

# Request for Waiver of 90 Day Waiting Period

## Instructions for Packet 1F

These instructions explain how to ask the court to waive the 90 day waiting period between service (delivery of petition to respondent) and final hearing or judgment in a divorce case. Either spouse may use this packet.

### REQUIRED CIRCUMSTANCES

You should not apply for a waiver of the 90 day waiting period unless your situation meets one of the following criteria:

- There is an emergency or situation of necessity. If these conditions exist, complete the forms described below. *You must provide facts that satisfy the court that immediate action is warranted to protect your or another person's rights or interests in your proceeding.*
- You and your spouse have signed a stipulated judgment agreeing on all terms of your dissolution (divorce). The stipulated judgment should be filed with the Motion and Affidavit described below. State in the Affidavit that you and your spouse have signed a stipulated judgment. No other grounds of emergency or necessity need be stated.

### STEP 1

- Fill out the Affidavit in Support of Motion for Waiver of 90 Day Waiting Period (AFFIDAVIT) and Motion for Waiver of 90 Day Waiting Period (MOTION).
- Fill out the case heading on the Order Regarding Request for Waiver of 90 Day Waiting Period (ORDER) and the information about yourself at the bottom of the page.
- Make two copies of the AFFIDAVIT, MOTION AND ORDER. One is for your records and the other is to send to your spouse (unless your spouse has defaulted). Sign the copies for your spouse where it says "I certify this is a true copy."

### STEP 2

- Send the copies of the AFFIDAVIT, MOTION and ORDER to your spouse by mail (unless your spouse has defaulted). Fill out the Certificate of Mailing form.
- File the original AFFIDAVIT, MOTION, ORDER, and Certificate of Mailing with the court. If you and your spouse have signed a stipulated judgment, file the original of it as well.

### STEP 3

- Check back in a week to 10 days to see if the ORDER was signed by a judge, and if so, whether the request was granted or denied. If the request was granted, the judge will grant judgment before expiration of the 90-day period. If the request was denied, you must wait until 90 days has passed from the date of service before the court will hold a final hearing or sign the final judgment of dissolution (divorce).