

Joint Petition for Divorce Filing Instructions

1. Both parties must sign joint Petition for Divorce.
2. Both parties must sign affidavit of Irretrievable Breakdown. (Not part of packet.)
3. Both parties must sign Separation Agreement, which must be **notarized**. (Not part of packet.)
4. Financial Statement – each party must sign and file this statement. If either party earns more than \$75,000, they must file the long form.
 - * If children are involved, a child support guidelines worksheet must be filled out.
5. Statistical Form – R408. (Fill out only top half).
6. You must provide the court with a certified copy of your marriage certificate or the original.
7. Filing fee is \$215.00 (cash, money order, or check).
8. Parenting course pamphlets with class locations are available at the courthouse.
9. Trial request form.

Divorce Judgment: Thirty (30) days following the entry of the findings, the Judgment Nisi enters automatically.

Final Judgment: Ninety (90) days after Judgment Nisi enters it becomes absolute.

Certified copies of the final divorce decree are \$20.00 each and can be obtained after the Judgment of Divorce becomes final.

Salem Probate Court, 36 Federal Street, Salem, MA 01970

SEPARATION AGREEMENT

Agreement for Divorce must include the following provisions:

1. That personal property has been divided.
2. If there are pensions, IRA's, 401K's or Retirement Funds, how are they to be divided?
3. Medical Insurance coverage for the parties.
4. Alimony for both parties – either waived or an amount set.
5. If there is real estate, how are you dividing the property?
 - * If there are children, then the following provisions must also be included:
 - a. Custody – both legal and physical.
 - b. Child Support – an amount set in accordance with the child support guidelines.
 - c. Medical Insurance coverage for the child, including who is to insure medical and dental expenses for the child.
 - d. If there is Life Insurance Policy(s), they should be maintained for the benefit of the child until the child is emancipated.
 - e. Visitation – either reasonable or include a set schedule.
 - f. Who will take the child as dependant for tax purposes?

Complaint for Divorce:

1. Draw up the Complaint for Divorce and then make a copy.
2. Statistics Form R408 (fill out only top half).
3. Financial Statement.
4. A certified copy of your marriage certificate or the original one.
5. Filing fee is \$220.00 (check or money order only).
6. Parenting course certificate. (Pamphlet available at courthouse.)
7. File complaint with the File Clerk, retaining a copy.
 - a. You will receive a summons from the court.
 - b. The Summons will be partially filled out - you must complete the form.
 - c. Make copies of the complaint.
 - d. You need to hire a Constable or Sheriff to serve the original summons and copy of Complaint.
 - e. The defendant can respond by filing an answer twenty (20) days from the day they were served.