evidence) if you were married by common law.
- *If you are not a D.C. resident, and you used your spouse's D.C. residency in order to file your case in D.C., bring your spouse or other evidence of your spouse's residency.*
- Bring birth certificates if custody, visitation, or child support will be discussed.
- Be early (it sometimes takes extra time to go through the security checkpoint at the courthouse entrance), but be prepared to wait awhile if the judge needs to get through other cases before your case gets called.
- Check in with the courtroom clerk when you get there (the clerk usually sits near the judge at the front of the courtroom).

*The D.C. Bar Pro Bono Program provides general information only. This is not legal advice. You can only obtain legal advice from a lawyer. If you need legal advice for a specific situation, contact an attorney. We make every effort to keep the legal education materials up-to-date, but laws change frequently. Therefore the D.C. Bar Pro Bono Program does not guarantee the accuracy of this information.*