

Instructions: How to fill out the annulment decree for default or trial

I. GENERAL INFORMATION

What the Decree Means to You. The Decree is the Court Order that legally ends your marriage. The Decree, once the judge or commissioner has signed it, is important because it determines the rights and responsibilities of both you and your ex-spouse. If either party disobeys what the Decree orders, then the other party may ask the Court for help. The Decree is a very important document. Once it is signed by the judge, your rights and responsibilities are affected forever.

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 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.

Annulment by Default. If you are seeking a Default Decree, you must repeat, as closely as possible, what you requested in your Petition. You cannot request something different in the Decree than what you requested 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 fill out your Decree so you can refer to it as needed.

Getting Your Annulment Finalized.

- **TRIAL:** If you have a trial, you must bring a copy of your marriage license to the trial to show the judge what type of marriage you have.
- **JUDICIAL SIGNATURE REQUIRED:** Before your Annulment can become final, a judge or commissioner must sign the Decree. The Decree states how the property (if any) is divided and how the debts and assets (if any) are divided.

II. INSTRUCTIONS FOR COMPLETING THE DECREE:

When writing on any court forms, type or print with black ink only.

A. CASE IDENTIFICATION:

- **Top left corner of the first page:** write in Petitioner's/Party A's name, mailing address, phone number for day and evening. Check the box of the person you represent. If you have an attorney, write in the

attorney State Bar Number.

- Write in the name of Party A, the name of the Respondent/Party B and the case number in the appropriate spaces provided. These should be written the same as they are written on the *original* Petition.
- Put a check mark in the appropriate box on the right side of the page; if you are seeking a decree by Default, mark the Default box. If you are seeking a decree by way of a trial, mark the trial box.

B. COURT FINDINGS SECTION:

- This section generally mirrors the information in your petition. Each number recites facts the Court uses to create the final court order for the annulment.
- Item Number 8: Write in the same Ground(s) for annulment that you wrote in the Petition for Annulment.
- Item Number 9: Write in the same Protective Order information that you wrote in the Petition.
- Item Number 10: Write a check mark in the appropriate box for Pregnancy and Minor Children, the same as that information you wrote in the Petition.
- Item Number 11: Write a check mark in the appropriate box(es) indicating the same information that you wrote in the Petition.
- Item Number 12: Write in the same Other Findings, if any, that you wrote in the Petition.

C. COURT ORDERS SECTION:

1. ANNULMENT: Write in the same Ground(s) for annulment that you wrote in the Petition for Annulment, and in the findings section above.
2. PROPERTY AND DEBTS: Write a check mark in the appropriate box(es) indicating the same information about Property and Debt as you wrote in the Petition, and in the box(es) of the above "Findings" section.
3. TAX RETURNS: Write a check mark in the appropriate box(es) indicating the same information about Tax Returns as you wrote in the Petition and in the boxes of the above "Findings" section.
4. NAME CHANGE: If Party A or Party B wants to use, and/or be called by, the former/maiden name, write a check mark in the appropriate box(es) and *write the same name* you wrote in this section of the Petition. NOTE: The law does not require you to use your former/maiden name.
5. OTHER ORDERS: If you listed any other orders in the Petition for Annulment, write in the same information in the space provided.
6. ENFORCEMENT OF TEMPORARY ORDERS. If the Court ordered temporary payment of spousal maintenance/support (alimony), debt division, or other temporary relief, fill in the dates of ALL of the temporary orders. This section allows you to enforce nonpayment of those debts.
7. FINAL APPEALABLE ORDER. This Decree/Order/Judgment is a final order and may be appealed.

8. JUDICIAL SIGNATURE: The Judge or Commissioner who presides over your case will SIGN AND DATE this "COURT ORDERS" section.

D. SIGNATURES "OF BOTH PARTIES" SECTION:

- Do not sign or date the Decree, the Judge/Commissioner must do this.
- DEFAULT DECREE: If you (Party A) are seeking a Default Decree, Party A must promise to mail a copy of the Decree to the last known address of Party B, after the Judge or Commissioner has signed it.

E. "EXHIBIT A: PROPERTY AND DEBT": If you have questions about whether your property is community property or separate property, or whether your debt is community debt or separate debt, you should see a lawyer for help.

1. Division of Community Property. If you marked the box on the Decree to indicate you have no community property or debts, STOP. You have completed your Decree. If you *have* community property or debt, check this box and complete this form.
2. List of Community Property. Describe the property, then mark the box showing which party is being given the property. Mark the box stating "award each party the personal property in his/her possession." If you had to use a separate sheet to list more property, mark the box that states "continued on reverse side or see attached list." Be as specific as possible in describing your property.
3. Retirement Benefits. Decide what you want to do about these assets. Generally, each spouse is entitled to a half interest in the pension or retirement or deferred compensation benefits of the other spouse, based upon the length of time the parties were married. This is very complicated, and very important to both spouses. If you are entitled to any interest in your spouse's retirement assets, you may be required to file a "*Qualified Domestic Relations Order.*" This is a very important document. The Court and the Law Library Resource Center do not have this document. See a lawyer for help. Check the box that describes what you asked for in the Petition or what the parties have agreed to.
4. Real Property. Mark this box if you own a home or any other real estate together. IT IS VERY IMPORTANT THAT YOU WRITE IN THE CORRECT ADDRESS AND THE LEGAL DESCRIPTION OF EACH PIECE OF PROPERTY. Mark the box showing which spouse gets which property, OR that the property is to be sold and the proceeds divided. If you used your own earnings to pay for property owned by your spouse, see a lawyer.
5. Community Debt. Mark this box if the parties have community (or joint) debt. Describe the debt, including the creditor and the amount owed. Then mark the box showing which party is going to pay for the debt. If you had to use a separate sheet to list more debts, or if you continued to list debts on the reverse side of the page, check the box to indicate that to the Judge. (Mark the next box if you both agree that each spouse will pay his/her own debt, debts incurred, and owed, prior to the marriage)

6. Mark this box if you want to divide the debt(s) that were incurred by a spouse, but were not listed to be paid by the spouse who incurred the debt(s). Remember, even though the Decree orders either spouse to pay community debts - that does not mean a creditor cannot pursue collection from the other spouse, even after the Annulment is final.
7. Separate Property. If you and/or your spouse have separate property, describe the separate property, its value, and who the property belongs to.
8. Separate Debt. If you and/or your spouse have separate debt, identify the creditor, the amount owed, and who is responsible for paying the separate debt.

III. PROCEDURES: HOW TO GET YOUR DECREE SIGNED BY THE JUDGE

- Make three (3) copies of the decree. Take the documents to your trial or default hearing.
- TRIAL: If you have a trial, you must bring a copy of your marriage license to the trial to show the judge what type of marriage you have.
- If you are using the default process and you wish to proceed without a hearing, see the procedures and forms to proceed by Motion.
- NOTE: If you disobey the Orders in the Decree, you could get into trouble with the Court. This does not mean that the Court will police you or the other party to make sure you are following the Decree. It does mean that you, or your ex-spouse, can request a "*Contempt Order*" or an "*Order to Enforce*" parts of the Decree if you, or your ex-spouse, fail to follow the orders in the Decree.