

## Instructions: How to fill out the decree for legal separation without minor children

### INFORMATION ABOUT THE SEPARATION DECREE

- **What the Decree Means to You.** The Decree is the Court Order that legally separates you and your spouse. You are not divorced and cannot marry someone else until you have a Decree of Dissolution of Marriage. Once the judge or commissioner has signed the Decree, it determines the rights and responsibilities of both you and your spouse. If either party does not do what the Decree tells him or her to do, then the other party may ask the court for help. This is a very important document. Once it has been signed by the judge, your rights and responsibilities are affected forever.
- **Failure to do what the Decree tells you to do could get you into trouble with the Court.** This does not mean that the court will police whether you are following the Decree. It does mean you or your spouse can request a Contempt Order or an Order to enforce parts of the Decree if you or your spouse fail to do what the Decree tells you to do.
- **Getting a Legal Separation Decree.** Before you and your spouse become legally separated, a judge or commissioner must sign what we call the Decree of Legal Separation. The Decree tells you who gets the property, who pays the debts, who pays support, and so forth.
- **Legal Separation by Default.** If you are seeking a Default Decree, you must repeat as closely as possible what you requested in your Petition for Legal Separation. You cannot mark something different in the Decree from what you asked for in the Petition. If you try to do this, the judge or commissioner will not sign the Decree. If you want to change your requests to the court, you must file an amended Petition. It is a good idea to have your Petition handy when you follow the instructions to fill out your Decree.
- **The Decree.** Fill out the Decree before you go to your hearing or before you give it to the Judge to sign. Do not fill in the judge's signature and date. If the judge disagrees with anything you have written into the decree, he or she may change it before signing the decree or ask the parties to come to a hearing.

### INSTRUCTIONS FOR FILLING OUT THE DECREE:

- When filling out any court forms, type or print with black ink only.
- Fill out the Decree before you go to your hearing or before you give it to the judge to sign.
- Do not fill in the spaces allocated for the judge's signature and date.
- If the judge disagrees with anything you have written, he/she may change it before signing the Decree or he/she may ask the parties to come to a hearing.
- If you are seeking a Default Decree, you must also promise to mail a copy of the Decree to the other party after the judge has signed it.

### PROCEDURES: HOW TO GET YOUR DECREE SIGNED BY THE JUDGE

- Make *TWO copies* of the Decree.
- Take the documents to your trial or default hearing.
- If you are using the default process and you wish to proceed without a hearing, see the procedures and forms to proceed by Motion.