

DECREE OF DIVORCE WITHOUT CHILDREN

Case Caption [DR 49(B)]

- Parties' names
- Parties' addresses
- Parties' date of birth
- The name of the assigned Judge
- The words "Final Appealable Order"

Statement of Hearing

- The name of the hearing officer who heard the case.
- The date the hearing was held.
- If a magistrate heard the hearing, a waiver of findings of fact and conclusions of law and objection period, unless a Form DR18 is filed.

Statement regarding the grounds for Divorce

A statement regarding the grounds for divorce was provided.

Payment of Court Costs

Every Decree shall contain a provision for the payment of court costs.

Counsel Identification

1. Counsel for Plaintiff provided their name, Supreme Court Registration Number, address and telephone number.
2. Counsel for Defendant provided their name, Supreme Court Registration Number, address and telephone number.

Property Division [DR49(B)]

Vehicles [DR49(B)(6)]

1. If the vehicle title is to be transferred between parties, the Vehicle Identification Number (VIN) must be provided.
2. If the title is not to be transferred, then a statement that the vehicle is already titled to the receiving party.

Household Goods and Furnishings [DR49(B)(6)]

1. A statement that all personal property was divided and exchanged.
2. If personal property has not been divided and exchanged, the mandatory language that the parties shall exchange and divide all personal property no later than (ninety) 90 days after the filing date of the final decree of divorce.

MANDATORY LANGUAGE IS DEFICIENT BECAUSE: _____

Spousal Support [DR 49(B)]

1. A statement as to whether spousal support is to be paid.
2. Findings of fact which justify the award.
3. A clear statement of the term of the award.
4. A statement as to whether the court will retain jurisdiction to modify the award.
5. A statement of the amount of the spousal support obligation.
6. The effective date of the spousal support obligation.
7. A statement of arrears and date owed through, if applicable.

8. A statement as to whether payment is to be made directly, or through CSEA, or OCSPC.
9. If spousal support is to be paid through CSEA or OCSPC, must include two percent processing fee.
10. If spousal support is to be paid through CSEA or OCSPC, all mandatory language in regard to spousal support must be included.
 - a. Mandatory language requiring withholding was provided.
 - b. Mandatory language regarding payment through CSEA directly until a withholding goes into effect was provided.
 - c. Mandatory language regarding acceptance of payments of support not made through the CSEA shall be deemed a gift was provided.
 - d. Mandatory language regarding House Bill 352 was provided.
 - e. Mandatory language regarding parties' duty to notify CSEA in writing of change in income source and the availability of any other sources of income.
 - f. Mandatory language regarding notice to CSEA in writing or remarriage if the remarriage would terminate the obligation to pay spousal support.
 - g. Mandatory language regarding instructions to make payment through the CSEA was provided.
 - h. Mandatory language regarding instructions to make payment through the OCSPC was provided.

MANDATORY LANGUAGE IS DEFICIENT BECAUSE:

Retirement [DR 49(B)]

1. A statement that all retirement plans have been disclosed. If the matter is proceeding non-contested and no Answer was filed, this statement is not required.
2. A statement as to how retirement plans are to be divided.
3. If QDRO, DOPO, or other order dividing retirement plans is issued, a provision that the intent of the order is to fairly distribute to the Alternate Payee his or her share of the marital portion of the retirement plan.
4. If QDRO, DOPO, or other order dividing retirement plans is issued, a provision that in the event there is a defect in the wording of the QDRO, the court shall retain jurisdiction to modify the QDRO, DOPO or other order.
5. Unless otherwise specified, if a QDRO, DOPO, or any other order dividing a retirement plan is issued, the Decree of Divorce shall contain an order requiring the Alternate Payee and the Alternate Payee's trial counsel to prepare all documents required by the Plan Administrator, or any other named account holder.
6. The Decree shall contain an order requiring that the Plan Participant and the Plan's Participants Trial Counsel shall cooperate to facilitate the preparation of the QDRO, DOPO, or any other order dividing a retirement plan.
7. The Decree shall contain an order requiring that both parties and attorneys shall sign the QDRO, DOPO, or any other order dividing a retirement plan prior to submission to the Case Management Office.
8. The Decree shall contain an order requiring that the QDRO, DOPO, or any other order dividing a retirement plan shall be consistent with the terms of the division of retirement plan set out in the separation agreement or Divorce Decree.
9. The Decree shall contain an order requiring that the QDRO, DOPO, or any other order dividing a retirement plan shall be filed within forty-five (45) days of the file-stamped date of Judgment Entry and Decree of Dissolution, Divorce, or Legal Separation.
10. The Decree shall contain an order requiring that the Court specifically reserves jurisdiction over the filing of the QDRO, DOPO, or other order dividing retirement plans.
11. The Decree shall contain an order requiring that the Court also reserves the jurisdiction to impose all costs, including attorney fees, upon a party and/or attorney not complying with section (B)(9), (10) or (11) of this rule.

Signatures on Decree

1. If the Complaint is proceeding non-contested and no Answer was filed, defendant's signature is not required.
2. If both parties are represented by counsel, the Decree is signed by both attorneys.
3. If one party is represented by counsel, the Decree is signed by the attorney and the *pro se* litigant.
4. If neither party is represented by counsel, the Decree is signed by both *pro se* litigants.
5. A signature line for hearing officer. If a magistrate heard the final hearing, a signature line for the magistrate and assigned case judge must be present.

Number of Copies

Four (4) copies, plus the original, of the Decree were provided.

Required Documents to be submitted with the Decree

If spousal support is ordered and paid through CSEA, a Form DR 201 is provided.

If spousal support is ordered and paid through CSEA, an original IV-D application is provided.