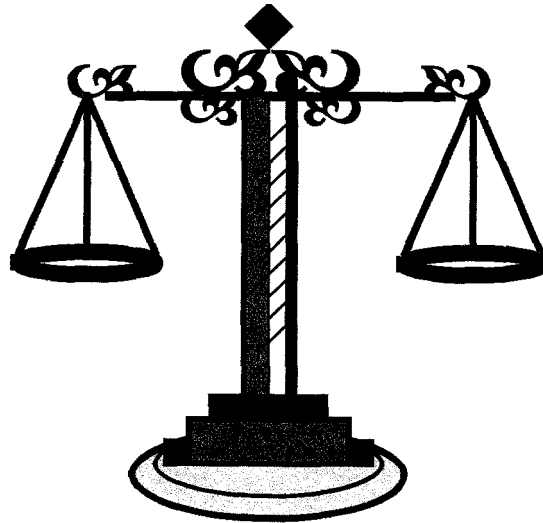


(REVISED 5/01)
HAMPSHIRE PROBATE AND FAMILY COURT

18

PRESENTING YOUR
UNCONTESTED DIVORCE



HAMPSHIRE PROBATE AND FAMILY COURT

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You must file the following documents the day of the hearing on your uncontested divorce:

Completed, signed Financial Statements from both parties (see handout called "Financial Statements" which can be found on the General Information Board located outside the Registry Office);

If you have children, you will also need:

A Child Support Guidelines Worksheet (see handout called "Guide to Completing the Child Support Guideline Worksheet, also available on the General Information Board);

A completed wage assignment;

A Department of Revenue Application (see handout called "Answers to General Questions about DOR, also available on the General Information Board);

At your uncontested divorce hearing you will be presenting your written agreement (know as a Separation Agreement) to the judge for approval.

The judge needs to know certain information in order to approve your agreement. Before the judge can approve your agreement, she or he must find that:

- **it makes proper provision for the custody and support of your minor and/or dependent children;**
- **Makes proper provisions for the division of the marital property and debts (See handout called "Division of Marital Property" available on the General Information Board near the Registry Office);**
- **Your agreement is fair and reasonable;**
- **Your agreement was not the product of coercion or duress and that you entered into the agreement freely and willingly;**
- **You understand your agreement;**
- **Your agreement is in accordance with the law.**

The following is a list of information you should be prepared to give at the hearing on your uncontested divorce.

1. Where and when you were married;
2. The name and date of birth of each child of the marriage and with whom they live;
3. Whether or not there have been any other legal cases between you and your spouse or any other legal cases involving the children (for example: guardianships, care and protection case, etc;)
4. The reason you are seeking a divorce;

5. If there is any chance of reconciliation and any efforts you have made to reconcile;
6. Whether or not your financial statement discloses accurately and completely all of your income, expenses, property and debts;
7. Whether or not you believe that your spouse's financial statement discloses accurately and completely all of her or his income, expenses, property and debts;
8. The terms of your agreement (you should be prepared to read your agreement to the judge);
Whether you have read the agreement and understand it;
9. Whether you believe the terms of the agreement to be fair to you and your spouse;
10. Whether you entered into the agreement freely, voluntarily, without force or duress;
11. Whether you want the terms. of the agreement to become the judgment of the court; and
13. Whether the non-child related provisions of your agreement will merge or remain an independent contract (for an explanation of these legal terms, see a handout called "Special Language Regarding the Finality of the Terms of your Separation Agreement" which is available on the General Information Board outside the Registry Office.)

If the judge approves your agreement, and you filed a 1A Joint Petition for Divorce, you will receive in the mail a document called Findings and Order. Thirty days later you will receive a document called a "Judgment of Divorce Nisi". This is the actual judgment of divorce. It will be dated and it will automatically become final 90 days after that date. You will not receive other documents from the court.

If you filed a 1B Complaint for Divorce you will only receive the Judgment of Divorce Nisi in the mail from the court. You will receive it shortly after the hearing.

If some time in the future you need a certified copy of your divorce judgment, you may request it at the Registry office.



THIS INFORMATION IS PROVIDED TO YOU AS A PUBLIC SERVICE AND DOES NOT CONSTITUTE LEGAL ADVICE. WHEN YOU SIGN A LEGAL DOCUMENT OR FILE ANY DOCUMENTS WITH THE COURT IT CAN SERIOUSLY AFFECT YOUR FUTURE. YOU SHOULD ALWAYS TRY TO GET LEGAL ADVICE BEFORE SIGNING ANY DOCUMENTS, FILING ANY DOCUMENTS WITH THE COURT OR APPEARING IN COURT.