

## DECREE OF DIVORCE WITHOUT CHILDREN

### **Case Caption [DR 49(B)]**

Parties' names

Parties' addresses The filing party may request that their address be confidential through the filing of a motion.

Parties' date of birth

The name of the assigned Judge

The words "Final Appealable Order"

### **Statement of Hearing**

A place for the name of the hearing officer who heard the case in the body of the decree.

A place for the date the hearing was held in the body of the decree.

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 is required.

A statement regarding Separation Agreement.

If Separation Agreement is used, a statement incorporating the Separation Agreement by reference into the decree is required.

### **Property Division [DR49(B)]**

#### **Vehicles [DR49(B)(6)]**

1. A statement as to whether there are vehicles.
2. If the vehicle title is to be transferred between parties, the Vehicle Identification Number (VIN) must be provided. 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.

#### **Spousal Support [DR 49(B)]**

1. A statement as to whether spousal support is to be paid.
2. A statement as to whether the court will retain jurisdiction over spousal support.
3. A statement of the amount of the spousal support obligation.
4. Findings of fact which justify the award.
5. A clear statement of the term of the award.
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 is required.
  - b. Mandatory language regarding payment through CSEA directly until a withholding goes into effect is required.
  - c. Mandatory language regarding acceptance of payments of support not made through the CSEA shall be deemed a gift is required.
  - d. Mandatory language regarding House Bill 352 is required.
  - 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 is required.
  - f. Mandatory language regarding notice to CSEA in writing or remarriage if the remarriage would terminate the obligation to pay spousal support is required.
  - g. Mandatory language regarding instructions to make payment through the CSEA is required.
  - h. Mandatory language regarding instructions to make payment through the OCSPC is required.
11. Statement that the support should be made payable in increments that coincide with obligor's pay period.

#### **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.

### **Payment of Court Costs**

Every Decree shall contain a provision for the payment of any unpaid court costs. Absent special circumstances, the Court will not sign final decrees until all costs have been either waived or paid in full. In the event a decree is filed without an assessment of costs, all costs shall be paid by the plaintiff.

### **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.

### **Signatures on Decree**

1. If both parties are represented by counsel, the Decree is signed by both attorneys.
2. If one party is represented by counsel, the Decree is signed by the attorney and the *pro se* litigant unless it is proceeding non-contested and no Answer was filed, defendant's signature is not required.
3. If neither party is represented by counsel, the Decree is signed by both *pro se* a litigant unless it is proceeding non-contested and no Answer was filed, defendant's signature is not required.
4. 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 is required.

### **Required Documents to be submitted with the Decree**

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

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