

# Indiana Legal Services, Inc



Using the law to fight poverty, empower clients, and improve access to justice.

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## Divorce and Residence

### **How long do I have to live in Indiana to get a divorce in Indiana?**

Either you or your spouse must be a resident of Indiana for at least 6 months before you can file for a divorce in Indiana. You cannot file for a divorce in Indiana if neither of you has been a resident of Indiana for at least 6 months.

Also, either you or your spouse should be a resident of the Indiana county where you plan to file the divorce for at least 3 months before you file. You can file in a county even if you have not lived there for at least 3 months, but if your spouse objects, the court could transfer or dismiss your divorce case.

### **What does it mean to be a “resident” of Indiana?**

Basically, you are a resident of Indiana if you live here and intend that Indiana is your home. Some evidence of residency in Indiana would be if you are registered to vote in Indiana, if you have an Indiana driver’s license, or if you pay state taxes in Indiana.

If you or your spouse are stationed at a United States military installation in Indiana for at least 6 months, you could file a divorce in Indiana even though neither of you would technically be a resident of Indiana.

### **I haven’t lived in Indiana for 6 months yet, and my spouse lives in Ohio. Can I get a divorce in Indiana?**

You cannot file a divorce in Indiana until you (or your spouse) have lived here for 6 months. You might be able to file a divorce in the state where your spouse lives; you will have to check the laws of that state. Keep in mind, however, that if you file for divorce in another state, you will need to go to that state for court hearings. You may want to wait until you have been a resident of Indiana for 6 months and then you can file for divorce in Indiana.

### **If I haven’t lived in Indiana for 6 months yet, what can I do to get child support and protection from my spouse?**

If you can’t file for a divorce yet because neither you nor your spouse have lived in Indiana for at

least 6 months, you could still get a child support order. Contact your local county prosecutor's office for help with this. You can also get an Order of Protection if you are afraid your spouse will hurt you or your children. For information about an Order of Protection, go to [Frequently Asked Questions About Orders of Protection](#)

**My spouse and I were married in another state. Can we get a divorce in Indiana?**

Yes, as long as you or your spouse have lived in Indiana for at least 6 months. It does not matter where you were married.

**I have lived in Indiana for a year, but my spouse has never lived in Indiana. Can I get a divorce in Indiana?**

Yes, you can get a divorce in Indiana as long as you have lived here for at least 6 months. HOWEVER, if your spouse has never lived in Indiana, the Indiana court will not be able to divide the marital property or debts. The Indiana court can grant the divorce, and may be able to issue custody and child support orders, and that is all it can do.

**My spouse and I were married in Indiana and I still live here, but my spouse has moved to a different state. Can we get a divorce in Indiana?**

Yes. You can file for a divorce in Indiana as long as you have lived in Indiana for at least 6 months. As long as your spouse lived in Indiana sometime during your marriage, the Indiana court will be able to grant the divorce and divide the marital property and debts.

**I had lived in Indiana for a year when I filed my divorce, but now I have moved to Ohio. Can I finish my divorce in Indiana?**

Yes. If you move out of Indiana after you file the divorce, the Indiana court can still finalize the divorce. As long as you or your spouse have lived in Indiana for at least 6 months at the time you file the divorce, it does not matter if you or your spouse move after the divorce was filed.

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