

# Help Yourself



## Uncontested Divorces in D.C.

If you and your spouse have agreed to everything in your divorce case and you both sign the necessary papers, 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. In other words, you have agreed that the court does not have to resolve any disputes between the two of you about these issues.

■ **How do I start an uncontested divorce case?** You can consult an attorney about your case, or you can file your case yourself. You can get the necessary *pleadings* (court papers) at [www.dcbbar.org/pleadings](http://www.dcbbar.org/pleadings) or at the D.C. Superior Court Family Court Central Intake Center (500 Indiana Avenue NW, room JM-540), open Monday through Friday, 8:30 a.m. to 5:00 p.m.

■ **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 will file a Consent Answer. The person who files the complaint will be the *plaintiff*, and the other person will be the *defendant*. If the divorce is uncontested, the plaintiff will have to go to court and testify at a brief hearing, while the defendant will probably not have to appear in court.

■ **Where do I 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 5:00 p.m.

■ **What else do I need to file?** In addition to your signed Complaint and your spouse’s signed Consent Answer, you will need to file an *uncontested praecipe* that must be signed by both of you asking the court to set a hearing date. You will also have to fill out a Family Court cross-reference form. You can get these court forms at the Central Intake Center. When you file, be sure that the Clerk gives you date-stamped copies, which you should keep for your records. You will get a notice of your uncontested divorce 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 the information sheet *Fee Waivers in D.C.*

■ **What if we have a settlement agreement?** If you have a signed settlement agreement, you and your spouse can agree to include that as part of the divorce order. If the judge includes it,

it becomes part of the order and can later be enforced by filing a Motion for Contempt in Family Court. If you do not ask the judge to include it, it is not part of the order, and can later be enforced only by filing a separate case.

■ **Does the defendant have to come to the hearing?** No. However, some judges prefer the defendant to be present if the defendant wants a former name restored, or when the plaintiff does not reside in D.C. and the defendant is a D.C. resident.

■ **When is the divorce final?** If the judge grants your divorce, you will get a copy of the divorce order immediately after the hearing or in the mail. Your divorce will be final 30 days after the date the divorce order is stamped by the Court as “entered on docket,” which could be a few days after your hearing.

Either party may file an appeal within those 30 days and ask the court to stay (postpone) the divorce order. If the stay is granted, the order does not become final until the appeal is resolved. If the stay is denied, the order remains in effect while the appeal is being decided. 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 visit the Family Court Self-Help Center, a free walk-in clinic located in the D.C. Superior Court, 500 Indiana Avenue, NW, in Room JM-570. The Center is open Monday through Friday, from 8:00 am to 5:30 p.m. The Center can explain the process to you, help you complete the proper legal papers, and direct you to other free legal resources. Visit [www.lawhelp.org/dc](http://www.lawhelp.org/dc) for more information, including how to contact free legal service providers, or call the D.C. Bar Legal Information Helpline at 202-626-3499 to listen to recorded messages about this issue.

# Help Yourself Uncontested Divorces in D.C.

## 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.

### ■ Do you or your spouse live in a state that permits same-gender divorce?

The judge will only ask this if you and your spouse are a same-gender couple that was married in D.C. and neither of you currently lives in D.C.

### ■ 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 may 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 previous 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 annual 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 (birth-given 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 a certified copy of 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;
- ✓ Be early (it sometimes takes extra time to go through the security checkpoint at the courthouse entrance), but be prepared to wait a while 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 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.*