

## **STEP #1 - Petition**

The [Petition](#) is the document filed with the Court that starts the divorce. At least one of the parties must be a resident of Kentucky for the 180 days immediately preceding the filing of the Petition. When you file the Petition at the Courthouse, you will be required to pay a filing fee. If you cannot afford to pay the filing fee, you can file the [Motion-Order to Proceed Without Paying Court Costs](#). The judge will review your information to determine whether you qualify for the waiver.

You must type the original Certificate of Divorce (VS-300 form, available at the Clerk's office), sign it in black ink, and file it with the Petition. In addition, when you file the Petition, you will also need to file a [Case Data Information Sheet](#) (PDF, 971 KB), and a [Summons](#) (PDF, 257 KB), unless you are filing a [Marital Settlement Agreement](#) and [Entry of Appearance Waiver](#).

If you and your spouse have children under 18, you will be ordered to attend the Families In Transition Program. Follow the instructions on the Court Order. You must attend the Families in Transition Program unless waived by the court. You are responsible for scheduling your classes, which must be completed within 60 days of your initial filing. You must call 595-3618 to schedule your classes. You may ask the court to waive this requirement, but only in exceptional circumstances. To do this, file a [Motion to Waive Families in Transitions Program](#) (Word format).

## **STEP #2 - Service of the Respondent**

Your spouse must be "served" in order for the divorce to be final. Service can be accomplished in one of the following ways. Your spouse will be "served" if:

1. You give your spouse a copy of the [Petition](#), your spouse signs the [Marital Settlement Agreement](#) and the [Entry of Appearance Waiver](#), and you file the Marital Settlement Agreement and Entry of Appearance Waiver with the Court.
2. You send your spouse the [Summons](#) (PDF, 257 KB) by certified mail, restricted delivery, from the mail room at the Courthouse. The clerk will tell you where to find the mail room. Your spouse is considered served on the day he/she signs for the certified mail. There is a charge for this service.
3. You have the Summons served on your spouse by the Sheriff. The clerk will direct you to the office to have your spouse served by the Sheriff. There is a charge for this service. Your spouse is considered served on the day the Sheriff serves him/her.
4. You have your spouse served by the appointment of a [Warning Order Attorney](#).

Read and follow the instructions to this form for more details.

**\*\*Checking on service** - If you have your spouse served by certified mail or by sheriff, you will need to check the Court file to see if your spouse has been served. You can call the Jefferson County Family Court Clerk at 595-3025 about two weeks after the filing. When you call, have your case number at hand. The Clerk will be able to tell you if and when your spouse was served.

### **STEP #3 - Mandatory Case Disclosure**

The [Mandatory Case Disclosure](#) gives the Court an overview of your case by listing your assets and debts and providing information on any minor children. You must complete this form in full. Be sure to read and follow the instructions. This form can be filed at the same time you file the Petition, but must be filed within 30 days of the filing of the Petition. If your spouse is in agreement, the spouse should complete and file [Respondent's Mandatory Case Disclosure Acknowledgment](#) (Word format).

### **STEP #4 - Resolve the Issues**

The issues of your divorce - custody, parenting schedule, child support and division of assets and debts - must be resolved before you can be divorced. Those issues can be resolved by you and your spouse agreeing on the issues, or by the judge deciding the issues.

If you and your spouse are in agreement on all of the issues, you should complete the [Marital Settlement Agreement](#) and file it with the Court.

If your spouse has been served and has filed either a response or an appearance and waiver, but you have been unable to come to an agreement, you may file a [Notice-Motion-Order to Schedule Hearing](#)(Word format).

### **STEP #5 - Finalize the Divorce**

If you have completed steps 1 - 4 above, then the next step is finalizing the divorce. Before you can finalize the divorce, you must have completed the Families in Transition Program (unless waived by the court) and 60 days MUST have passed since the initial filing. To finalize the divorce, you must complete the [Deposition of Petitioner](#) and the [Findings of Fact and Decree of Dissolution of Marriage](#). Follow the directions for these forms, file them with the Court, and mail copies to the Respondent.

If you and your spouse have children under 18, you cannot complete the Deposition of

Petitioner and the Findings of Fact and Decree of Dissolution of Marriage and file them with the Court until 60 days following the date your spouse was served with the Petition or filed a Marital Settlement Agreement. The instructions to these forms explain this waiting period in more detail.

**You are not divorced** until you receive the Decree of Dissolution back from the Court, signed by the judge and entered by the Court. This will come in the mail.