

Indiana Legal Services, Inc

www.indianalegalservices.org

Filing a Divorce on Your Own

Do I have to have an attorney to file a divorce?

No, you do not have to have an attorney to file a divorce, but it would be helpful. It would be easier if you have an attorney, because the attorney is familiar with the divorce laws and with the courts. However, there is no requirement that you have an attorney to file a divorce, and if you cannot get an attorney, you can file the divorce on your own. You will need to follow the rules an attorney would need to follow.

Are there any circumstances in which I should not file a divorce on my own?

Yes, there are some circumstances when you should NOT file the divorce on your own.

- If either you or your spouse have a pension, then you should get an attorney to file your divorce. Dividing a pension is complicated, and you will need an attorney's help.
- If you have substantial amounts of property, especially real property such as a home or land, then you probably should not file a divorce on your own.
- If you think you and your spouse are going to disagree about custody of your children, you may not want to file a divorce on your own.

How can I file the divorce on my own?

Here are the basic steps for filing a divorce:

- Draft the divorce petition and other necessary papers. You can use the links listed at the right to draft the divorce documents.
- File the divorce petition and other documents in court.
- Wait for 60 days because the divorce cannot be finalized until 60 days have passed since the date you file the divorce.
- Finalize the divorce, either by reaching an agreement with your spouse or by asking the court to schedule a final hearing.

Where do I file my divorce?

You can file a divorce in Indiana if you or your spouse have lived in Indiana for the past six months. Typically, you should file the divorce in the county where you have lived for the last three months. If you file in a county where neither you nor your spouse have lived for the last three

months, your spouse can object and ask the case to be transferred to the county where one of you has lived for the last three months. The court clerk will place the divorce in the appropriate court (circuit or superior).

Last revised: 11-2006

LSC Code 1320200

Printed: September 28, 2023

<http://www.indianalegalservices.org/node/50/filing-divorce-your-own>

©Indiana Legal Services, Inc