

## Instructions for Joint Petition for Dissolution of Marriage Without Children

### Where Do We File?

File in the County where you or your spouse live now. To file for Marriage Dissolution (Divorce) in Minnesota, you must have lived in Minnesota for at least the past 180 days.

### Who Can Use this Form?

You can use this form if you and your spouse agree on everything and there are no children born to you and your spouse before or during the marriage, or adopted into your marriage. This form may not address all of your needs or concerns. Real estate, pensions, businesses, and other types of property can be handled many different ways. There may be serious negative consequences and tax implications from your decisions on how to divide your property and handle the issues in your divorce.

These forms and instructions do not explain the many legal and financial issues involved in divorce and cannot warn you of specific problems. Please see an attorney if you have questions.

### **Do not** use this form if:

- a) you and your spouse are not in agreement on all issues, or
- b) your spouse will not agree to sign the forms in front of a notary, or
- c) you and your spouse have a child together (a child is defined as a person under age 18, or under age 20 and still in high school, or a person over 18 who by reason of physical or mental condition are incapable of self-support), or
- d) wife is pregnant, or
- e) the wife has given birth to a child since the marriage date.

However, if wife had a child with another man while married to current husband, you can use this form if:

- You have a Paternity Order naming another man as the father, OR
- You and the biological father have a signed *Minnesota Recognition of Parentage* (ROP) and the husband has signed *Husband's Non-Paternity Statement* (HNPS).

You must attach a certified copy of the Paternity Order or the ROP and HNPS to the Joint Petition. Certified copies of the ROP and HNPS are available from the MN Department of Health by sending them a Request for Certified Copies form. For more information see: <http://www.health.state.mn.us/divs/chs/osr/rop.html>

### Filling out the forms:

Print very neatly or the court may return your forms to you. Use black or dark blue ink. Answer every question completely. You must disclose all financial information so the Judge can determine if your proposed division of property and debt is “fair and equitable.” Include property/debts you own separately and together. For example, if you have a car and only your name is on the title, you still must list the car.

### Information you will need:

- Pay stubs or tax return for you and your spouse
- Medical Insurance information

- Records of bank accounts and investments
- Pension information
- Legal description of any real estate and details about the mortgage and value of the real estate
- Descriptions of vehicles, their value and monthly payment amounts and total owed
- Information about credit card and other debt.

### **Public Assistance**

Question 10 asks about “Public assistance” paid by the State of Minnesota. Public Assistance means MFIP, Tribal TANF, General Assistance, Minnesota Care, Medical Assistance, or Child Care Assistance. Check YES or NO. If YES, write in the name of the county paying the assistance. Minnesota law requires you, as the petitioner, to notify the public authority paying assistance that you are filing a divorce action. Use the form called “*Notice to County Support and Collections*” (Court Form CSX2003) to notify the county of your divorce action. There are instructions with that form. The county attorney for the public authority may need to sign off on the Joint Petition and Agreement before being submitted to the court for the court’s approval and signature. Be sure to contact the county attorney’s office to make arrangements for the county attorney to review your Joint Petition and Agreement.

### **Do You Want to Change Your Name?**

You and/or your spouse can ask for a legal change of name in the Joint Petition. If you want to change your name and you have been convicted of a felony, you must get the handout “Felon Name Change Instructions” and follow the steps in the handout.

### **Do You or Your Spouse Own Real Estate?**

You must include real estate that you and your spouse own together, separately, or with other people. **WARNING:** Be sure to copy the legal description **exactly** as it is on the Deed, Contract for Deed, or Certificate of Title. You must fill out Attachment “C”, which is included at the back of the Joint Petition Without Children. You will need to make a copy of Attachment “C” if there is more than one property that must be listed. Use a separate Real Estate Attachment sheet for each parcel of real estate. **Use the correct legal description** – do not guess or abbreviate. There are many ways to handle real estate and many potential problems. You should talk to an attorney if you own real estate. For example, you may want the real estate awarded to one person with a lien in favor of the other person. An attorney can help you understand the legal consequences and necessary language.

### **Answering the Income Questions:**

Questions 12 and 14 ask for monthly gross income (before taxes and deductions).

Do not guess at income. Look at your pay stub or tax return.

If you are paid monthly, enter the amount shown on your paycheck for gross income.

If you are paid twice a month, multiply gross income by 2 to get the monthly amount.

If you are paid every two weeks, multiply gross income by 2.17 to get the monthly amount.

If you are paid every week, multiply gross income by 4.33 to get the monthly amount.

If you are self-employed, or you work only part of the year, or your earnings vary, divide your yearly income by 12 to reach an average monthly income figure and write on the petition that you are averaging your income.

### **Modifying the Joint Petition**

You may make changes to the Joint Petition to fit your situation, but do not omit any paragraphs. It is recommended that you consult with an attorney before making any changes to the Joint Petition.

### **What to Do After Completing the Forms**

Sign and Notarize: Both wife and husband must sign the “Joint Petition, Agreement, and Judgment and Decree”. It is not necessary for both spouses to sign the document at the same time, but both signatures must be notarized. You may go to a notary public, or to the courthouse. A deputy court administrator can notarize your signature at the courthouse. Picture identification will be required.

#### File:

The completed “Joint Petition, Agreement, and Judgment and Decree,” including the Asset Sheet, the Debt Sheet, and the Real Estate sheet. File “Form 11.1: Confidential Information” with names and social security numbers, and “Form 11.2”: Sealed Financial Source Documents with all confidential documents attached.

Pay: The District Court filing fee.

Wait: You are not divorced until the Judge signs the Decree and the Court Administrator “enters” the Decree. Wait to receive a letter from the Court telling you that you are divorced. You will not attend a court hearing unless the Judge decides a hearing is necessary.

**If you have real estate**, there are additional steps required to transfer the title, including filing the “Joint Petition, Agreement, and Judgment and Decree” and all Attachments in the Real Estate Records, after the Decree is signed by the Judge and entered by the Court Administrator. In the alternative, you can file a Summary Real Estate Disposition Judgment and avoid putting all of your asset and debt information into the Real Estate Records. For more information about the Summary Real Estate Disposition Judgment, see Minnesota Statutes §518.191.

### **Questions?**

If you have questions about the Joint Petition, you probably need to ask an attorney or accountant. Court staff can give you limited help with procedures. Only an attorney can give you legal advice.

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.