

ALABAMA

Residence Requirements:

A spouse filing for divorce must be a resident of the state for at least 6 months if the other spouse is a non-resident of Alabama.

Where to File: _____

Circuit Court in: county where defendant lives, county where parties lived when separated*

Name of Court: _____

Circuit Court. "In the Circuit Court for _____ County, Alabama."

Title of Divorce Action: _____

Complaint for Divorce

Party Filing: _____

Plaintiff

Other Party: _____

Defendant

Title of Final Papers: _____

Final Judgment of Divorce

Approved Grounds for Divorce:

No-Fault: (1) irretrievable breakdown of the marriage; (2) voluntary separation for over 1 year; (3) complete incompatibility of temperament, as a result the parties cannot live together. Fault-based: (1) adultery; (2) no cohabitation for over 2 years without husband supporting wife (divorce must be filed by wife); (3) imprisonment for over 2 years if the total sentence is 7 years; (4) alcoholism; (5) substance abuse; (6) confinement for mental disease for over 5 years; (7) wife pregnant by another at the time of the marriage without the husband's knowledge; (8) physical abuse or reasonable fear of physical abuse; (9) marriage is not consummated; or (10) unnatural sexual behavior before or after the marriage.

General Divorce Procedures:

Default judgment may be granted but only if evidence is presented to support your motion. However, acceptance and waiver of service is allowed if signed by both the defendant and a witness. Effective January 1, 1997, there is a 30-day waiting period after the filing of the summons and complaint before a judge may issue a final judgment of divorce. Testimony in uncontested divorces may be taken before a court clerk, by sworn statements, or by transcripts of oral depositions. If child support is requested, a standardized child support guideline form and child support income statement/affidavit must be filed.

Mediation or Counseling Requirements:

There is no legal provision in Alabama for mediation or counseling.

Legal Separation Provisions:

If the filing spouse wants the divorce limited to a divorce "from bed and board," it may be granted for cruelty or for any of the same grounds for which a standard divorce is granted.

Property Distribution:

Alabama is an “equitable distribution” state; therefore the judge has full discretion when dividing jointly owned real estate or personal property. However, the judge does not have authority to award the wife’s separate property to the husband, regardless of whether it was obtained before or after the marriage. Gifts and inheritances are considered separate property and cannot be divided unless the real estate or personal property has been used to benefit both spouses.

Alimony/Spousal Support/Maintenance:

The judge has full discretion in awarding maintenance to either spouse if such spouse does not have sufficient property to provide for his or her maintenance. This award may be made out of the other spouse’s property, unless it is separate property and it was never used for the benefit of both spouses. The court looks at the following: (1) the value of the estate of both spouses; and (2) the condition of the spouse’s family. Up to 50% of a spouse’s retirement benefits may be used for alimony if the retirement was accumulated during a marriage of 10 years or more. Misconduct by either spouse may be considered by the court in determining any award, if any, of allowance for maintenance. The spouse’s right in receiving an allowance for maintenance will terminate if such spouse is living openly with a member of the opposite sex or re-married.

Child Custody and Visitation:

Custody may be granted to either parent after considering the following factors: (1) the age and sex of the child; (2) the safety and well-being of the child; and (3) the moral character of the parents. In addition, the desires of the child will also be considered. Joint custody may be awarded. There is a legal presumption against giving custody to any person who has inflicted any violence against either a spouse or a child. In abuse cases, the judge is required to consider any history of domestic abuse and may not consider the fact that a parent or spouse has relocated to avoid abuse.

As of January 1, 1997, Alabama officially favors joint custody (but not equal physical custody) if in the best interests of the child and the parents agree. Factors to be considered are (1) parental custody agreement; (2) parental cooperation; (3) parental ability to encourage love and sharing; (4) any history of abuse; (5) geographic proximity of parents. Joint custody may be awarded. However, if the wife abandons the husband and the children are over 7 years old, the husband is granted custody if he is suitable. Grandparents may be given visitation rights.

Child Support:

A standardized child support guidelines form and child support income statement/affidavit must be filed if child support is requested. The court may order either parent to provide support. There are official child support guidelines contained in the Alabama Rules of Judicial Administration, Rule 32. These guidelines are deemed correct unless the amount is shown to be unjust or inappropriate in a particular case. A standardized Child Support Guidelines form and Child Support Income Statement/Affidavit must be filed in every case in which child support is requested. In addition, a written agreement between the parents for a different amount with an explanation for the deviation will be allowed.

Rights to Maiden Name:

Wife may resume her maiden or former name upon divorce. Ex-husband may prevent his ex-wife from using his last name.

ALASKA

Residence Requirements:

Filing spouse must be a resident of the state. There is no residency time limit.

Where to File: _____

Superior Court

Name of Court: _____

**"Superior Court for the State of Alaska; # _____
Judicial District."**

Title of Divorce Action: _____

**Petition for Dissolution of Marriage (No-fault based)
Complaint for Divorce (Fault-based)**

Party Filing: _____

**Petitioner (No-fault)
Plaintiff
(Fault-based)**

Other Party: _____

**Respondent (No-fault)
Defendant
(Fault-based)**

Title of Final Papers: _____

**Decree of Dissolution of Marriage (No-fault based)
Judgment of Divorce (Fault-based)**

Approved Grounds for Divorce:

No-fault: Incompatibility of temperament which results in the irremediable breakdown of the marriage. Fault-based: (1) adultery; (2) incurable mental disease and confinement for 18 months; (3) substance abuse; (4) marriage not consummated; (5) conviction of a felony; (6) abandonment for over 1 year; (7) cruel and/or inhuman treatment; (8) habitual drunkenness; and (9) personal indignities.

General Divorce Procedures:

The spouses may jointly petition the court for a dissolution of marriage on the grounds of incompatibility of temperament under the following conditions: (1) if there are no minor children or the wife is pregnant, the parties have agreed on custody, visitation, and support for the child. The parties must also agree on whether support payments will be made through the state child support enforcement agency, and/or the tax consequences of such support payments; (2) the spouses have agreed to divide jointly owned property in a fair and just manner (including retirement pensions), to the payment of maintenance, if any, and to the tax consequences of such payments; (3) lastly, the spouses have agreed on the payment of all debts incurred by either or both of them, and to the payment of obligations incurred jointly by them in the future.

The petition for dissolution of marriage may be made by one spouse individually if: (1) the grounds for the dissolution of marriage is the incompatibility of temperament, evidenced by extended separation of the spouses, which has caused the irremediable breakdown of the marriage; (2) the petitioning spouse has been unable to ascertain the other spouse's position regarding the dissolution of their marriage, the division of their property, and the division of their obligations, custody, support and visitation of any child or children, because the whereabouts of the other spouse is unknown to the petitioning spouse, after reasonable efforts to locate the absent spouse; (3) the other spouse cannot be personally served with process inside or outside the state. Filing for a dissolution of marriage does not preclude filing for a divorce. Official state forms for obtaining a dissolution of marriage under these provisions may be obtained from the clerk of any Superior Court, or from the Division of Social Services of the Alaska Department of Health and Social Services.

Mediation or Counseling Requirements:

At the request of either spouse, mediation may be granted. If no request for mediation is made by either spouse, the court may order the spouses to submit to mediation by a court-appointed mediator.

Legal Separation Provisions:

There is no legal provision which directly addresses this issue in Alaska.

Property Distribution:Property Distribution:

Alaska is an “equitable distribution” state. All property acquired either jointly or separately during the marriage will be divided in a “just” manner. In a dissolution of marriage action (no-fault), any property acquired prior to the marriage will not be divided unless it is in the best interest of the child or the spouses have agreed to do so. The contribution of each spouse as homemaker is considered in the contribution to the acquisition of marital property. Gifts and inheritances are also subject to division by the court. Factors considered are: (1) length of marriage, (2) position in life of the parties during marriage, (3) the age and health of the parties, (4) the earning capacity of each spouse, (5) the financial condition of each spouse, (6) the parties’ conduct regarding their assets, (7) the desirability of awarding the family home to the spouse with primary physical custody of children, (8) the time and manner of acquisition of their property, (9) the income producing capacity of the property and its value, and (10) all other relevant factors. Non-monetary contributions to the marriage (for example: home-making) are also considered.

Alimony/Spousal Support/Maintenance:

Spousal support may be awarded to either spouse. The award may be made in a lump sum or paid by installments. The contribution of each spouse as homemaker is considered.

Child Custody and Visitation:

Custody is determined according to the best interest of the child and is based on the following factors: (1) the ability and desire of each parent to meet the child’s needs; (2) the physical, emotional, mental, religious and social needs of the child; (3) the preference of the child if of sufficient age and capacity; (4) the bond between the child and each parent; (5) the length of time the child has lived in a particular environment and the desirability of maintaining continuity; (6) the desire and ability of the custodial parent to allow a frequent relationship both open and loving between the child and the other parent; (7) any evidence of domestic violence; (8) child abuse or neglect; (9) any evidence of substance abuse that affects the emotional or physical well-being of the child; (10) distance between each parent as it relates to where the child will live and go to school; and (11) the advantage of keeping the child where he or she lives; or (12) any other relevant factors. Neither parent is considered to be entitled to custody. Joint/shared custody may be awarded, if it is in the best interests of the child.

Child Support:

The judge may order either parent to pay child support. There are official child support guidelines contained in Alaska Rules of Civil Procedure, Rule 90.3. These guidelines are presumed correct unless there is evidence that the amount would be unjust and inappropriate in a particular case. Child support payments may be ordered paid to a court-appointed trustee or through the state child support enforcement agency. Each parent must file a verified statement of income.

Rights to Maiden Name:

Either spouse may change their name in the decree for dissolution of marriage or final judgment for divorce (fault-based grounds).

ARIZONA

Residence Requirements:

Either spouse must have lived in the state for at least 90 days. There is a 60-day waiting period after the respondent has been served with service of process.

Where to File:

In the county in which the petitioner resides.

Name of Court:

Superior Court. "In the Superior Court in and for the County of _____, Arizona."

Title of Divorce Action:

Petition for Dissolution of Marriage

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Decree of Dissolution of Marriage

Important Note:

Additional forms may be required. Call or visit your clerk of the court.

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: The only ground for dissolution of marriage is irretrievable breakdown of the marriage.

General Divorce Procedures:

Acceptance and waiver of service by the respondent is allowed. The petition for dissolution of marriage may be heard before a court commissioner if an appearance and waiver is filed. Separation agreements are encouraged.

Mediation or Counseling Requirements:

Either spouse prior to filing for a dissolution of marriage may request the court to order mediation to save the marriage or help in a settlement. After filing for a dissolution of marriage the action may be transferred at the request of either spouse to the conciliation court for mediation. Official forms from the clerk of any Superior Court must be used when requesting this transfer. In addition, if one spouse denies that the marriage is irretrievably broken, the court may delay the case for up to 60 days and order the spouses to attend a conciliation conference.

Legal Separation Provisions:

There is no residency time limit, however, one spouse must live in Arizona when the action for legal separation is filed. The only ground for legal separation is that one spouse desires to live separate or the irretrievable breakdown of the marriage. However, if one party objects to legal separation, the case will be amended to an action for dissolution of marriage.

Property Distribution:

Arizona is a “community property” state. Community property is any property acquired during the marriage, and, therefore, it is divided and awarded equitably. Separate property will be retained by the owner of the property. Marital misconduct will not be considered in the division of community property. However, the court may consider the following factors in dividing the property: (1) excessive or abnormal use or expenditure; or, (2) any destruction, concealment, or fraudulent disposition of community property. The court may place a lien on the spouse’s separate property to secure payment of child or spousal support.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded maintenance. The court will award maintenance if such spouse: (1) lacks sufficient property to provide for his or her maintenance; (2) cannot support him or herself through appropriate employment; (3) is the custodian of a child whose age and condition is such that the custodian should not be employed outside of the home; (4) lacks marketable skills in the labor market to support him or herself; (5) contributed to the education of the other spouse; or (6) had a marriage of long duration; or (7) is of an age which precludes the ability of gaining employment to adequately support him or herself.

Marital misconduct is not a factor to be considered. The factors to be considered are: (1) if it is appropriate for the spouse who is custodian of a child to seek outside employment; (2) the time for the spouse to acquire education and training for suitable employment; (3) the spouse’s future earning capacity; (4) the spouse’s standard of living during their marriage; (5) the duration of the marriage; (6) the ability of the spouse providing maintenance to meet his or her needs while providing the maintenance to the other; (7) the financial resources of the spouse seeking maintenance (including marital property awarded and the spouse’s ability to meet his or her needs independently); (8) any destruction, concealment, fraudulent disposition, or excessive expenditures of jointly-held property; (9) the comparative financial resources of the spouses including their comparative earning capacities; (10) the age of the spouses; (11) the physical and emotional condition of the spouses; (12) the usual occupations of the spouses during the marriage; (13) the vocational skills of the spouse seeking maintenance; and (14) any other factors the court may deem just and equitable. Awards of maintenance are to be paid through the court unless the spouses agree otherwise. Maintenance agreements may be made non-modifiable by agreement of both spouses.

Child Custody and Visitation:

Custody is determined according to the best interest of the child and the following factors: (1) preference of the child; (2) the desire and ability of the custodial parent to allow a frequent relationship both open and loving between the child and other parent; (3) desire of each parent; (4) child’s adjustment to his or her home, school, and community; (5) the mental and physical health of the child and parents; (6) bond between child and parents and any siblings; (7) any evidence of domestic violence; (8) any coercion or duress in obtaining a custody agreement; and (9) which parent(s) have provided primary care of the child. No preference is to be given on the basis of the parent’s sex. Joint/shared custody is not favored, however, if the parents can submit a written agreement on joint/shared custody, and have satisfied the above factors, and the following additional factors: (1) that neither parent was coerced or influenced by duress into withholding or granting his or her agreement to joint custody; (2) that the parents can sustain an ongoing commitment to the child; and (3) that the joint custody agreement is logistically possible. Grandparents and great-grandparents may be awarded visitation rights. The court may consider awarding joint/shared custody.

Child Support:

The court may order either parent to pay child support without regard to marital misconduct. Awards of child support are paid through the court unless the parents agree otherwise. Official Arizona Supreme Court child support guidelines are available from the clerk of any Superior Court. The guidelines set the required amount for child support unless the amount is shown to be unjust and inappropriate. Every child support order will assign one or both parents the responsibility of getting medical insurance for the child and for payment of any medical expenses not covered by insurance.

Rights to Maiden Name:

The wife may restore her former or maiden name upon request.

ARKANSAS

Residence Requirements:

A spouse filing for a divorce must live in the state for 60 days and for 3 months before a divorce will be finalized.

Where to File:

In plaintiff's county; non-resident plaintiffs should file in the county of the defendant.

Name of Court:

Chancery Court. "In the Chancery Court of Arkansas."

Title of Divorce Action:

Complaint for Divorce

Title of Final Papers:

Decree of Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Approved Grounds for Divorce:

No-fault: 3 years or more of voluntarily living separate without cohabitation. Fault-based: (1) impotence; (2) adultery; (3) confinement for incurable insanity or separation caused by mental illness for a period of 3 years; (4) convicted felon; (5) personal indignities; (6) cruel and inhuman treatment which imminently endangers the life of the spouse; (7) drunkenness for 1 year; (8) commission and/or conviction of an infamous crime; and (9) non-support to complaining spouse when other spouse is able to provide such support.

General Divorce Procedures:

In an uncontested divorce action, proof of a spouse's residency, separation, and no cohabitation may be evidenced by a signed affidavit from a third party. However, proof of the grounds for a divorce does not need to be corroborated by a third party.

Mediation or Counseling Requirements:

There is no legal provision which directly addresses this issue in Arkansas.

Legal Separation Provisions:

Legal separation may be granted for the same reasons as the fault-based grounds, plus (1) willful desertion for 1 year, and (2) voluntary separation for 18 months.

Property Distribution:

Arkansas is an “equitable distribution” state. All property acquired during the marriage, both jointly or separately, will be divided equally between the spouses. However, if the court finds that the division of property will be unfair, the court may then re-distribute the property with the following factors in mind: (1) each spouse’s contribution to the acquisition of the marital property, including non-monetary contributions to the marriage, i.e. homemaking; (2) duration of the marriage; (3) age and health of each spouse; (4) the occupation of each spouse; (5) any and all sources of income to each spouse; (6) the vocational skill of each spouse; (7) earning ability in the job market; (8) the financial position of each spouse and ability to acquire more capital assets and income; and (9) the federal income tax consequence of dividing the property. All property acquired by the spouses prior to marriage, including gifts and inheritances, is retained unless the court finds it necessary to divide such property to achieve an equitable distribution. Fault may be considered in dividing the property if the grounds for divorce are voluntary separation for 3 years.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded alimony for a specific duration and subject to contingencies, such as the death or re-marriage of the receiving spouse. All awards of alimony to a spouse must be reasonable based on the particular circumstances of each case. Alimony payments may be ordered paid through the court.

Child Custody and Visitation:

Child custody may be awarded to either parent and is based on the best interest of the child. The court will base its decision on the following factors: (1) the circumstances of the parents and child, (2) the nature of the case; (3) which parent is most likely to allow frequent and continuing contact with the other parent; and (4) any acts of domestic violence. Joint/shared custody is only awarded in the best interest of the child. The sex of the parent is not a factor for decisions relating to child custody.

Child Support:

A reasonable amount will be awarded based on the following factors: (1) the circumstances of the parent and the child, and (2) the nature of the case. Child support payments may be ordered paid through the court and the court may also order that a bond be posted to secure the child support payment. In addition, official child support guidelines from the Arkansas Supreme Court are presumed to be correct unless the amount is shown to be unjust, considering the following factors: (1) any necessary medical, dental, or psychological care or insurance; (2) the creation or maintenance of trust fund for the child; (3) day care expenses; (4) extraordinary time spent with the non-custodial parent; and (5) any additional support provided by the parent obligated to pay support.

Rights to Maiden Name:

The wife may restore her former or maiden name upon request.

CALIFORNIA

Residence Requirements:

The spouse filing for dissolution of marriage must be a resident for 6 months and a resident for 3 months in the county in which he or she is filing. There is a 6-month waiting period after the service of process or the appearance by the other spouse before the court finalizes the dissolution of marriage.

Where to File:

In the county of the filing spouse; the spouse must have resided in the county for 3 months.

Name of Court:

Superior Court. "Superior Court of California, County of _____."

Title of Divorce Action:

Petition for Dissolution of Marriage

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Final Judgment of Dissolution of Marriage

Important Note:

Additional forms may be required. Call or visit your clerk of the court.

Approved Grounds for Divorce:

No-fault: Irreconcilable differences which have caused the irremediable breakdown of the marriage. Fault-based: Incurable insanity.

General Divorce Procedures:

A joint petition for summary dissolution of marriage may be filed if: (1) the marriage is of 5 years or less; (2) one spouse meets the residency requirements; (3) there are no children born or adopted during the marriage and the wife is not pregnant; (4) neither spouse owns any real estate; (5) there are no unpaid obligations incurred during the marriage which exceed \$4,000; (6) the community property has a total value of less than \$25,000, including any and all deferred compensation or retirement but excluding cars and loans; (7) neither spouse has separate property which is greater than \$25,000 (cars and loans excluded). [Note: This amount is subject to change in every odd-numbered year; (8) the spouses have a written and signed agreement regarding the division of property and payment of all debts and submit any documents or proof which gives legal effect to the agreement; (9) both spouses waive their right to spousal support; (10) the spouses waive their right to a new trial or to appeal the dissolution of marriage; (11) the spouses have read and understand the brochure on summary dissolution of marriage which is available in the county clerk's office; and (12) both spouses want the marriage dissolved. Unlike a "regular" dissolution, there is a 6-month waiting period before a summary divorce is final.

Mediation or Counseling Requirements:

If the court determines there is a reasonable possibility of reconciliation in a no-fault case, the proceedings will be delayed for 30 days. If there is no reconciliation, either spouse may request a dissolution of marriage or legal separation. A confidential counseling statement must be filed with the county clerk if there is a Conciliation Court. Forms are available at the clerk's office. If custody is a dispute, the court will order mediation.

Legal Separation Provisions:

To obtain a legal separation in California, the legal separation must be grounded on: (1) irreconcilable differences and (2) incurable insanity.

Property Distribution:

California is a “community property” state. All property acquired jointly during the marriage will be divided equally, unless it is clearly stated in a deed or written agreement that the property is “separate” property. However, the court may divide the property unequally if economic circumstances warrant it or if one of the spouses has willfully misappropriated the property. If one of the spouses has helped the other with education and training which will increase that spouse’s earning abilities, then this contribution is reimbursable to the community property. Each spouse will be responsible for: (1) his or her debts acquired prior to the marriage; (2) debts acquired during the marriage which did not benefit the marriage; (3) any debts for non-necessities acquired after the separation but before the dissolution of the marriage (debts for necessities will be equally divided); (4) an equitable share of community debt incurred during the marriage.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded spousal support. In doing so the court will look at the following factors: (1) whether the spouse seeking support has custody of the child(ren) and is unable to work because the child requires care; (2) the earning capacity of each spouse; (3) the standard of living during the marriage; (4) the length of the marriage; (5) the contribution of each spouse to the marriage, including non-monetary contributions, i.e. homemaking; (6) each spouse’s assets and ability to increase assets; (7) the needs and obligations of each spouse; (8) each spouse’s age and physical and emotional health; (9) the time necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that spouse’s future earning capacity; (10) the tax consequences to each spouse; (11) the supporting spouse’s ability to pay; (12) the balance of hardships to each party; (13) and any other factor the court considers relevant. However, marital misconduct will not be considered by the court.

Child Custody and Visitation:

Child custody may be awarded to either spouse. However, joint/shared custody may also be awarded. The court will consider the following factors: (1) preference of the child if of sufficient age and capacity; (2) the desire and ability of each parent to allow a frequent relationship, both open and loving, between the child and other parent; (3) the child’s health, safety and welfare; (4) any history of child or spouse abuse by anyone seeking custody or who has had any caretaking relationship with the child, including anyone dating the parent; (5) the bond between the child and each parent; (6) any continued use of alcohol or controlled substances; (7) marital misconduct, if any, may be considered. The court may order that a parent give the other parent 30 days’ notice before changing the residence of the child.

Child Support:

Either parent may be ordered to pay an amount necessary for the support, maintenance and education of the child. Child support payments may be awarded on a temporary basis during custody of child support proceeding. There is a mandatory minimum amount of child support which is determined by official forms which are available from the county clerk of any county. These minimum payment amounts will apply unless there is a reasonable agreement between the parents providing otherwise that states that (1) the parents state that they are fully informed of their rights regarding child support under California law, (2) that the child support amount is being agreed to without coercion or duress, (3) that both parents declare that their children’s needs will be adequately met, and (4) that the right to child support has not been assigned to the county and that no public assistance is pending. A parent may be required to provide medical insurance coverage for a child if such coverage is available at a reasonable cost. The parent required to pay may be required to give reasonable security for the support payments.

Rights to Maiden Name:

The former or maiden name of the wife will be restored upon request, regardless of the last name of any custodial child.

COLORADO

Residence Requirements:

Either spouse must have lived in the state for at least 90 days before filing.

Where to File:

Respondent's county or county in which the petitioner lives if respondent is a non-resident of Colorado.

Name of Court:

District Court. "In the District Court in and for the County of _____ and State of Colorado."

Title of Divorce Action:

Petition for Dissolution of Marriage

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Decree of Dissolution of Marriage

Important Note:

Additional forms may be required. Call or visit your clerk of the court.

Approved Grounds for Divorce:

Irretrievable breakdown of the marriage is the only grounds for a dissolution of marriage.

General Divorce Procedures:

Either or both spouses may obtain a dissolution of marriage by affidavit if: (1) there are no minor children and the wife is not pregnant or the spouses are represented by counsel and have a separation agreement granting custody and support; (2) there is no marital property or the spouses have agreed on how to divide the marital property; (3) there are no disputes; (4) the respondent has been served with the dissolution of marriage papers. In addition, a signed affidavit stating the facts of the case must be filed with the petition for dissolution of marriage.

Mediation or Counseling Requirements:

At the court's discretion or at the request of either party, the court may appoint a marriage counselor and stay the action for 30 to 60 days. A court may appoint an arbitrator to resolve disputes between parents concerning child support and custody.

Legal Separation Provisions:

The spouses may file for legal separation if there has been an irretrievable breakdown of the marriage.

Property Distribution:

Colorado is an “equitable distribution” state. All property acquired during the marriage will be divided without regard to any fault. The court will consider the following: (1) each spouse’s contribution to the acquisition of marital property, including non-monetary contribution; (2) the value of each spouse’s separate property; (3) the financial status of each spouse and the desirability to award the family home to the custodial parent or allow that parent to live in the home until the child(ren) is grown; (4) whether separate property has increased or decreased in value due to its use for the benefit of the marriage. Separate property acquired prior to the marriage is retained by that spouse.

Alimony/Spousal Support/Maintenance:

The court may award spousal support to either and will consider: (1) the property the spouse has; (2) the inability of the spouse to support himself or herself even with employment or the inability to work because of retaining custody of a child who requires special care; (3) the earning capability of the spouse; (4) the length of the marriage; and (5) the age and physical and emotional health of the spouse. Additionally, the court will consider: (1) the time necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that spouse’s future earning capacity; (2) the standard of living established during the marriage; (3) the ability of the spouse from whom support is sought to meet his or her needs while meeting those of the spouse seeking support; (4) the financial resources of the spouse seeking maintenance, including marital property apportioned to such spouse and such spouse’s ability to meet his or her needs independently; and (6) any custodial and child support responsibilities. Maintenance payments may be ordered to be paid directly to the court for distribution to the spouse.

Child Custody and Visitation:

Child custody is determined according to the best interest of the child; therefore sole or joint custody may be awarded. The court will consider the following: (1) the parents’ wishes; (2) the child’s wishes; (3) the bond between the child and each parent and any siblings; (4) the length of time the child has lived in a particular environment; (5) the mental and physical health of all individuals involved; and (6) any child abuse or spouse abuse by either parent. Visitation may be restricted if there is a danger to the child.

Child Support:

Either spouse may be ordered to pay child support. The court will consider the following: (1) the financial assets of the child; (2) the financial assets of the parents; (3) the standard of living the child would have if the marriage had not been dissolved; (4) the physical and emotional conditions and educational needs of the child; and (5) the financial resources, needs, and obligations of both the non-custodial and the custodial parent. Provisions for medical insurance and medical care for any children may be ordered to be provided. There are official child support guidelines available at the county clerk’s office in any county.

Rights to Maiden Name:

There is no legal provision in Colorado for restoration of the spouse’s name upon divorce. However, there is a general statute which allows for the change of a person’s name upon petition to the court.

CONNECTICUT

Residence Requirements:

Either spouse must be a resident of the state for 1 year for the dissolution of marriage to be finalized, unless one spouse was a resident when he or she entered into the marriage and then returned with the intention of permanent residence, or if the grounds for dissolution of marriage arose in Connecticut.

Where to File:

If support sought, plaintiff must file in county where he/she resides, otherwise file where convenient for both spouses.

Name of Court:

Superior Court

Title of Divorce Action:

Complaint for Dissolution of Marriage

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Decree of Dissolution of Marriage

Approved Grounds for Divorce:

No-fault: (1) irretrievable breakdown of the marriage, or (2) incompatibility and voluntary separation for 18 months with no reasonable prospect for reconciliation. Fault-based: (1) adultery; (2) life imprisonment; (3) 7 years' absence; (4) fraud; (5) habitual drunkenness; (6) confinement for incurable insanity for 5 years; (7) cruel and inhuman treatment; (8) willful desertion and non-support for 1 year; or (9) commission and/or conviction of an infamous crime involving a violation of conjugal duty and imprisonment for at least one year.

General Divorce Procedures:

A dissolution of marriage will be granted if proof is submitted by: (1) an agreement signed by both spouses or affidavit stating that the marriage is irretrievably broken; or (2) an agreement signed by both spouses concerning custody, care, education, support or visitation of children, if any, applicable alimony and the division of property. In addition, the spouses must state in court that the marriage is irretrievably broken.

Mediation or Counseling Requirements:

Within 90 days after filing for a divorce, either spouse may ask the clerk of the court for conciliation. Two mandatory counseling sessions will be ordered. In addition, mediation is also available to settle property, support, custody, and visitation disputes.

Legal Separation Provisions:

A legal separation must be grounded on the same reasons as above (no-fault or fault-based).

Property Distribution:

Connecticut is an “equitable distribution” state. The court may award to either spouse all or part of the property of the other spouse, including gifts and inheritances, with the following factors in mind: (1) each spouse’s contribution to the acquisition of the marital property, including non-monetary contributions, i.e. homemaking; (2) age and health of each spouse; (3) the occupation of each spouse; (4) the amount and sources of income of the spouses; (6) the vocational skills of the spouses; (7) the employability of the spouses; (8) the estate, liabilities, and needs of each spouse and the opportunity of each for further acquisition of capital assets and income; and (9) the causes that led to the breakdown of the marriage.

Alimony/Spousal Support/Maintenance:

Spousal support may be awarded to either spouse based on the following factors: (1) the cause for the divorce with regard to fault; (2) age and physical and emotional health of each spouse; (3) whether the spouse seeking support is the custodian of a child whose condition or circumstances make it appropriate for that spouse not to seek outside employment; (4) distribution of the marital property; (5) occupation of each spouse; (6) marketable skills, if any; and (7) the needs of each spouse.

Child Custody and Visitation:

Child custody may be awarded to either parent based on the best interest of the child. The court will consider the following factors: (1) the causes for the divorce and how it relates to the best interests of the child; and (2) the preference of the child if such child is of sufficient age and capacity. Joint custody will be awarded if both parents agree to it.

Child Support:

The court may order either parent to pay support based on the following: (1) earning ability of each parent; (2) age and health of the child and parents; (3) financial resources of the child and parents; (4) occupation, if any, of the child; (5) the occupation of each parent; (6) the vocational skills and employability of each parent; (7) the vocational skills of the child; (8) the employability of the child; (9) the estate and needs of the child; and (10) the relative financial means of the parents.

Rights to Maiden Name:

Either spouse’s former name will be restored upon request.

DELAWARE

Residence Requirements:

Either spouse must have been a resident for 6 months before filing.

Where to File:

In the county where either spouse lives.

Name of Court:

Family Court. "In the Family Court for the State of Delaware, In and For _____ County."

Title of Divorce Action:

Petition for Divorce

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: Separation caused by mental illness.

General Divorce Procedures:

The requirement for service of process may be satisfied by the respondent by filing an appearance.

Mediation or Counseling Requirements:

The court may order mediation, in which case the proceedings for a dissolution of marriage will be delayed for 60 days.

Legal Separation Provisions:

There is no legal provision that directly addresses this issue in the state of Delaware.

Property Distribution:

Delaware is an “equitable distribution” state. Property acquired before the marriage will be retained by that spouse. All property acquired during the marriage will be divided equally based upon the following: (1) age and health of each spouse; (2) occupation of each spouse; (3) each spouse’s contribution to the acquisition of the marital property, including non-monetary contributions to the marriage, i.e. homemaking; (4) duration of the marriage; (5) the value of each spouse’s separate property; (6) earning ability of each spouse; (7) the tax consequence of dividing the property; (8) any and all sources of income of each spouse; (9) the vocational skills of the spouses; (10) the employability of the spouses; (11) the estate, liabilities, and needs of each spouse and the opportunity of each for further acquisition of capital assets and income; (12) liabilities of the spouses; (13) any prior marriage of each spouse; (14) whether the property award is instead of or in addition to maintenance; (15) how and by whom the property was acquired; and (16) any custodial provisions for the children.

Alimony/Spousal Support/Maintenance:

The court may award support to either spouse if the spouse: (1) lacks sufficient property, even after dividing the marital property, to support himself or herself; (2) is dependent on the other spouse; (3) lacks the appropriate earning skills; or (4) is unable to work because he or she is the custodial parent and the child requires special care. Either spouse may be awarded alimony for no longer than a period of time equal 50% of the length of the marriage. There is, however, no time limit if the marriage lasted for over 20 years.

Child Custody and Visitation:

Either parent may be awarded custody. Joint or sole child custody may be awarded based on the following factors: (1) the child’s wishes; (2) the parents’ wishes; (3) the bond between the child and each parent and any siblings; (4) the child’s adjustment to his or her home, school, and community; (5) the mental and physical health of all individuals involved; and (6) the past and present compliance by both parents with the duty to support the child. The conduct of the proposed guardian is to be considered only as it bears on his or her relationship with the child. No preference to be given because of parent’s sex. Also the petitioner must submit a signed affidavit stating that he or she has read and understands the children’s rights. A list of the children’s rights is available at the county clerk’s office.

Child Support:

The court may order either parent to pay child support based on the following: (1) age and health of the child and parent; (2) the financial resources of the child and parents; (3) earning abilities of the parents; (4) the standard of living the child would have enjoyed if the marriage was not dissolved; (5) the age, health, or station of the child; (6) the estate and needs of the child; and (7) the relative financial means of the parents.

Rights to Maiden Name:

The wife may restore her former name upon request.

DISTRICT OF COLUMBIA

Residence Requirements:

Either spouse must have resided in the District of Columbia for 6 months before filing. Military personnel are eligible to file if they have been stationed in the District of Columbia for 6 months.

Where to File: _____

Superior Court, Family Division

Name of Court: _____

“In the Superior Court of the District of Columbia—Family Division.”

Title of Divorce Action: _____

Complaint for Divorce

Party Filing: _____

Plaintiff

Other Party: _____

Defendant

Title of Final Papers: _____

Final Decree of Divorce

Approved Grounds for Divorce:

No-fault: (1) mutual voluntary separation without cohabitation for 6 months; or (2) living separate and apart without cohabitation for 1 year.

General Divorce Procedures:

There are no legal provisions in the District of Columbia for a simplified divorce.

Mediation or Counseling Requirements:

The court may order either or both spouses to attend parenting classes in those cases in which child custody is an issue.

Legal Separation Provisions:

Legal separation (from bed and board) will be awarded if grounded on the following: (1) adultery; (2) cruel and inhuman treatment; or (3) living separate and apart without cohabitation. One of the spouses must have been a resident for six months prior to filing for legal separation. Military personnel are considered residents if they have been stationed in Washington D.C. for six months.

Property Distribution:

The District of Columbia is an “equitable distribution” jurisdiction. Separate property acquired before the marriage and property acquired by gift or inheritance will be retained by each spouse. All marital property, regardless of how title is held, will be divided in an equitable manner based on the following: (1) any prior marriage of each spouse; (2) whether property awarded is in lieu of or in addition to spousal support; (3) each spouse’s contribution to the acquisition of the marital property, including non-monetary contributions, i.e. homemaking; (4) earning ability of each spouse; (5) occupation of each spouse; (6) length of the marriage; (7) any and all sources of income of each spouse; (8) which spouse retains custody of the child(ren); (9) age and physical and mental health of each spouse; (10) the vocational skills of the spouses; (11) the employability of the spouses; (12) the estate, liabilities, and needs of each spouse and the opportunity of each for further acquisition of capital assets and income; and (13) the assets and debts of the spouses

Alimony/Spousal Support/Maintenance

Either spouse may be awarded alimony. Marital misconduct may be considered in awarding alimony. No other specific factors are listed in the statute.

Child Custody and Visitation:

Child custody may be granted to either parent. Custody is granted according to the best interest of the child based on the following: (1) the child’s wishes; (2) the wishes of the parents; (3) the bond between the child and each parent and any siblings; (4) the mental and physical health of the parties; (5) the child’s adjustment to his or her home, school and community; (6) the willingness of the parents to share custody; (7) the prior involvement of the parent in the child’s life; (8) the geographical proximity of the parents; (9) the sincerity of the parent’s request; (10) the age and number of children; (11) the demands of parental employment; (12) the impact on any welfare benefits; and (13) evidence of spousal or child abuse. There is a rebuttable presumption that joint interest is in the best interests of the child; unless child abuse, neglect, parental kidnapping or other intrafamily violence has occurred. The court may order the parents to submit a written parenting plan for custody.

Child Support:

The court may order either parent to pay child support. The court will use specific child support guidelines in awarding child support. However, the court can deviate from the guidelines if there are extraordinary factors that warrant the court to do so. Child support may be ordered paid through the court.

Rights to Maiden Name:

The former or maiden name will be restored upon request.

FLORIDA

Residence Requirements:

Either spouse must be a resident of Florida for 6 months before filing.

Where to File:

In the county where the respondent lives or in the county where spouses lived together before separating.

Name of Court:

Circuit Court. "In the Circuit Court in and for the County of _____, Florida."

Title of Divorce Action:

Petition for Dissolution of Marriage.

NOTE: Disclosure from Nonlawyers: If a person who is a nonlawyer helps you fill out these forms, that person must give you a copy of Family Law Form 12.900, Disclosure from Nonlawyer, before they help you.

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Final Judgment of Dissolution of Marriage

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: Mental incapacity for 3 years.

General Divorce Procedures:

A simplified dissolution of marriage can be used if: (1) there are no minor children and the wife is not pregnant; (2) the spouses have agreed to a fair division of property and payment of their debts; (3) the resident requirement has been satisfied; and (4) the marriage is irretrievably broken. The spouses must testify in court to the above and submit a certificate of corroborating witness as to the residency requirement. In addition, each spouse must attach a financial affidavit to the petition for dissolution of marriage.

Mediation or Counseling Requirements:

If one spouse disputes that the marriage is irretrievably broken or if there are minor children involved, then the court may delay the proceeding for up to 3 months, during which time the spouses will be ordered to attempt reconciliation or attend mediation sessions.

Legal Separation Provisions:

A spouse may file for separate maintenance and support.

Property Distribution:

Florida is an “equitable distribution” state. Each spouse will retain his or her separate property. Separate property is property acquired before the marriage, by gift or inheritance, or considered separate according to a written agreement. All marital property will be divided equitably based on the following factors: (1) each spouse’s contribution to the acquisition of the marital property, including any non-monetary contribution, i.e. homemaking; (2) the length of the marriage; (3) standard of living during the marriage; (4) any and all sources of income of each spouse; (5) the financial resources of each spouse and ability to increase resources; (6) the age and health of each spouse; (7) the time and expense a spouse will incur to receive sufficient education or training for appropriate employment; and (8) any other relevant factor.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded alimony on a rehabilitative or permanent basis. The award may be a lump sum, a periodic payment or both. Adultery may be a factor in the award. The court will also consider the same factors as listed under Property Distribution.

Child Custody and Visitation:

Either parent may be awarded custody. However, joint custody, referred to as “shared parental responsibility,” may also be awarded. The court will base its decision on: (1) the moral fitness of the parents; (2) the child’s wishes; (3) the amount of time the child has lived in a particular environment and the desirability of maintaining continuity; (4) the bond between the child and each parent; (5) any domestic violence; (6) the desire and ability of each parent to allow a loving and open relationship between the child and the other parent; (7) the material needs of the child; (8) the capability and desire of each parent to meet the child’s needs; (9) the child’s adjustment to his or her home, school, and community; (10) the stability of the home environment likely to be offered by each parent; (11) any evidence of spouse abuse; and (12) any other relevant factor.

Child Support:

Either parent may be ordered to pay child support. The court will use the official child support guidelines in awarding child support.

Rights to Maiden Name:

No legal provision addresses restoration of former name, however, a general statute provides for a petition for a name change.

Disclosure from Nonlawyers:

If a person who is a nonlawyer helps you fill out these forms, that person must give you a copy of Family Law Form 12.900, Disclosure from Nonlawyer, before they help you.

GEORGIA

Residence Requirements:

One spouse must have been a resident of Georgia for at least 6 months before filing.

Where to File:

In the county where the resident spouse resides. The non-resident (resident in Georgia less than 6 months) may file in his or her county.

Name of Court:

Superior Court. "In the Superior Court of _____ County, Georgia."

Title of Divorce Action:

Petition for Divorce

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Final Judgment and Decree of Divorce

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: (1) adultery; (2) impotence; (3) conviction and imprisonment of over 2 years for an offense involving moral turpitude; (4) drunkenness or drug abuse; (5) separation caused by mental illness; (6) confinement for incurable insanity; (7) alcoholism; (8) fraud, duress, or force into marriage; (9) lack of mental capacity to consent to marriage; (10) cruel and inhuman treatment; (11) wife was pregnant with a child of another unknown to the husband; (12) willful desertion; (13) consent to marriage was obtained by fraud, duress, or force; or (14) incest.

General Divorce Procedures:

There are no simplified divorce procedures in Georgia.

Mediation or Counseling Requirements:

There are no legal provisions which directly address divorce mediation in Georgia.

Legal Separation Provisions:

A spouse may file for separate maintenance.

Property Distribution:

Georgia is an “equitable distribution” state. The court will divide all marital property, including any gifts and inheritances, in an equitable manner.

Alimony/Spousal Support/Maintenance:

The court may award permanent or temporary alimony to either spouse, unless the separation was due to that spouse’s desertion or adultery. The court will consider the following factors: (1) each spouse’s contribution to the acquisition of the marital property, including all non-monetary contributions; (2) length of the marriage; (3) age and health of each spouse; (4) the value of each spouse’s separate property; (5) earning ability of each spouse; (6) the standard of living during the marriage; (7) the time a spouse spends obtaining sufficient education or training for appropriate employment; (8) any fixed liabilities of either spouse; and (9) the financial resources of each spouse.

Child Custody and Visitation:

Child custody is based on the circumstances of the case. Custody is awarded based on the best interest of the child in consideration of the following factors: (1) the suitability of each parent as custodian; (2) the psychological, emotional and developmental needs of the child; (3) the ability of the parents to communicate with each other; (4) the prior and continuing care that the parents have given the child; (5) parental support for the other parent’s relationship with the child; (6) the wishes of the child (considering the child’s age and maturity); (7) the safety of the child; (8) the geographic proximity of the parents; (9) any custodial agreements of the parents; and (10) any history of domestic abuse. There is a presumption against awarding joint custody in Georgia when there is a history of domestic abuse.

Child Support:

Either parent may be ordered to pay child support. The court will follow official child support guidelines in awarding child support payments if the parents cannot reach an agreement. The court will consider the following: (1) the cost of education; (2) day care cost; (3) income of the custodial parent; (4) a parent’s obligation to provide support to other dependents; (5) shared physical custody arrangements; (6) hidden income of a parent; (7) contributions of the parents; (8) extreme economic circumstances; (9) a parent’s own extraordinary needs; (10) historic spending levels of the family; (11) the cost of health and accident insurance coverage for the child; and (12) any extraordinary visitation travel expenses.

Rights to Maiden Name:

The former name of a spouse will be restored upon request.

HAWAII

Residence Requirements:

The filing spouse must have resided in Hawaii for 3 months. However, a final judgment of divorce will not be granted unless one spouse has been a resident for 6 months.

Where to File: _____

In the judicial district where the plaintiff lives or in the judicial district where the spouses last resided together.

Name of Court: _____

Family Court

Title of Divorce Action: _____

Complaint for Divorce

Party Filing: _____

Plaintiff

Other Party: _____

Defendant

Title of Final Papers: _____

Decree of Divorce

Approved Grounds for Divorce:

No-fault: (1) irretrievable breakdown of the marriage; and (2) living separate and apart without cohabitation for 2 years, and it would not be harsh or oppressive to the defendant to grant the divorce. Fault-based: Legal separation and there has been no reconciliation.

General Divorce Procedures:

Proof of an irretrievable breakdown of the marriage may be shown by both spouses stating so in an affidavit, or by one spouse stating so in an affidavit, and the other spouse not denying it. The court may then waive any hearing and grant the divorce based on the affidavit submitted.

Mediation or Counseling Requirements:

The court may delay the proceedings for 60 days if one spouse disputes that there has been an irretrievable breakdown of the marriage.

Legal Separation Provisions:

Legal separation may be granted for up to 2 years on the grounds that the marriage is temporarily disrupted and the filing spouse has been a resident for at least 3 months.

Property Distribution:

Hawaii is an “equitable distribution” state. The court will divide in an equitable manner all of the spouses’ property, including marital and separate property. The factors considered will be: (1) the financial position of each spouse after the divorce; (2) the burdens imposed on each spouse for the benefit of the children; (3) the earning capability of each spouse; and (4) all relevant factors.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded alimony based on the following: (1) length of the marriage; (2) the financial resources of each spouse; (3) earning ability of each spouse; (4) age and health of each spouse; (5) the standard of living during the marriage; (6) the length of time the spouse will need alimony; (7) the financial position the spouses will be left in after the marriage has been dissolved; (8) the ability of the spouse seeking maintenance to meet his or her needs independently; (9) the comparative financial resources of the spouses; (10) the needs and obligations of each spouse; (11) the usual occupation of the spouses during the marriage; (12) the vocational skills and employability of the spouse seeking support and maintenance; (13) any custodial and child support responsibilities; (14) the ability of the spouse from whom support is sought to meet his or her own needs while meeting the needs of the party seeking support; (15) other factors which measure the financial condition in which the spouses will be left as a result of the divorce; and (16) any other factor which measures the financial condition in which the spouses will be left in as a result of any award of maintenance.

Child Custody and Visitation:

Either parent may be awarded custody. In addition, joint custody may be awarded. Custody will be awarded in the best interest of the child and upon the child’s preference.

Child Support:

Either or both parents may be ordered to pay child support. Child support is awarded in a just and equitable manner. In addition, the court will use the official child support guidelines in setting the payments for child support.

Rights to Maiden Name:

The wife’s maiden name will be restored upon request.

IDAHO

Residence Requirements:

The filing spouse must have been a resident of Idaho for 6 full weeks before filing for a divorce.

Where to File:

In the county where defendant resides, or, if a non-resident, in the county where the plaintiff resides.

Name of Court:

“In the District Court of the _____ Judicial District for the State of Idaho, In and for the County of _____.”

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: (1) irreconcilable differences and living separate and apart without cohabitation for 5 years. Fault-based: (1) adultery; (2) permanent insanity; (3) convicted felon; (4) willful desertion for 1 year; (5) cruel treatment to spouse; (6) willful neglect for 1 year; and (7) drunkenness.

General Divorce Procedures:

A divorce may still be granted if the defendant fails to answer the complaint for divorce (default judgment). Marital settlement agreements are authorized. These agreements must be in writing and notarized. If the marital settlement agreement contains any provisions dealing in real estate, then the agreement must be recorded in the county recorder's office.

Mediation or Counseling Requirements:

Idaho has a mandatory 20-day waiting period before granting a divorce, unless the spouses agree differently. Either spouse can request a meeting to determine whether there can be reconciliation. If it is determined that there may be a practical chance for reconciliation and there are minor children, the court will delay the proceedings for 90 days.

Legal Separation Provisions:

There are no provisions for legal separation.

Property Distribution:

Idaho is a “community property” state. Separate property, which is property acquired: (1) prior to the marriage; (2) by gift or inheritance; or (3) by individual gift before or during the marriage, will be retained by that spouse. All other property acquired during the marriage will be divided equally, unless there are compelling circumstances to do otherwise. The court will consider the following: (1) the duration of the marriage; (2) marital misconduct; (3) the earning capability of each spouse; (4) any and all sources of income of each spouse; (5) whether property awarded is in lieu of or in addition to spousal support; (6) occupation of each spouse; (7) any premarital agreement; (8) any debts of each spouse; (9) the needs of each spouse; (10) age and health of each spouse; (11) the vocational skills of the spouses; and (12) the employability of the spouses.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded maintenance if such spouse: (1) lacks sufficient property to provide for his or her own maintenance; and (2) cannot support himself or herself through appropriate employment. The court will consider the following factors when awarding maintenance: (1) the time and expense a spouse will incur to obtain sufficient education or training for appropriate employment; (2) the length of the marriage; (3) age and health of each spouse; (4) the cause that led to the breakdown of the marriage; (5) the needs of the spouse seeking maintenance and the ability of the other spouse to make such payments while meeting his or her own needs; (6) the financial assets of the spouse seeking maintenance; and (7) the tax consequences to each spouse.

Child Custody and Visitation:

Child custody is determined according to the best interest of the child. Joint or sole custody may be awarded. The court will consider the following: (1) the wishes of the child; (2) the wishes of the parents; (3) the mental and physical health of the parents and the child; (4) the bond between the child, the parents and any siblings; (5) the child’s adjustment to his or her home, school, and community; (6) a need to promote continuity and stability in the life of the child; and (7) domestic violence, whether or not in the presence of the child. Joint custody is allowed if it can be arranged to assure the child with frequent and continuing contact with both parents. Unless shown otherwise, it is presumed that joint custody is in the best interests of the child.

Child Support:

The court may order either parent to pay child support based on the following: (1) financial resources of the child and the parents; (2) standard of living the child would have enjoyed if the marriage was not dissolved; (3) the physical and emotional conditions and educational needs of the child; (4) the financial resources, needs and obligations of both the noncustodial and the custodial parent (normally, not including the parent’s community property share of the financial resources or obligations with a new spouse); (5) the availability of reasonable medical insurance coverage for the child; (6) and the actual tax benefits achieved by the parent claiming the federal dependency exemption for income tax purposes. Child support may be paid through the clerk of the court, unless the court orders otherwise. There are official child support guidelines which the court will use unless it is shown that such amount will be unjust or inappropriate. All child support orders allow the court to enforce child support payments by withholding the income of the “paying” spouse.

Rights to Maiden Name:

No legal provision addresses restoration of former name; however, a general statute provides for a petition for name change.

ILLINOIS

Residence Requirements:

The filing spouse must have been a resident of Illinois for 90 days before filing for a dissolution of marriage.

Where to File:

In the county in which either spouse resides.

Name of Court:

“In the Circuit Court of the _____ Judicial District, _____ County, Illinois.”

Title of Divorce Action:

Petition for Dissolution of Marriage

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Judgment for Dissolution of Marriage

Approved Grounds for Divorce:

No-fault: Irreconcilable differences and reconciliation has failed or further attempts will be impractical and the spouses have lived separate and apart without cohabitation for 2 years. However, if both spouses agree, the time period becomes 6 months. Fault-based: (1) adultery; (2) bigamy; (3) felony; (4) impotence; (5) drunkenness for 2 years; (6) drug abuse; (7) cruel and inhuman treatment; (8) willful desertion for 1 year; and (9) infection of the other spouse with a communicable disease.

General Divorce Procedures:

To speed up the divorce process, marital separation agreements are encouraged.

Mediation or Counseling Requirements:

If the court or either spouse requests, the court may order a conciliation conference if there is a possibility of reconciliation.

Legal Separation Provisions:

The petitioner must file for legal separation in the county where the respondent lives. The petitioner may seek reasonable support and maintenance if without fault and living separate and apart from the other spouse when obtaining a legal separation.

Property Distribution:

Illinois is an “equitable distribution” state. Each spouse will retain property acquired prior to the marriage and any property acquired by gift or inheritance. This is known as separate property. All other property and marital property will be divided, without fault, according to the following factors: (1) each spouse’s contribution to the acquisition of marital property, including non-monetary contribution, i.e. homemaking; (2) the value of each spouse’s separate property; (3) the financial status of each spouse and the desirability to award the family home to the custodial parent or allow that parent to live in the home until the child(ren) is grown; (4) any and all sources of income of each spouse; (5) the occupation of each spouse; (6) the financial position of each spouse, and his or her ability to acquire more capital assets and income; (7) age and health of each spouse; (8) the duration of the marriage; (9) debts of each spouse; (10) whether the property award is in lieu of or in addition to alimony; (11) the occupation of the spouses; (12) the vocational skills of the spouses; (13) the employability of the spouses; (14) the federal income tax consequences of the court’s division of the property; or (15) any premarital agreement.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded maintenance if such spouse: (1) lacks the appropriate earning skills or is the custodial parent and unable to seek employment because the child requires special care; (2) lacks sufficient property to provide for his or her maintenance; or (3) is otherwise without sufficient income. The cause for the divorce will not be considered. The award will be based on the following: (1) age and mental and physical health of each spouse; (2) the time and expense a spouse will incur to obtain sufficient education or training for appropriate employment; (3) the needs of the spouse seeking maintenance and the ability of the other spouse to make such payments while meeting his or her own needs; (4) the standard of living established during the marriage; (5) the financial position of the spouse seeking maintenance; (6) the duration of the marriage; (7) the tax consequences to each spouse; and (8) any custodial and child support responsibilities.

Child Custody and Visitation:

Child custody will be awarded in the best interest of the child based on the following: (1) the child’s wishes; (2) the preferences of the parents; (3) mental and physical health of the child and parents; (4) domestic violence; (5) the relationship of the child with parents, siblings and other significant family members; and (6) the willingness and ability of each parent to encourage a close and continuing relationship between the child and the other parent. Joint custody may also be awarded. The court will consider the following factors: (1) the desire of each parent to cooperate in this arrangement; (2) the geographic location of each parent; and (3) any other factor the court considers relevant.

Child Support:

The court may order either parent to pay child support based on the following: (1) the financial resources of the child and parents; (2) the standard of living the child would have enjoyed if the marriage was not dissolved; (3) the physical and emotional conditions and educational needs of the child; and (4) the financial resources, needs and obligations of both the noncustodial and custodial parent. The support payments may include payment for the child’s health insurance. There are official child support guidelines which help the court establish the amount of child support.

Rights to Maiden Name:

The wife may restore her former name upon request.

INDIANA

Residence Requirements:

Either spouse must have been a resident of Indiana for 6 months before filing for a dissolution of marriage.

Where to File:

In the county in which one of the spouses has been a resident for at least 3 months.

Name of Court:

Superior Court, Circuit Court, or Domestic Relations Court. "_____ Court of _____ County, Indiana."

Title of Divorce Action:

Petition for Dissolution of Marriage

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Final Dissolution of Marriage Decree

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: (1) impotence; (2) conviction of a felony; and (3) permanent insanity for at least 2 years.

General Divorce Procedures:

A summary dissolution will be granted by the court if: (1) 60 days have passed since the filing for a petition for dissolution of marriage; (2) the petition was verified and signed by both spouses; (3) the petition contained a provision which waived a final hearing; and (4) the petition contains either a statement (a) that there are no contested matters; or (b) that the spouses have a written marital settlement agreement concerning any contested issues. If some issues remain contested, the court may hold a final hearing on those issues.

Mediation or Counseling Requirements:

If the court or either spouse requests counseling, then the court will delay the divorce proceeding for up to 45 days.

Legal Separation Provisions:

Legal separation may be granted on the grounds that it is currently intolerable for the spouses to live together.

Property Distribution:

Indiana is an “equitable distribution” state. All property acquired before or during the marriage, including gifts and inheritances, will be divided by the court in a just manner. It is presumed that equal division of the property is in a just manner. The court will consider the following: (1) each spouse’s contribution to the acquisition of marital property, including non-monetary contributions; (2) the financial position of each spouse and the desirability to award the family home to the custodial parent or allow that parent to live in the home until the child(ren) is grown; (3) the present and future earning ability of each spouse; (4) the extent to which the property acquired by each spouse was acquired prior to marriage or by gift or inheritance; (5) any misconduct which relates to the disposition of any property; and (6) reimbursement for any financial contribution by one spouse toward the higher education of the other spouse.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded maintenance if such spouse: (1) lacks sufficient property to support himself or herself and any incapacitated child and unable to work because the child requires special care, or (2) is mentally or physically incapacitated and unable to support himself or herself. Rehabilitative maintenance may be awarded for up to 3 years based on the following: (1) the time and expense a spouse incurs to obtain sufficient education or training for appropriate employment; (2) earning ability of each spouse; (3) if there was any interruption in education, training, or employment by a spouse due to homemaking responsibilities; or (4) the educational level of each spouse at the time of the marriage and at the time the action is commenced.

Child Custody and Visitation:

Child custody is awarded in the best interest of the child based on the following: (1) the wishes of the child; (2) age and sex of the child; (3) the wishes of the parents; (4) the child’s adjustment to his/her home, school, and community; (5) the mental and physical health of all individuals involved; and (6) the bond between the child, parents and any siblings. Joint custody may be awarded depending upon: (1) whether it is in the best interest of the child; (2) the geographic location of each parent; (3) the wishes of the child; (4) the fitness and suitability of the parents; (5) the nature of the physical and emotional environment in the home of each of the persons awarded joint custody; (6) the willingness and ability of the persons awarded joint custody to communicate and cooperate in advancing the child’s welfare; and (7) whether the child has established a close and beneficial relationship with both of the persons awarded joint custody.

Child Support:

The court may order either parent to pay child support. The court will consider the following: (1) the financial resources of each parent; (2) the standard of living the child would have enjoyed if the marriage was not dissolved; and (3) the physical and emotional conditions and educational needs of the child. Support may include payment for medical insurance. Support payments may be required to be paid through the clerk of the court. There are official child support guidelines which the court may use.

Rights to Maiden Name:

The wife’s former name may be restored upon her request.

IOWA

Residence Requirements:

There is no residency requirement for the filing spouse if the respondent spouse is a resident of Iowa and has been personally served with the petition for dissolution of marriage. Otherwise, there is a 1-year residency requirement. In addition, there is a 90-day waiting period prior to the dissolution of marriage becoming final.

Where to File: _____

In the county where either spouse resides.

Name of Court: _____

District Court. "In the District Court for the County of _____, Iowa."

Title of Divorce Action: _____

Petition for Dissolution of Marriage

Party Filing: _____

Petitioner

Other Party: _____

Respondent

Title of Final Papers: _____

Decree of Dissolution of Marriage

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: Irretrievable breakdown of the marriage.

General Divorce Procedures:

There are no simplified divorce procedures in Iowa. Both spouses must file financial affidavits with the petition for dissolution of marriage.

Mediation or Counseling Requirements:

If the court determines the need for or if either spouse requests counseling, the court will order it for up to 60 days.

Legal Separation Provisions:

Legal separation can only be grounded on irretrievable breakdown of the marriage.

Property Distribution:

Iowa is an “equitable distribution” state. All property acquired before or during the marriage, except any gifts or inheritances acquired prior to or during the marriage, will be divided. Marital fault will not be considered when dividing the property. The court will consider the following factors: (1) each spouse’s contribution to the acquisition of marital property, including non-monetary contributions; (2) the value of any property brought into the marriage; (3) the duration of the marriage; (4) age and health of each spouse; (5) earning ability of each spouse; (6) the financial position of each spouse and the desirability to award the family home to the custodial parent or allow that parent to live in the home until the child(ren) is grown; (7) contribution by one spouse toward the higher education of the other spouse; (8) whether the property award is in lieu of or in addition to alimony; (9) the time and expense a spouse will incur to obtain sufficient education or training for appropriate employment; (10) the vocational skills of the spouses; (11) the employability of the spouses; (12) the federal income tax consequences of the court’s division of the property; (13) any premarital or marital settlement agreement; (14) the total economic circumstances of the spouses, including any pension benefits; (15) any custodial provisions for the children; and (16) the amount and duration of any maintenance payments.

Alimony/Spousal Support/Maintenance:

Either spouse may be granted maintenance. The court will base its decision on the following factors: (1) the time and expense a spouse incurs to obtain sufficient education or training for gainful employment; (2) length of the marriage; (3) financial position of the spouse seeking alimony; (3) any premarital agreement; (4) the standard of living established during the marriage; (5) custodial and child support obligations; (6) earning ability of spouse seeking maintenance; (7) any interruption in education, training, or employment by a spouse due to homemaking responsibilities; (8) the tax consequences to each spouse; (9) the age of the spouses; (10) the physical and emotional condition of the spouses; (11) the vocational skills and employability of the spouse seeking support and alimony; (12) the probable duration of the need of the spouse seeking support and alimony; (13) the educational level of each spouse at the time of the marriage and at the time the action for support is commenced; and (14) any other factor the court deems just and equitable. Marital misconduct will not be considered by the court.

Child Custody and Visitation:

Either parent may be awarded custody. Joint custody may be awarded based on: (1) best interest of the child; (2) desire of the parents to allow a loving and open relationship between the child and the other parent; (3) the child’s wishes if of sufficient age and capacity; (4) whether either parent opposes joint custody; (5) geographic location of the parents to each other; and (6) whether both parents took an active role in rearing the child.

Child Support:

Either parent may be ordered to pay child support. The court will consider the following: (1) financial resources of the child and parents; (2) the emotional and educational needs of the child; (3) the terms of any shared parental obligations; (4) the standard of living the child would have enjoyed if the marriage was not dissolved; (5) day care cost to the custodial parent, or if such parent does not work, the value of the child care performed by that parent; (6) the recognition of joint parental responsibilities for the welfare of the child; (7) the desirability of the parent having either sole custody or physical care of the child remaining in the home as a full-time parent; (8) the tax consequences to each parent; and (9) any other relevant factors.

Rights to Maiden Name:

Either spouse may restore their former name upon dissolution of the marriage.

KANSAS

Residence Requirements:

Either spouse must have been a resident for 60 days before filing.

Where to File:

In the county where either spouse resides.

Name of Court:

District Court. "In the District Court in and for the County of _____, Kansas."

Title of Divorce Action:

Petition for Divorce

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Final Decree of Divorce

Approved Grounds for Divorce:

No-fault: Incompatibility. Fault-based: (1) failure to perform a marital duty or obligation; and (2) incompatibility due to mental sickness

General Divorce Procedures:

Kansas requires that only one spouse testify as to the facts in the divorce. Child custody agreements are authorized and are presumed to be in the child's best interest.

Mediation or Counseling Requirements:

On either spouse's request, or on its own initiative, the court may require that the spouses seek marriage counseling if marriage counseling services are available in the judicial district where the divorce is sought. Unless in emergency situations, there is a mandatory 60-day delay from the time the petition is filed until a final Decree of Divorce may be granted.

Legal Separation Provisions:

The grounds for legal separation are: (1) incompatibility; (2) failure to perform a marital duty or obligation; or (3) incompatibility due to mental sickness.

Property Distribution:

Kansas is an “equitable distribution” state. All property acquired before or during the marriage, including any gifts and inheritances, may be divided by the court. The court will consider the following factors: (1) the length of the marriage; (2) whether the property award is in lieu of or in addition to maintenance; (3) any misconduct which relates to the disposition of any property; (4) present and future earning ability of each spouse; (5) how and by whom the property was acquired; (6) age and health of each spouse; (7) the value of each spouse’s personal property; (8) family ties and obligations; (9) any dissipation of assets by a spouse; (10) the tax consequences of property distribution; and (11) any other factor necessary to do equity and justice between the spouses.

Alimony/Spousal Support/Maintenance:

The court may award either spouse maintenance for up to 121 months. After this 121-month period, the spouse may request an extension of one more 121-month period. The amount awarded by the court will be whatever is judged to be fair, just and equitable. Marital fault is not considered.

Child Custody and Visitation:

If there is a child custody agreement between the parents, then the court will approve it if it is in the best interest of the child. If there is no agreement, the court will award child custody based on the following: (1) the child’s wishes; (2) the wishes of the parents; (3) the bond between the child, each parent and any siblings; (4) the desire and ability of each parent to respect the relationship between the child and the other parent; (5) the length and time and circumstances under which the child may have been under the care of someone other than a parent; (6) the child’s adjustment to his or her home, school and community; and (7) any evidence of spousal abuse. Joint custody may be awarded.

Child Support:

The court may order either or both parents to pay child support. The court will consider the following factors: (1) the financial resources of the child and both parents; (2) the physical, emotional, and educational needs of the child. Child support payments will be paid through a court trustee or through the clerk of the court. The amount of the child support may be determined by using the official child support guidelines.

Rights to Maiden Name:

A wife’s former name will be restored upon request.

KENTUCKY

Residence Requirements:

The filing spouse must have been a resident of Kentucky (or a member of the armed services stationed in Kentucky) for 180 days before filing.

Where to File:

In the county where either spouse resides.

Name of Court:

**Circuit Court.
“_____ Circuit
Court, Kentucky.”**

Title of Divorce Action:

**Petition for Dissolution of
Marriage**

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

**Decree of Dissolution of
Marriage**

Approved Grounds for Divorce:

No-fault and Fault-based: Irretrievable breakdown of the marriage is the only grounds for a dissolution of marriage.

General Divorce Procedures:

The court will not grant a dissolution of marriage until the spouses have lived apart for 60 days. Marital settlement agreements are specifically authorized.

Mediation or Counseling Requirements:

If one spouse disagrees that the marriage is irretrievably broken, then the court may delay the proceedings for 60 days. In addition, the court may order a reconciliation conference.

Legal Separation Provisions:

The only grounds for legal separation is irretrievable breakdown of the marriage.

Property Distribution:

Kentucky is an “equitable distribution” state. Each spouse may retain his or her separate property (property acquired prior to marriage and any gifts or inheritances). The court will divide the marital property in just portions, without regard to marital fault. The court will consider the following: (1) each spouse’s contribution to the acquisition of the marital property, including non-monetary contributions; (2) length of the marriage; (3) the financial position of each spouse and the desirability to award the family home to the custodial parent or allow that parent to live in the home until the child(ren) is grown; (4) the value of each spouse’s separate property; and (5) any retirement benefits.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded maintenance based on that spouse’s inability to provide for himself or herself. The award is based on the following: (1) length of marriage; (2) age and health of each spouse; (3) the financial resources of the spouse seeking alimony; (4) the ability of the spouse seeking maintenance to meet his or her needs; (5) the standard of living established during the marriage; (6) the needs of the spouse seeking maintenance and the ability of the other spouse to make such payments while meeting his or her own needs; (7) the time necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that spouse’s future earning capacity; and (8) the physical and emotional conditions of the spouses.

Child Custody and Visitation:

Either parent may be awarded custody. The court may award sole or joint custody based on the following factors: (1) the best interest of the child; (2) the child’s wishes; (3) the preferences of the parents; (4) the bond between the child and the parents, and any siblings; (5) the child’s adjustment to his or her home, school, and community; and (6) the mental and physical health of all individuals involved. Abandonment by a parent will not be considered if that parent left due to physical harm or threats thereof by the other spouse.

Child Support:

The court may order either parent to pay child support. The following factors will be considered: (1) the financial resources of the child; (2) the standard of living the child would have enjoyed if the marriage had not been dissolved; (3) the physical and emotional conditions and educational needs of the child; and (4) the financial resources, need and obligations of both the noncustodial and the custodial parent. Kentucky has adopted official Child Support Guidelines which are contained in the statute. These guidelines are presumed to be correct, but may be adjusted based on the following considerations; (1) a child’s extraordinary medical or dental needs; (2) a child’s extraordinary educational, job training or special needs; (3) either parent’s extraordinary needs, such as medical expenses; (4) the independent financial resources of the child; (5) the combined parental income in excess of the Kentucky child support guidelines amounts; (6) an agreement between the parents on child support, provided that no public assistance is being provided; and (7) any other extraordinary circumstance. In addition, the court may order a parent to provide health care insurance coverage for the child. The court may award an amount based on the official child support guidelines. However, the court may deviate from the guidelines if it is shown that such an amount will be unjust or inappropriate.

Rights to Maiden Name:

The wife’s maiden name will be restored upon request if there are no minor children.

LOUISIANA

Residence Requirements:

The filing spouse must have been a resident of Louisiana for 1 year before filing for a petition for divorce.

Where to File:

In the parish of the respondent/defendant, made in writing, signed by the party making it, and registered by the Recorder.

Name of Court:

**District Court.
“_____ Judicial District
Court, Parish of
_____, Louisiana.”**

Title of Divorce Action:

Petition for Divorce

Party Filing:

Petitioner/Plaintiff

Other Party:

Respondent/Defendant

Title of Final Papers:

Final Judgment of Divorce

Approved Grounds for Divorce:

No-fault-based: Living separate and apart for 6 months. Fault-based: (1) adultery; (2) convicted of a felony and sentenced to death or hard labor; or (3) that the spouses have been living separate and apart for a period of 6 months or more on the date of filing the petition.

General Divorce Procedures:

In Louisiana, the respondent/defendant does not need to answer the petition for divorce. In addition, a divorce will not be granted until a motion entitled “Rule to Show Cause” is filed.

Mediation or Counseling Requirements:

If there is a child custody dispute, the court may order mediation.

Legal Separation Provisions:

There are no legal grounds for separation. However, a spouse may petition the court for spousal support. This is intended for a couple who wishes to live apart but not divorce.

Property Distribution:

Louisiana is a “community property” state. All property acquired before the marriage or by gift or inheritance will be retained by that spouse. The community property will be equally divided between the spouses. The filing spouse will be awarded personal property, food and clothing necessary for the safety and well-being of that spouse and any child in custody of that spouse. Either spouse may request that the court allow that spouse to occupy the family residence until the community property has been divided. The court will consider the following factors in reaching its decision: (1) the value of each spouse’s separate property; (2) the financial position of each spouse when the property is divided; and (3) the needs of the child. A spouse may be awarded an amount of money for his or her financial contribution to the education or training of a spouse that increased the other spouse’s earning capacity.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded temporary alimony. Permanent alimony will be awarded to the spouse without fault and without sufficient means to provide for his or her maintenance. However, such an award will not be greater than 1/3 of the other spouse’s income, unless the alimony is paid in a lump sum. The court will consider the following: (1) the time and expense a spouse incurs to obtain sufficient education or training for appropriate employment; (2) age and health of each spouse; (3) financial assets of each spouse; (4) debts of each spouse; and (5) any child custody and support responsibilities. Permanent alimony will be discontinued upon remarriage or cohabitation.

Child Custody and Visitation:

Joint or sole custody is awarded based on the best interests of the child. The following order of preference is established: (1) to both parents; (2) to either parent (without regard to race or sex of the parents); (3) to the person or persons with whom the child has been living; or (4) to any other person that the court feels suitable and able to provide an adequate and stable environment for the child. Unless shown otherwise or unless the parents agree otherwise, joint custody is presumed to be in the best interests of the child, and will be awarded based on the following factors: (1) physical, emotional, mental, religious, and social needs of the child; (2) capability and desire of each parent to meet the child’s needs; (3) preference of the child, if the child is of sufficient age and capacity; (4) the love and affection existing between the child and each parent; (5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; (6) the desire and ability of each parent to allow an open and loving frequent relationship between the child and the other parent; (7) the wishes of the parents; (8) the child’s adjustment to his or her home, school, and community; (9) the mental and physical health of all individuals involved; (10) the permanence as a family unit of the existing or proposed custodial home; (11) the distance between the potential residences; (12) the moral fitness of the parents, and (13) any other relevant factor. The conduct of the proposed guardian is to be considered only as it bears on his or her relationship with the child. The parents must submit a plan for joint custody which designates: (1) the child’s residence; (2) the rights of access and communication between the parents and child; and (3) child support amounts. A parent not granted custody is entitled to visitation rights unless that parent has subjected the child to physical or sexual abuse.

Child Support:

Either parent may be ordered to pay child support based on the following factors: (1) the emotional and educational needs of the child; (2) the financial resources of each parent. Louisiana has official child support guidelines. These guidelines are presumed to be correct unless it is shown that such an amount would be unjust or not in the best interest of the child.

Rights to Maiden Name:

No legal provision addresses restoration of former name; however, a general statute provides for a petition for a name change.

MAINE

Residence Requirements:

Either the plaintiff or defendant must have been a resident of Maine for 6 months before filing, or the marriage or grounds for divorce must have occurred in Maine. Otherwise, a person filing for divorce must be a resident of Maine for 6 months immediately prior to filing.

Where to File:

District Court in the county where either spouse resides. However, the defendant has the right to move the proceedings to Superior Court.

Name of Court:

District Court or Superior Court. "State of Maine _____ Court, _____ County."

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Judgment of Divorce

Approved Grounds for Divorce:

No-fault: Irreconcilable marital differences. Fault based: (1) adultery; (2) impotence; (3) alcoholism and/or drug abuse; (4) cruel and inhuman treatment; (5) confinement for permanent insanity for 7 consecutive years; (6) non-support to complaining spouse whereby the other spouse can provide support but refuses to do so; or (7) desertion for 3 years.

General Divorce Procedures:

If the complaint for divorce is uncontested, then the testimony of a corroborating witness is unnecessary.

Mediation or Counseling Requirements:

Mediation is mandatory if: (1) one spouse disputes that there are irreconcilable differences; or (2) it is a contested divorce and minor children are involved.

Legal Separation Provisions:

Legal separation will be granted if the spouses have been living apart for at least 60 days with just cause.

Property Distribution:

Maine is an “equitable distribution” state. All separate property, which is property acquired by gift or inheritance and by exchanging any property previously mentioned, will be retained by that spouse. The marital property will be divided between the spouses based on the following factors: (1) each spouse’s contribution to the acquisition of marital property, including any non-monetary contribution, i.e. homemaking; (2) value of each spouse’s separate property; (3) the financial position of each spouse, and the desirability to award the family home to the custodial parent. Marital fault is not a factor.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded alimony. The court will consider the following factors: (1) the length of the marriage; (2) age and health of each spouse; (3) the ability of each spouse to pay; (4) any economic misconduct which resulted in the diminution of marital property or income; (5) standard of living during the marriage; (6) earning ability of each spouse; (7) education and/or training of each spouse; (8) contributions to the education or earning potential of the other spouse; (9) any retirement and health insurance benefits of each spouse; (10) the tax consequences of the division of marital property, including the tax consequences of the sale of the marital home; (11) the tax consequences of an alimony award; (12) the contributions of either spouse as homemaker; (13) the contributions of either spouse to the education or earning potential of the other spouse; and (14) any other relevant factors. The factors to be considered are: (1) the age of the child; (2) the capability and desire of each parent to meet the child’s needs; (3) the preference of the child, if the child is of sufficient age and capacity; (4) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; (5) the desire and ability of each parent to allow an open and loving frequent relationship between the child and the other parent; (6) the child’s adjustment to his or her home, school, and community; (7) the relationship of the child with parents, sibling, and other significant family members; (8) the stability of the home environment likely to be offered by each parent; (9) a need to promote continuity and stability in the life of the child; (10) the parent’s capacity and willingness to cooperate; (11) methods for dispute resolution; (12) the effect on the child of one parent having sole authority over his or her upbringing; (13) the existence of any domestic violence or child abuse; (14) any other factors having a reasonable bearing on the child’s upbringing. No preference is to be given because of parent’s sex or because of the child’s age or sex. In any child custody case, the court may order an investigation of the parents and child by the Department of Human Services.

Child Custody and Visitation:

There are three types of custody which may be awarded: (1) responsibilities for the child’s welfare may be divided, these are: primary physical residence, parent-child contact, support, education, medical and dental care, religious upbringing, travel boundaries and expenses; (2) parental responsibilities are shared. All or most responsibilities are joint decisions; or (3) one parent is granted exclusive responsibility for the child’s welfare, except for child support.

Child Support:

The court may order either parent to pay child support. Such an order may include an insurance policy covering health care expenses. There are official child support guidelines which the court may use. However, the court may deviate from the guidelines if the amount is unjust and inappropriate.

Rights to Maiden Name:

Upon request, the wife may change her name during or after a divorce.

MARYLAND

Residence Requirements:

One spouse must have been a resident of Maryland for 1 year if the grounds for divorce occurred outside of Maryland. Otherwise, either spouse may file for divorce. However, if insanity is the ground for divorce, the residency requirement is 2 years.

Where to File: _____

In the county where either spouse resides.

Name of Court: _____

Circuit Court. "In the Circuit Court for _____, Maryland."

Title of Divorce Action: _____

Bill for Divorce

Party Filing: _____

Plaintiff

Other Party: _____

Defendant

Title of Final Papers: _____

Decree of Divorce

Approved Grounds for Divorce:

No-fault: (1) Voluntarily lived separate and apart for 1 year without cohabitation, and there is no reasonable expectation of reconciliation; or (2) the spouses have lived separate and apart without interruption for 2 years. Fault-based: (1) adultery; (2) willful desertion for 1 year; (3) confinement for permanent insanity for at least 3 years; and (4) conviction of a felony or a misdemeanor with a minimum of a 3-year sentence and after serving 1 year.

General Divorce Procedures:

A default judgment will be granted only upon actual testimony of the filing spouse. Marital settlement agreements are encouraged and authorized by statute. Such an agreement can be used as corroboration of the filing spouse's testimony that the separation was voluntary if the agreement: (1) states that the separation was voluntary; and (2) was signed under oath before the application for divorce was filed. In addition, each spouse must file with the court a financial statement affidavit and a joint statement of marital and non-marital property. This form is available in Maryland Rule 9-206.

Mediation or Counseling Requirements:

The court will order mediation if child custody is an issue. However, the court will not order mediation if there is a history of physical or sexual abuse of the child.

Legal Separation Provisions:

Legal separation must be grounded on: (1) willful desertion; (2) cruel and inhuman treatment; or (3) voluntary separation and apart without cohabitation. The spouses must make a good faith effort toward reconciliation.

Property Distribution:

Maryland is an “equitable distribution” state. The spouses will retain any property acquired before the marriage or any gifts or inheritance (separate property). The marital property will be divided equitably based on the following: (1) each spouse’s contribution to the acquisition of marital property, including any non-monetary contribution, i.e. homemaking; (2) the financial position of each spouse after the division of property; (3) the value of each spouse’s separate property; (4) age and health of each spouse; (5) duration of the marriage; (6) whether the property award is in lieu of or in addition to alimony; (7) how and by whom the property was acquired, i.e. retirement plan; (8) the circumstances that led to the breakdown of the marriage. The court may award the family residence to either spouse; (9) the value of each spouse’s property; (10) the length of the marriage; (11) whether the property award is instead of or in addition to alimony; and (12) any other factor necessary to do equity and justice between the spouses.

Alimony/Spousal Support/Maintenance:

The court may award alimony to either spouse, without regard to marital fault, based on the following: (1) the financial status of each spouse, including earning ability in the labor market; (2) the time and expense a spouse will incur to obtain sufficient education or training for appropriate employment; (3) length of the marriage; (4) the spouse’s contribution to the acquisition of marital property, including any non-monetary contribution; (5) the needs of the spouse seeking maintenance and the ability of the other spouse to make such payments while meeting his or her own needs; (6) age and health of each spouse; (7) any agreement dealing with financial or service contribution by one spouse with the expectation of future reciprocation or compensation by the other spouse; (8) the standard of living established during the marriage; (9) the duration of the marriage; (10) the ability of the spouse from whom support is sought to meet his or her needs while meeting those of the spouse seeking support; (11) the age of the spouses; (12) any mutual agreement between the spouses concerning financial or service contributions by one spouse with the expectation of future reciprocation or compensation by the other; (13) the ability of the spouse seeking alimony to become self-supporting; (14) the circumstances which lead to the breakdown of the marriage; and (15) any other factor the court deems just and equitable.

Child Custody and Visitation:

Either or both spouses may be awarded child custody. The court will allow the child to live where the child is most familiar. In addition, the court will usually allow the custodial parent to use and possess the family home.

Child Support:

Either parent may be required to pay child support. There are child support guidelines the court may use. However, the court may deviate from the guidelines if the amount will be unjust or inappropriate.

Rights to Maiden Name:

Either spouse may restore a former name.

MASSACHUSETTS

Residence Requirements:

One spouse must be a resident if the grounds for divorce occurred in Massachusetts. If the grounds for divorce occurred outside Massachusetts, then the filing spouse must have been a resident of Massachusetts for 1 year.

Where to File:

In the county where spouses last resided together. If neither live in such county then county where either spouse currently resides.

Name of Court:

“Commonwealth of Massachusetts, the Trial Court, the Probate & Family Court, Dept. _____ Division.”

Title of Divorce Action:

**No-fault: Petition for Divorce
Fault-based: Complaint for Divorce**

Party Filing:

**No-fault:(without separation agreement) Petitioner; (with separation agreement) Co-Petitioner.
Fault-based: Plaintiff**

Other Party:

**No-fault:(without separation agreement) Respondent; (with separation agreement) Co-Petitioner.
Fault-based: Defendant**

Title of Final Papers:

Judgment of Divorce

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: (1) adultery; (2) impotence; (3) imprisonment for over 5 years; (4) alcoholism and/or drug abuse; (5) cruel and inhuman treatment; (6) desertion without support to other spouse for 1 year; and (7) non-support to complaining spouse whereby the other spouse can provide support but refuses to do so.

General Divorce Procedures:

A lawsuit for divorce on the grounds of irretrievable breakdown of the marriage may be initiated by: (1) a signed petition by both spouses; (2) an affidavit that the marriage is irretrievably broken; and (3) a notarized separation agreement or marital settlement agreement signed by both spouses. No summons is required. Marital fault is not a factor to be considered in the division of property or maintenance. In every action for divorce, a financial statement and a public health statistical report must be filed by each spouse.

Mediation or Counseling Requirements:

The court may order counseling in cases where irreconcilable differences are used as the grounds for divorce.

Legal Separation Provisions:

Legal separation may be grounded on: (1) failure without cause to provide for support; (2) desertion; or (3) giving the other spouse justifiable cause to live separate and apart. The court may award support to the spouse and children living apart.

Property Distribution:

Massachusetts is an “equitable distribution” state. The court may divide all the spouses’ property, including any gifts and inheritances. The court will consider the following factors: (1) each spouse’s contribution to the acquisition, preservation, or appreciation of property, including non-monetary contribution, i.e. homemaking; (2) duration of marriage; (3) any and all sources of income of each spouse; (4) age and health of each spouse; (5) the occupation of each spouse; (6) the earning ability of each spouse in the job market; (7) the liabilities, financial resources and the ability to increase such assets by each spouse; (8) any health insurance coverage; and (9) the conduct of the parties during the marriage (if the grounds for divorce are fault-based). Fault is not considered if the grounds for divorce are irretrievable breakdown of the marriage and a separation/settlement agreement is filed with the petition.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded alimony. The court will consider the same factors as above, plus the present and future needs of any children of the marriage. In addition, health insurance coverage may be part of the maintenance award.

Child Custody and Visitation:

Either parent or a third party may be awarded child custody. Joint custody may also be awarded if it is in the best interest of the child and there is no marital misconduct. If child custody is contested and each parent wishes some form of shared custody, then a shared parenting plan must be submitted to the court.

Child Support:

Either parent may be ordered by the court to provide child support. There are official child support guidelines which the court will use. However, the court may deviate from such guidelines if evidence demonstrates the amount will be unjust or inappropriate.

Rights to Maiden Name:

The wife may restore her former name.

MICHIGAN

Residence Requirements:

One spouse must have been a resident of Michigan for 180 days and a resident of the county where he or she files for 10 days.

Where to File: _____

In the county where either spouse resides.*

Name of Court: _____

Circuit Court. "State of Michigan, _____ Judicial Circuit, _____ County."

Title of Divorce Action: _____

Complaint for Divorce

Party Filing: _____

Plaintiff

Other Party: _____

Defendant

Title of Final Papers: _____

Judgment of Divorce

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: Irretrievable breakdown of the marriage.

General Divorce Procedures:

The clerk of the Circuit Court in any Michigan county will supply each spouse with a book that provides additional forms. In addition, the Michigan Friend of the Court Bureau is to supply each party in a divorce case with a pamphlet discussing the court procedures, the rights and responsibilities of the parties, the availability of mediation, human services, and joint custody.

Mediation or Counseling Requirements:

Voluntary mediation services are available.

Legal Separation Provisions:

The grounds for legal separation are irretrievable breakdown of the marriage.

***However, a person may file for divorce in any county in the state without meeting the 10-day residency requirement if the defendant was born in or is a citizen of a foreign country and there are no minor children in the marriage that are at the risk of being taken out of the country by the defendant.**

Property Distribution:

Michigan is an “equitable distribution” state. All the spouses’ property, including gifts or inheritances, may be divided by the court. The court will consider the following: (1) each spouse’s contribution to the acquisition of property, including non-monetary contributions; (2) the duration of the marriage; (3) the causes which led to the estrangement of the spouses and to the divorce; (4) the financial position and rights to any insurance policies; (5) any retirement benefits; and (6) any prior marriage of each spouse.

Alimony/Spousal Support/Maintenance:

The court may order either spouse to pay alimony. Alimony may be awarded to a spouse whose awarded property is insufficient to support him or her. The court will consider the following: (1) the ability of each spouse to pay; (2) the character and situation of each spouse; and (3) all other remaining circumstances of the case.

Child Custody and Visitation:

Either spouse may be awarded child custody. However, joint custody may also be awarded. The court will base its decision on the following factors: (1) the child’s wishes; (2) the bond between the child and each parent; (3) the ability and desire of each parent to meet the child’s needs; (4) the amount of time the child has lived in a particular environment and the desirability of maintaining continuity; (5) the desire and ability of each parent to allow a loving relationship between the child and the other parent; (6) moral character and prudence of the parents; (7) physical, emotional, mental, religious and social needs of the child; (8) the desire and ability of each parent to allow an open and loving frequent relationship between the child and the other parent; (9) the child’s adjustment to his or her home, school and community; (10) the mental and physical health of all individuals involved; (11) the permanence as a family unit of the proposed custodial home or homes; and (12) any other factors.

Child Support:

Either parent may be required to pay child support. There are official child support guidelines which the court may use unless the amount is shown to be unjust or inappropriate. The Judgment of Divorce must contain a provision that one or both parents provide health care coverage if this coverage is available at a reasonable cost at their place of employment. In addition, each parent must keep the Michigan Friend of the Court Bureau informed of his or her address, sources of income, and health coverage.

Rights to Maiden Name:

Upon request by the wife, the court may restore her birth or former name.

MINNESOTA

Residence Requirements:

Either spouse must have been a resident of Minnesota for at least 180 days before filing.

Where to File:

In the county where either spouse resides.

Name of Court:

County Court or District Court. "State of Minnesota, District Court, County of ____, ____ Judicial District."

Title of Divorce Action:

Petition for Dissolution of Marriage

Party Filing:

Petitioner, or Co-Petitioner if jointly filed

Other Party:

Respondent, or Co-Petitioner if jointly filed

Title of Final Papers:

Decree of Dissolution of Marriage

Approved Grounds for Divorce:

No-Fault: Irrevocable breakdown of the marriage shown by: (1) living separate and apart for 180 days; or (2) serious marital discord adversely affecting the attitude of one or both spouses toward the marriage. Fault-based: Irrevocable breakdown of the marriage is the only ground for a dissolution of marriage.

General Divorce Procedures:

The petition for dissolution of marriage may be brought jointly. This will eliminate the need for service of process or the use of a summons.

Mediation or Counseling Requirements:

If there is a child custody dispute, the court may order mediation, unless there is a history of physical or sexual abuse of the child.

Legal Separation Provisions:

Legal separation will be granted if the court finds that the spouses need a legal separation.

Property Distribution:

Minnesota is an “equitable distribution” state. All property acquired before the marriage and any gifts or inheritances will be retained by that spouse. All other property will be divided according to the following factors: (1) each spouse’s contribution to the acquisition of property, including non-monetary contributions; (2) age and health of each spouse; (3) duration of marriage; (4) the financial resources of each spouse and the ability of each to increase resources; (5) the occupation of each spouse; (6) the employability of each spouse; (7) any prior marriage of each spouse; (8) the amount and sources of income of the spouses; (9) the vocational skills of the spouses; and (10) any other factor necessary to do equity and justice between the spouses. Marital fault will not be considered.

Alimony/Spousal Support/Maintenance:

The court may award maintenance to either spouse based on the following factors: (1) standard of living established during the marriage; (2) any interruption in education, training, or employment by a spouse due to homemaking responsibilities; (3) duration of the marriage; (4) the sacrifices the homemaker has made in terms of earnings, employment, experience, and opportunities; (5) the time necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that spouse’s future earning capacity and the probability of completing education and training and becoming fully or partially self-supporting; (6) the financial resources of the spouse seeking maintenance, including marital property apportioned to such spouse and such spouse’s ability to meet his or her needs independently; (7) the contribution of each spouse to the marriage, including services rendered in homemaking, child care, education, and career building of the other spouse; (8) the age of the spouses; (9) the physical and emotional conditions of the spouses; (10) the needs of the spouse seeking support and the ability of the other spouse to make such payments while meeting his or her own needs; and (11) any other factor the court deems just and equitable. The court will also consider the factors listed under property distribution.

Child Custody and Visitation:

Either spouse may be awarded child custody based on the following factors: (1) the wishes of the child; (2) the bond between the child and each parent and any siblings; (3) any history of domestic violence; (4) the length of time the child has lived in a particular environment and the desire to maintain continuity; (5) the child’s cultural background; (6) physical and mental health of all parties; (7) capability and desire of each parent to give the child love, affection and guidance, and to continue raising the child in the child’s culture and religion or creed, if any; (8) the child’s adjustment to his or her home, school and community; (9) the mental and physical health of all individuals involved; (10) the conduct of the proposed guardian only as it bears on his or her relationship with the child; (11) the stability of the home environment likely to be offered by each parent; (12) a need to promote continuity and stability in the life of the child; (13) the child’s primary caretaker; and (14) any other factors. The primary caretaker factor is not a presumption in favor of the primary caretaker, but is only one factor in the decision. If both parents agree to joint custody, then the court will award joint custody unless there has been any spousal abuse.

Child Support:

The court may order either parent to pay child support. The court will consider the following factors: (1) debts of each parent; (2) financial resources of the child and custodial parents; (3) the standard of living the child would have enjoyed if the marriage was not dissolved; (4) the needs of the child; (5) the amount of public aid received by the child; and (6) any income tax consequences of the payment of support. The court may use the official child support guidelines to award support payments. However, the court may deviate from the guidelines if the amount is unjust or inappropriate.

Rights to Maiden Name:

Either spouse upon request may have their name changed.

MISSISSIPPI

Residence Requirements:

One of the spouses must have been a resident for at least 6 months, and not have secured residency for the purpose of obtaining a divorce. A member of the armed services and his or her spouse are considered residents if stationed in Mississippi.

Where to File:

No-fault: County where either spouse resides, if both spouses are residents of Mississippi, or the county where one spouse resides if the other spouse is a non-resident of Mississippi. Fault-based: County where the defendant resides, unless the defendant is a non-resident, and then the action must be filed in the county where the complainant resides.

Name of Court:

“Chancery Court of _____ County, State of Mississippi.”

Title of Divorce Action:

Bill of Complaint for Divorce

Party Filing:

Complainant

Other Party:

Defendant

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Irreconcilable differences. Fault-based: (1) adultery; (2) impotence; (3) alcoholism and/or drug abuse; (4) confinement for permanent insanity for at least 3 years; (5) wife pregnant by another at the time of marriage without the husband's knowledge; (6) cruel and inhuman treatment; (7) willful desertion for 1 year or more; (8) imprisonment; (9) spouse lacked mental capacity to consent (including temporary incapacity resulting from drug or alcohol use); and (10) incest. In addition, an affidavit must be filed stating that there is no collusion between the spouses.

General Divorce Procedures:

A divorce grounded on irreconcilable differences will be granted if: (1) both husband and wife file jointly for divorce; or (2) a bill of complaint has been filed and the defendant (a) has entered an appearance by written waiver of process; or (b) has been personally served with the complaint. If the spouses cannot agree to child custody, or to the division of property, then the court will have a hearing 60 days after filing for divorce.

Mediation or Counseling Requirements:

There is no legal provision in Mississippi for mediation or counseling.

Legal Separation Provisions:

There are provisions for separate maintenance.

Property Distribution:

Mississippi is a “title” state. Each spouse will retain all property that is under his or her name. In addition, any jointly accumulated asset may be divided on an “equitable” basis.

Alimony/Spousal Support/Maintenance:

Marital fault is not considered. Either spouse may be awarded an equitable and just amount.

Child Custody and Visitation:

Either parent or a third party may be awarded child custody. If both parents are fit, and the child is 12 years or older, the child may choose with whom he or she wishes to live. If both parents agree to joint custody, then it is presumed to be in the best interest of the child.

Child Support:

Child support will be based on each parent’s ability to pay a just and equitable amount. There are no factors for consideration specified in the statute.

Rights to Maiden Name:

Either spouse may request a name change.

MISSOURI

Residence Requirements:

Either spouse must have been a resident of Missouri for 90 days before filing.

Where to File:

In the county where the petitioner resides.

Name of Court:

“In the Circuit Court, of _____ County, Missouri.”

Title of Divorce Action:

Petition for Dissolution of Marriage

Party Filing:

Petitioner, or Co-Petitioner if jointly filed

Other Party:

Respondent, or Co-Petitioner if jointly filed

Title of Final Papers:

Decree of Dissolution of Marriage

Approved Grounds for Divorce:

No-fault and fault-based: Irretrievable breakdown of the marriage with no reasonable likelihood that the marriage can be preserved. This is the only grounds for a dissolution of marriage in Missouri.

General Divorce Procedures:

Settlement agreements are authorized. Both spouses may file jointly. Each spouse should be titled a “co-petitioner.” Some counties have approved pre-printed forms which may be used for filing. These forms are available from the court clerk. In addition, there will be a 30-day waiting period before the court will grant a dissolution of marriage.

Mediation or Counseling Requirements:

The court, at its own initiative, may delay the proceeding for 30-180 days so the spouses may seek counseling.

Legal Separation Provisions:

The grounds for legal separation are an irretrievable breakdown of the marriage which may include the following: (1) adultery; (2) abandonment; (3) separation due to misconduct in the 12 months before filing the petition; (4) spousal behavior that the other spouse cannot reasonably be expected to live with; (5) living separate and apart continuously for 24 months. One of the spouses must be a resident of Missouri for 90 days before filing for legal separation.

Property Distribution:

Missouri is an “equitable distribution” state. Each spouse will retain all property acquired before the marriage or any property acquired by gift or inheritance. Commingled property does not become marital property solely by the act of commingling. The court will consider the following factors in dividing the marital property: (1) each spouse’s contribution to the acquisition of property, including non-monetary contributions; (2) the value of each spouse’s separate property; (3) the financial position of each spouse when the property division becomes effective; (4) the desirability of awarding the family residence to the custodial parent, and (5) any misconduct by the spouses during the marriage as it relates to the disposition of property.

Alimony/Spousal Support/Maintenance:

The court may award maintenance to either spouse if such spouse: (1) lacks sufficient property to provide for his or her needs; or (2) is the custodial parent and unable to work because the child needs care. The court will award maintenance based on the following: (1) the conduct by each spouse during the marriage; (2) the time a spouse spends obtaining sufficient education or training for appropriate work; (3) length of marriage; (4) the financial assets of the spouse seeking maintenance; (5) earning capability of each spouse; (6) age and health of each spouse; and (7) debts of each spouse.

Child Custody and Visitation:

Either parent may be awarded child custody based on the following factors: (1) the wishes of the child; (2) the child’s adjustment to his or her home, school and community; (3) the mental and physical health of the child and the parents; (4) the desire and ability of each parent to meet the child’s needs; (5) the intention of either parent to relocate his or her residence; (6) the bond between the child, parents and any siblings. There is now a legislative encouragement of joint custody; (7) any history of child or spouse abuse; (8) the child’s need for a continuing relationship with both parents; (9) the intention of either parent to relocate his or her residence outside Missouri; and (10) which parent is more likely to allow the child frequent and meaningful contact with the other parent. Domestic violence against a child is a bar to custody. An award of joint custody must include a joint custody plan. A parent not granted custody is entitled to reasonable visitation.

Child Support:

Either or both parents may be ordered to pay child support. The court will consider the following factors: (1) the financial resources of the child and the parents; (2) the standard of living the child would have enjoyed if the marriage was not dissolved; (3) the physical, emotional and educational needs of the child; and (4) the father’s primary responsibility for the support of his child. There are official child support guidelines that the court may use.

Rights to Maiden Name:

Either spouse may petition the court for a change of name. A public notice of any name change should be published in a local newspaper in the county where the person resides.

MONTANA

Residence Requirements:

Either spouse must have been a resident of Montana for at least 90 days before filing.

Where to File:

In the county where petitioner has been a resident for at least 90 days.

Name of Court:

District Court. "District Court for the State of Montana and for the County of _____."

Title of Divorce Action:

Petition for Dissolution of Marriage.

Party Filing:

Petitioner, or Co-Petitioner if joint

Other Party:

Respondent, or Co-Petitioner if joint

Title of Final Papers:

Decree of Dissolution of Marriage

Approved Grounds for Divorce:

No-fault: (1) Irretrievable breakdown of the marriage and serious marital discord, and no reasonable prospect of reconciliation; and (2) living separate and apart for 180 days prior to filing. Fault-based: Irretrievable breakdown of the marriage and living separate and apart for 180 days prior to filing.

General Divorce Procedures:

Both spouses may file jointly. If both spouses file jointly, each spouse should be titled as "co-petitioner." Settlement agreements are authorized by law.

Mediation or Counseling Requirements:

The court may delay the proceedings for 30 to 60 days if there are minor children, or if one spouse denies that the marriage is irretrievably broken. During this time the spouses will attend counseling.

Legal Separation Provisions:

The only grounds for legal separation is irretrievable breakdown of the marriage. One of the spouses must be resident of Montana of 90 days immediately prior to filing for legal separation.

Property Distribution:

Montana is an “equitable distribution” state. Marital misconduct is not considered in the division of property. All the spouses’ property, including property acquired before the marriage and any gifts or inheritances, will be divided by the court. In doing so, the court will consider the following: (1) each 102 contribution to the acquisition of marital property, including non-monetary contributions, i.e. homemaking; (2) whether the property award is in lieu of or in addition to alimony; (3) any premarital agreements; (4) the occupation of each spouse; (5) length of marriage; (6) the time and expense a spouse will incur to obtain sufficient education or training for appropriate employment; (7) any and all sources of income of each spouse; (8) the age and health of the spouses; (9) the vocational skills of the spouses; (10) the employability of the spouses; (11) the liabilities and needs of each spouse and the opportunity of each for further acquisition of capital assets and income; (12) any prior marriage of each spouse; and (13) any custodial provisions for the children.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded maintenance if such spouse lacks sufficient property to support himself or herself or is the custodial parent and unable to work outside the home because the child needs special attention. In awarding maintenance, the court will consider the same factors as listed in the property distribution section, and also the following: (1) the standard of living established during the marriage; (2) the needs of the spouse seeking support and the ability of the other spouse to make such payments while meeting his or her own needs; (3) the financial resources of the spouse seeking maintenance; (4) the time necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that 102 future earning capacity; (5) the duration of the marriage; (6) the age of the spouses; and (7) the physical and emotional conditions of the spouses.

Child Custody and Visitation:

Sole or joint custody may be awarded based on the following factors: (1) the wishes of the child and parents; (2) the bond between the child, each parent and any siblings; (3) domestic abuse; (4) which parent is more likely to allow the child and the other parent to develop a loving relationship; (5) the child’s adjustment to his or her home, school and community; (6) the mental and physical health of all individuals involved; (7) the relationship of the child with parents, siblings, and other significant family members; (8) the continuity and stability of the child’s care; (9) the developmental needs of the child; (10) whether a parent has failed to pay any of the child’s birth-related costs; (11) whether the child has frequent and continuing contact with both parents; (12) any adverse effects on the child resulting from one parent’s continuous and annoying efforts to amend parenting plans [annoying meant to refer to efforts to (a) amend a parenting plan within 6 months of a prior plan and (b) efforts to amend a final parenting plan without having made a good-faith effort to comply with the plan.

Child Support:

The court may order either or both parents to pay child support. The following will be considered: (1) age of the child; (2) financial resources of the child; (3) needs of others the parent is responsible to support; (4) the standard of living the child would have enjoyed if the marriage had not been dissolved; (5) the physical and emotional conditions and educational and medical needs of the child; (6) the financial resources, needs and obligations of both the noncustodial and custodial parent; (7) the cost of any day care; (8) the parenting plan for the child; (9) the provision of health and medical insurance for the child. In addition, the court will consider the uniform child support guidelines.

Rights to Maiden Name:

The wife may restore her former name.

NEBRASKA

Residence Requirements:

Either spouse must have been a resident of Nebraska for at least 1 year, or the marriage was performed in Nebraska and one spouse has resided in the state during the entire marriage.

Where to File:

In the county where either spouse resides.

Name of Court:

“In the District Court for _____ County, Nebraska.”

Title of Divorce Action:

Petition for Dissolution of Marriage

Party Filing:

Petitioner, or Co-Petitioner if jointly filed

Other Party:

Respondent, or Co-Petitioner if jointly filed

Title of Final Papers:

Decree of Dissolution of Marriage

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: Spouse lacked mental capacity to consent.

General Divorce Procedures:

Both spouses may file. If both spouses file jointly, each spouse should be titled as “co-petitioner.” Settlement agreements are authorized. There is a 60-day waiting period after filing before the court will grant a dissolution of marriage.

Mediation or Counseling Requirements:

The court will not grant a dissolution of marriage until every reasonable effort for a reconciliation has been made. The court may refer the spouses to counseling.

Legal Separation Provisions:

There are no residency requirements. Irretrievable breakdown of the marriage is the only grounds for legal separation.

Property Distribution:

Nebraska is an “equitable distribution” state. All separate property, including any gifts or inheritances acquired before the marriage, will be retained by that spouse. The marital property, including gifts and inheritances acquired during the marriage, will be divided based on the following factors: (1) the contribution of the spouses to the acquisition of the marital property, including non-monetary contributions; (2) the duration of the marriage; (3) the financial status of each spouse after the division of the property; and (4) any custodial obligations.

Alimony/Spousal Support/Maintenance:

The court will consider the same factors as listed in the property distribution section in addition to the following: (1) any interruption of personal careers or education; (2) the ability of the custodial parent to have gainful employment without interfering with the interest of the child.

Child Custody and Visitation:

Either parent may be awarded custody. Joint custody may be awarded if both parents agree to it. The court will consider the following factors: (1) the bond between the child, each parent and any siblings; (2) the child’s wishes if of sufficient age; (3) the needs of the child and the ability of each parent to meet the child’s needs; (4) the general health, welfare and social behavior of the child; and (5) any credible evidence of child or spousal abuse.

Child Support:

The amount of child support will be determined by the earning capacity of each parent. The court may use the official child support guidelines in awarding an amount.

Rights to Maiden Name:

Either spouse may request in the petition for dissolution of marriage that his or her former name be restored.

NEVADA

Residence Requirements:

One spouse must have been a resident of Nevada for 6 weeks before filing. If the cause for divorce took place in the county of Nevada where the spouses lived at the time of the cause, there is no time requirement.

Where to File: _____

In the county where either spouse resides, where spouses last lived together, where the cause for the divorce took place, or where the plaintiff resided for 6 weeks immediately prior to filing for divorce.

Name of Court: _____

“In the District Court for _____ County, Nevada.”

Title of Divorce Action: _____

Complaint for Divorce

Party Filing: _____

Plaintiff

Other Party: _____

Defendant

Title of Final Papers: _____

Decree of Divorce

Approved Grounds for Divorce:

**No-fault: (1) Incompatibility; or (2) living separate and apart without cohabitation for 1 year.
Fault-based: Insanity for at least 2 years before filing.**

General Divorce Procedures:

A summary divorce may be granted if: (1) the residency requirement has been satisfied; (2) the spouses are incompatible, or they have lived separate and apart without cohabitation for 1 year; (3) there are no minor children, including adopted, and the wife is not pregnant, or the spouses have a written agreement regarding child custody and support; (4) there is no community property, or the spouses have a written agreement regarding the division of such property and have signed any deeds, titles or other evidences of transfer of property; (5) both spouses waive their right to spousal support; (6) both spouses waive their right to: (a) notice of entry of the final decree of divorce; (b) appeal; (c) a new trial; (d) their rights to request findings of fact and conclusions of law in the divorce proceeding; and (7) both spouses want the court to enter the decree of divorce. In addition, a spouse may seek a decree of divorce by default by affidavit. The affidavit must contain a statement that: (1) the residency requirement has been met; (2) all information in the affidavit is true and correct on the personal knowledge of the affiant; (3) gives facts to support allegations; and (4) affiant is competent to testify. Each divorce filed must also contain a Civil Cover sheet, a Verification of Pleadings, and request for submission, and an Affidavit of Residency.

Mediation or Counseling Requirements:

There are no legal provisions for mediation.

Legal Separation Provisions:

A spouse may have a suit for maintenance if he or she has been deserted for over 90 days, or if he or she has any of the grounds for a divorce.

Property Distribution:

Nevada is a “community property” state. Each spouse will retain all property acquired prior to the marriage and any property acquired by gift or inheritance. The court will divide the community property and any property held jointly on or after July 1, 1979, based on the following: (1) the financial status of each spouse after the division of the property; (2) how and by whom the property was obtained; (3) the merits of each spouse; and (4) any obligation imposed on each spouse for the benefit of the children. Marital fault will not be considered.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded alimony based on the same factors as listed in the property distribution section in addition to the following factors: (1) the time and expense a spouse will incur to obtain sufficient training for appropriate employment; and (2) reimbursement for any financial contribution by one spouse toward the higher education of the other. The alimony may be in a lump sum or periodic payments. Marital fault will not be considered.

Child Custody and Visitation:

Either spouse may be awarded custody based on the following factors: (1) the wishes of the child and parents, and (2) whether either parent has committed domestic violence. Joint custody may also be awarded if both parents agree.

Child Support:

There are official child support guidelines which the court will use, unless it is shown that the amount to be awarded would not meet the child’s needs. The relative income of each parent will be considered.

Rights to Maiden Name:

The wife’s former name may be restored.

NEW HAMPSHIRE

Residence Requirements:

Both spouses must be residents when filing, or the filing spouse must have been a resident of New Hampshire for 1 year before filing and the other served process in the state, or the cause of divorce must have arisen in New Hampshire and one spouse must be residing in the state of New Hampshire when the petition is filed.

Where to File:

In the county where either spouse resides.

Name of Court:

Superior Court. "The State of New Hampshire, Superior Court in and for _____."

Title of Divorce Action:

Petition for Divorce

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Irreconcilable differences which have caused the irremediable breakdown of the marriage. Fault-based: (1) adultery; (2) impotence; (3) abandonment and no communication for 2 years; (4) conviction and sentence of a felony with more than 1 year served; (5) cruel and inhuman treatment; (6) habitual drunkenness for 2 years; (7) living separate and apart without cohabitation (wife left without husband's consent for two years); (8) physical abuse or reasonable apprehension of physical abuse; (9) desertion without support of spouse by husband for 2 years; (10) mental abuse; (11) when either spouse has joined a religious society which professes that the relationship of the husband and wife is unlawful and refuses to cohabit with the other for 6 consecutive months; (12) when the wife of any citizen of New Hampshire leaves the state without her husband's consent and lives elsewhere for 10 consecutive years without returning to claim her marriage rights; and (13) when the wife lives in New Hampshire for 2 years and her husband becomes the citizen of a foreign country without supporting the wife.

General Divorce Procedures:

There are no provisions for simplified divorce procedures.

Mediation or Counseling Requirements:

At either spouse's request, or if the court determines there is a reasonable chance of reconciliation, the court will delay the proceeding and order counseling.

Legal Separation Provisions:

The grounds for legal separation are the same as the grounds for divorce.

Property Distribution:

New Hampshire is an “equitable distribution” state. The court will divide all the spouses’ property based on the following factors: (1) the value of the property acquired prior to the marriage; (2) any contribution to the education or career development to the other spouse; (3) length of the marriage; (4) earning ability of each spouse; (5) the need to award the family residence to the custodial parent; (6) the conduct of each spouse during the marriage which increased or decreased the value of the property; (7) the age and health of each spouse; (8) the value of any gifts or inheritances; (9) any and all sources of income of each spouse; (10) the debts of each spouse; (11) the occupation of the spouses; (12) the vocational skills of the spouses; (13) the employability of the spouses; (14) the opportunity of each for further acquisition of capital assets and income; (15) the ability of the custodial parent to engage in gainful employment without interfering with the interests of any minor children in custody; (16) any significant disparity between the spouses in relation to the contribution of each spouse to the acquisition of the marital property, including the contribution of each spouse to the care and education of the children and the care and management of the home; (17) the expectation of any retirement or pension benefits; (18) the federal income tax consequences of the court’s division of property; (19) any marital fault if such fault caused the breakdown of the marriage and caused pain and suffering or economic loss; (20) the value of any property acquired prior to marriage or exchanged for property acquired prior to marriage; (21) any interruption in education or career opportunities to benefit the other’s career, the marriage, or any children; (22) the social and economic status of each spouse; and (23) any other relevant factor.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded alimony based on the same factors listed in the property distribution section in addition to the following: (1) the spouse lacks sufficient property to provide for his or her needs; (2) the paying spouse is able to meet his or her needs; and (3) the spouse seeking support cannot support himself or herself or is the custodial parent and unable to work outside the home because the child requires special care at home.

Child Custody and Visitation:

Custody will be awarded according to: (1) the child’s wishes; (2) the education of the child; (3) any findings by a neutral mediator; and (4) any other factors. Joint responsibility for all parental rights, except physical custody, is presumed to be in the best interest of the child.

Child Support:

Either parent may be ordered to pay child support. There are official child support guidelines the court may use. The court will deviate from the guidelines if amount of the award will be unjust or inappropriate.

Rights to Maiden Name:

Upon request, the wife may have her former or maiden name restored.

NEW JERSEY

Residence Requirements:

Either spouse must have been a resident of New Jersey for at least 1 year before filing. If the case is grounded on adultery, there is no time limit; however, one spouse must be a resident.

Where to File: _____

In any county of New Jersey.

Name of Court: _____

Superior Court. "Superior Court of New Jersey, Chancery Division, Family Part, _____ County."

Title of Divorce Action: _____

Complaint for Divorce

Party Filing: _____

Plaintiff

Other Party: _____

Defendant

Title of Final Papers: _____

Judgment of Divorce

Approved Grounds for Divorce:

No-fault: Living separate and apart for 18 months and no reasonable expectation of reconciliation. Fault-based: (1) adultery; (2) imprisonment for 18 months or more; (3) unnatural sexual behavior before or after marriage; (4) alcoholism or drug addiction; (5) confinement for permanent insanity; (6) cruel and inhuman treatment; (7) willful desertion for 1 year; (8) separation for 2 years caused by confinement for mental illness; or (9) extreme cruelty.

General Divorce Procedures:

A case information statement must be filed. The filing of an acknowledgment of service of process or appearance is permitted.

Mediation or Counseling Requirements:

There are no provisions for mediation.

Legal Separation Provisions:

The grounds for legal separation are the same as the grounds for divorce.

Property Distribution:

New Jersey is an “equitable distribution” state. A spouse will retain all property acquired before the marriage and any gifts or inheritances. All other property will be divided by the court based on the following factors: (1) each 102 contribution to the acquisition of marital property, including non-monetary contributions, i.e. homemaking; (2) the value of each 102 separate property; (3) the time and expense a spouse incurs to obtain sufficient education or training for appropriate employment; (4) the financial position of the spouses at the time the division of property occurs; (5) the need to award the family residence to the custodial parent; (6) length of the marriage; (7) the standard of living established during the marriage; (8) the age and health of the spouses; (9) the amount and sources of income of the spouses; (10) the liabilities and needs of each spouse and the opportunity of each for further acquisition of capital assets and income; (11) how and by whom the property was acquired; (12) the tax consequences to each spouse; (13) the contribution of each spouse to the acquisition of the marital property, including the contribution of each spouse as homemaker; (14) any written agreement between the spouses; (15) the income and earning capacity of the spouses; (16) the educational background, training, and employment skills of the spouses; (17) the need to create a trust fund for the future medical or educational needs of a spouse or children; and (18) any other factor necessary to do equity and justice between the spouses.

Alimony/Spousal Support/Maintenance:

The court may order either spouse to pay alimony considering: (1) length of the marriage; (2) earning ability of each spouse; (3) whether a 102 education, training, or employment was interrupted for homemaking; (4) the ability of each spouse to acquire capital and income; (5) the ability of each spouse to pay; (6) custodial obligations by the spouse seeking alimony; (7) the standard of living established during the marriage; (8) the time and expense necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that 102 future earning capacity; (9) the age of the spouses; (10) the physical and emotional conditions of the spouses; (11) the earning capacities, educational levels, vocational skills, and employability of the spouses; (12) any child custodial responsibilities of the spouse seeking alimony; (13) the availability of training and employment; (14) the history or financial and non-financial contributions of each spouse to the marriage, including the contribution of each spouse to the care and education of children and interruption of personal careers or educational opportunities; (15) the equitable distribution of property and any payouts from this property, if a consideration of this income is fair and just (however, income from retirement benefits which are treated as an asset for purposes of equitable distribution are not to be considered); and (16) any other factor the court deems just and equitable.

Child Custody and Visitation:

Either parent may be awarded sole custody. Joint custody may also be awarded. The following factors will be considered: (1) the needs of the child; and (2) the child’s wishes if the child is of sufficient age and capacity.

Child Support:

Child support will be based on the following factors: (1) the needs of the child; (2) the financial resources of the parents; (3) the earning abilities of the parents; (4) age and health of the individuals involved; (5) the need and capacity of the child for education, including higher education; (6) the income, assets and earning ability of the child; (7) the responsibility of the parents for the support of others; and (8) any other relevant factors.

Rights to Maiden Name:

Either spouse may restore a former name.

NEW MEXICO

Residence Requirements:

Either spouse must have been a resident of New Mexico for at least 6 months before filing and have a home in the state.

Where to File: _____

In the county where either spouse resides.

Name of Court: _____

District Court. "State of New Mexico, In the District Court, _____ County."

Title of Divorce Action: _____

Petition for Dissolution of Marriage

Party Filing: _____

Petitioner

Other Party: _____

Respondent

Title of Final Papers: _____

Decree of Dissolution of Marriage

Approved Grounds for Divorce:

No-fault: Incompatibility such that the legitimate ends of the marriage relationship have been destroyed with no reasonable expectation of reconciliation. Fault-based: (1) adultery; (2) abandonment; (3) cruel and inhuman treatment.

General Divorce Procedures:

Written marital settlement agreements are authorized and such agreements should be recorded in the county where the spouses reside.

Mediation or Counseling Requirements:

The court may order the spouses to attend mediation.

Legal Separation Provisions:

Either spouse may begin the proceedings for property division, child custody, support, and maintenance without seeking a dissolution of marriage provided the spouses have permanently separated and do not cohabitate together.

Property Distribution:

New Mexico is a “community property” state. All property acquired before the marriage and any gifts or inheritances will be retained by that spouse. Property acquired outside of New Mexico is treated as though it was acquired in New Mexico, and it is treated as community property. Community property will be divided equally between the spouses.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded maintenance. The award is based on the following factors: (1) length of the marriage; (2) the needs of the spouse seeking maintenance and the ability of the other spouse to make such payments while meeting his or her needs; (3) the financial position of the spouse seeking maintenance; (4) the value of the property that each spouse owns; (5) the age and health of each spouse; (6) the good faith efforts of the spouses to maintain employment or become self-supporting; (7) the needs and obligations of each spouse; (8) the spouses’ standard of living during the marriage; (9) the maintenance of medical and life insurance during the marriage; (10) the assets of the spouses, including any income-producing property; (11) each 102 liabilities; and (12) any marital separation or settlement agreements.

Child Custody and Visitation:

The factors considered in child custody are: (1) the child’s wishes; (2) the parents’ wishes; (3) the bond between the child and each parent; (4) the child’s adjustment to his or her home, school, and community; and (5) the mental and physical health of all individuals involved. If a minor is 14 years old or older, the court may consider the wishes of the minor. Joint custody will be determined by the following: (1) the ability of the parents to cooperate with this arrangement; (2) the desire and ability of the parents to meet the child’s needs; (3) whether each parent will accept all the responsibilities of parenting, including the willingness to accept or relinquish care; (4) the physical proximity of the parents to each other as this relates to the practical considerations of where the child will reside; (5) whether an award of joint custody will promote more frequent or continuing contact between the child and each of the parents; (6) the love, affection, and other emotional ties existing between the parents and the child; (7) whether each parent is able to allow the other to provide care without intrusion; and (8) the suitability of a parenting plan for the implementation of joint custody.

Child Support:

The court may order either parent to pay child support based on the parents' income. There are child support guidelines the court may use, unless evidence demonstrates the award will be unjust or inappropriate.

Rights to Maiden Name:

A spouse may have a former name restored.

NEW YORK

Residence Requirements:

The residency requirement is 2 years if only one spouse lives in New York at the time of filing. However, the residency requirement will be 1 year if: (1) the marriage took place in New York and one spouse is still a resident; or (2) both spouses resided in New York and one spouse is still a resident; or (3) grounds for divorce arose in New York. No time requirement if the spouses were residents and grounds arose in New York.

Where to File:

In the county where either spouse resides.

Name of Court:

Supreme Court. "Supreme Court of the State of New York, _____ County."

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Judgment of Divorce

Important Note:

Additional forms may be required. Call or visit your clerk of the court.

Approved Grounds for Divorce:

No-fault: (1) living separate and apart for 1 year under the provision of a written, signed and notarized separation agreement. A copy of such an agreement must be filed in the office of the clerk of the county; or (2) living separate and apart for 1 year under the terms of a judicial separation decree. Fault-based: (1) adultery; (2) abandonment for 1 year; (3) imprisonment for 3 or more years; or (4) cruel and inhuman treatment.

General Divorce Procedures:

Proof of performance of all the terms in a separation agreement must be filed. In addition, a summary divorce may be granted if: (1) the spouses have lived apart for 1 year according to the terms of the separation agreement or decree, and (2) proof that the terms were carried out. In addition, New York requires a financial disclosure to be filed in every divorce action.

Mediation or Counseling Requirements:

There are no provisions for mediation.

Legal Separation Provisions:

The grounds for legal separation are: (1) adultery; (2) abandonment; (3) imprisonment for 3 or more consecutive years; (4) neglect or failure to provide support to wife; and (5) cruel and inhuman treatment.

Property Distribution:

New York is an “equitable distribution” state. All property acquired prior to the marriage and any gifts or inheritances whenever acquired will be retained by that spouse. Marital property will be divided based on the following factors: (1) each 102 contribution to the acquisition of marital property, including non-monetary contributions, i.e. homemaking; (2) the value of the property acquired prior to the marriage; (3) length of the marriage; (4) the need to award the family residence to the custodial parent; (5) any and all sources of income of each spouse; (6) the wasteful disposition of assets; (7) earning ability of each spouse; (8) any equitable claim that a spouse has in the marital property, including expenditures, contributions and services as a spouse, parent, wage earner, and homemaker; (9) the probable future economic circumstances of each spouse; (10) the age and health of the spouses; (11) the potential loss of inheritance or pension rights upon dissolution of the marriage; (12) whether the property award is instead of or in addition to maintenance; (13) the type of marital property in question (whether is is liquid or non-liquid); (14) the impossibility or difficulty of evaluating an interest in an asset such as a business, profession , or corporation and the desirability of keeping such as asset intact and free from interference by the other spouse; (15) any transfer of property made in anticipation of divorce; and (16) any other factor necessary to do equity and justice between the spouses. Marital fault may be considered. Financial disclosure of assets and income are mandatory.

Alimony/Spousal Support/Maintenance:

The court may award maintenance to either spouse based on the following factors: (1) the property of the spouse, including any property received as a result of the divorce; (2) any interruption in education, training, or employment by a spouse due to homemaking responsibilities; (3) the standard of living established during the marriage; (4) any transfer of property in anticipation of divorce; (5) age and health of the spouses; (6) the needs of the spouse seeking alimony and the ability of the other spouse to make such payments while meeting his or her own needs; (7) the earning capability of each spouse; (8) any custodial obligations of each spouse; (9) the duration of the marriage; (10) the wasteful dissipation of marital property; (11) the tax consequences to each spouse; (11) whether the spouse from whom maintenance is sought has sufficient property and income to provide maintenance for the other spouse; and (12) any other factor the court deems just and equitable.

Child Custody and Visitation:

Joint or sole child custody is awarded based on the best interests of the child. Neither parent is entitled to a preference. New York statutes do not list factors to be considered.

Child Support:

Either parent may be ordered to pay child support. There are official child support guidelines that the court may use. The court will deviate from the guidelines if there is a showing that the amount of the award will be unjust or inappropriate.

Rights to Maiden Name:

Upon request, the wife may have her former or maiden name restored.

NORTH CAROLINA

Residence Requirements:

One spouse must have been a resident of North Carolina for at least 6 months prior to filing.

Where to File:

In the county where either spouse resides.

Name of Court:

Superior Court or District Court. "In the General Court of Justice, _____ Division, North Carolina, _____ County."

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Respondent

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Living separate and apart without cohabitation for 1 year. Fault-based: Confinement for permanent insanity for 3 years, or incurable mental illness based on examinations for 3 years.

General Divorce Procedures:

There are no provisions for simplified divorce procedures.

Mediation or Counseling Requirements:

The court may order mediation if child custody is a contested issue.

Legal Separation Provisions:

The grounds for legal separation are: (1) adultery; (2) abandonment; (3) alcohol or drug abuse; (4) cruel and inhuman treatment; (5) personal indignities; and (7) evicting a spouse from the home.

Property Distribution:

North Carolina is an “equitable distribution” state. Property acquired before the marriage and gifts and inheritances whenever acquired will be retained by each spouse. The marital property will be divided equally unless the court determines that the division will be unfair. The court will consider the following: (1) each 102 contribution to the acquisition of marital property, including non-monetary contributions; (2) the value of the spouses' separate property; (3) the financial status of each spouse and the desirability to award the family home to the custodial parent or allow that parent to live in the home until the child(ren) is grown; (4) length of the marriage; (5) any depletion or waste of property; (6) any contribution to the career or education of the other spouse; (7) the net value of the property; (8) the liquid or non-liquid character of the property; (9) the economic circumstances of each spouse at the time the division of property is to become effective; (10) the age and health of the spouses; (11) any retirement benefits; (12) any prior alimony of child support obligations of each spouse; and (13) any other factor necessary to do equity and justice between the spouses.

Alimony/Spousal Support/Maintenance:

The court may award alimony to either spouse based on the following factors: (1) the financial resources of the spouses; (2) earning ability of each spouse; (3) length of the marriage; (4) the physical and mental health of each spouse; (5) the marital misconduct of the spouses; (6) the ages of the spouses; (7) the contribution of one spouse to the education, training, or earning power of the other spouse; (8) the effect of a spouse having primary custody of a child; (9) the relative education of the spouses and the time necessary for a spouse to acquire sufficient education or training to become self-sufficient; (10) the contribution of a spouse as a homemaker; (11) the tax consequences; and (12) any other just and equitable factor.

Child Custody and Visitation:

Joint or sole child custody is determined by the best interest of the child. There is no presumption that either parent is better suited to have custody

Child Support:

Either parent may be ordered to pay child support based on the following: (1) the needs of the child; (2) the earning abilities of the parents; (3) the parent's ability to pay; (4) the child care and homemaking contributions by each parent; (5) the earnings, conditions and accustomed standard of living of the child; (6) any joint or shared custody arrangements; (7) the parent's own special needs, such as unusual medical expenses; (8) any types of other support provided to the child; (9) a parent's prior child support or alimony obligations; and (10) any other relevant factors. In addition, there are official child support guidelines.

Rights to Maiden Name:

Upon request, the wife may have her former or maiden name restored.

NORTH DAKOTA

Residence Requirements:

The filing spouse must have been a resident of North Dakota for at least 6 months before filing for a divorce.

Where to File:

If defendant is a resident, file in his/her county; otherwise file in any county that plaintiff designates.

Name of Court:

District Court. "State of North Dakota, County of _____, In the District Court, _____ Judicial District."

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Irreconcilable differences. Fault-based: (1) adultery; (2) confinement for 5 years because of permanent insanity; (3) conviction of a felony; (4) willful desertion; (5) cruel and inhuman treatment; (6) willful neglect; and (7) drunkenness.

General Divorce Procedures:

Separation agreements are authorized.

Mediation or Counseling Requirements:

If child custody is at issue, the court may order the parents to submit to mediation.

Legal Separation Provisions:

The grounds for a legal separation are: (1) adultery; (2) confinement for 5 years because of permanent insanity; (3) conviction of a felony; (4) willful desertion; (5) cruel and inhuman treatment; (6) willful neglect; and (7) drunkenness.

Property Distribution:

North Dakota is an “equitable distribution” state. The court will divide all of the spouses’ property including gifts and inheritances, and any property acquired before the marriage.

Alimony/Spousal Support/Maintenance:

Either spouse may be ordered to pay maintenance. All the circumstances of the situation, including any marital fault, may be considered.

Child Custody and Visitation:

Child custody will be awarded in the best interest of the child based on the following: (1) the desire and ability of the parents to meet the needs of the child; (2) the mental and physical health of the parents and the child; (3) the bond between the child, the parents and any siblings; (4) any domestic violence; (5) the child’s adjustment to his or her home, school, and community; (6) moral fitness of the parents; (7) preference of the child, if the child is of sufficient age and capacity; (8) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; (9) the stability of the home environment likely to be offered by each parent; (10) the child’s interaction with anyone who resides with a parent; (11) the capacity and disposition of the parents to give the child love, affection, guidance, and continue the child’s education; (12) the permanence, as a family unit, of the proposed existing custodial home; (13) the making of any false accusations by one parent against the other; and (14) any other factors. If there is any evidence of sexual abuse of a child, the court is required to prohibit any visitation or contact with that parent unless the parent has completed counseling and the court determines that supervised visitation is in the best interests of the child. Both parents are considered to be equally entitled to custody of a child.

Child Support:

Either parent may be ordered to pay child support based on the following factors: (1) net income of the parents; (2) any other sources of income available to the parents; and (3) any circumstances which should be considered in reducing the amount of support on the basis of hardship. All child support orders are reviewed every 3 years.

Rights to Maiden Name:

The wife’s former name may be restored.

OHIO

Residence Requirements:

The filing spouse must have been a resident of Ohio for at least 6 months and a resident of the county for at least 90 days.

Where to File: _____

In the county of the filing spouse.

Name of Court: _____

“In the Court of Common Pleas of _____ County, Ohio.”

Title of Divorce Action: _____

**No-fault: Petition for Dissolution of Marriage.
Fault-based: Complaint for Divorce**

Party Filing: _____

Petitioner; (Fault-based: Plaintiff)

Other Party: _____

Co-Petitioner; (Fault-based: Defendant)

Title of Final Papers: _____

**No-fault: Decree of Dissolution of Marriage
Fault-based: Decree of Divorce**

Approved Grounds for Divorce:

No-fault: (1) incompatibility, or (2) living separate and apart without cohabitation and without interruption for 1 year. Fault-based: (1) adultery; (2) imprisonment; (3) confinement for 4 years due to permanent insanity; (4) willful desertion for 1 year; (5) cruel and inhuman treatment; (6) drunkenness; (7) neglect; or (8) bigamy; (9) when a final divorce decree has been obtained outside of the state of Ohio that does not release the other spouse from the obligations of the marriage inside the state of Ohio; or (10) fraud.

General Divorce Procedures:

Both spouses may file jointly. The petition for dissolution of marriage must contain the signatures of both spouses and an attached settlement agreement with provisions for: (1) division of property; (2) spousal support, including, if the spouses desire, that the court may modify the support terms; and (3) if there are minor children, provisions for custody, visitation and child support. Both spouses must then appear in court between 30 and 90 days after filing to testify to the following: (1) each spouse voluntarily signed the agreement; (2) each is satisfied with the agreement; and (3) each is seeking a dissolution of marriage.

Mediation or Counseling Requirements:

At the request of either spouse, or at the court’s initiative, the court may order counseling for 90 days. In addition, the court may order mediation when there are child custody and visitation issues in dispute.

Legal Separation Provisions:

The grounds for legal separation are: (1) adultery; (2) imprisonment; (3) when a final divorce decree has been obtained outside of the state of Ohio that does not release the other spouse from the obligations of the marriage inside the state of Ohio; (4) fraud; (5) living separate and apart without cohabitation and without interruption for 1 year; (6) willful desertion for 1 year; (7) cruel and inhuman treatment; (8) drunkenness; (9) neglect; or (10) bigamy.

Property Distribution:

Ohio is an “equitable division” state. All the separate property, including gifts or inheritances, will be retained by each spouse. The court will divide the marital property based on the following factors: (1) the desirability to award the family residence to the custodial parent; (2) the length of marriage; (3) the financial resources of each spouse; (4) the needs and obligations of each spouse; (5) the economic desirability of keeping the assets intact; (6) the costs of any sale of an asset; (7) the liquidity of the property to be distributed; (8) the tax consequences of the division; and (9) any other relevant factor.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded maintenance based on the same factors listed above in addition to the following: (1) standard of living during the marriage; (2) the lost income capacity of a spouse due to homemaking responsibilities; (3) age and health of each spouse; (4) the educational level of each spouse; (5) the earning capability of each spouse; (6) the value of the property that each spouse received in the division of the marital property; (7) any contribution by one spouse to the education or training of the other; Either parent may be ordered to pay child support. There are official child support guidelines that the court may use. The court will deviate from the guidelines if there is a showing that the amount of the award will be unjust or inappropriate.

Child Custody and Visitation:

Sole or joint custody may be awarded based on the following: (1) the child’s wishes; (2) the child’s adjustment to his or her home, school, and community; (3) the bond between the child, the parents and any siblings; (4) the mental and physical health of all individuals involved; (5) whether one parent has willfully denied visitation to the other parent; (6) any child or spousal abuse; (7) whether either parent lives or intends to live outside of Ohio; (8) the ability of the parents to cooperate and make joint decisions; (9) the health and safety of the child; (10) any history of child abuse, spouse abuse, domestic violence by a parent or anyone who is or will be a member of the household where the child will reside, or parental kidnapping; (11) the geographic proximity of the parents to each other as it relates to shared parenting; (12) the child’s and parent’s available time; (13) the child’s available time to spend with any siblings; and (14) any other relevant factors. Both parents are considered to have equal rights to custody. In addition, for shared parenting to be awarded, both parents must request it and submit a plan for shared parenting. The financial status of a parent is not to be considered for allocating any parental rights and responsibilities. The court may require an investigation of the parents and any evidence of neglect or child or spousal abuse will be considered against the granting of shared parenting or such parent being granted the status as residential parent. For shared parenting to be awarded, both parents must request it and submit a plan.

Child Support:

Either parent may be ordered to pay child support. There are official child support guidelines that the court may use. The court will deviate from the guidelines if there is a showing that the amount of the award will be unjust or inappropriate.

Rights to Maiden Name:

The former or maiden name will be restored upon request.

OKLAHOMA

Residence Requirements:

One spouse must have been a resident of Oklahoma for 6 months before filing for a divorce.

Where to File:

In the county of the plaintiff if the plaintiff has been a resident for 30 days, or in the defendant's county.

Name of Court:

"State of Oklahoma, In the District Court, _____ County."

Title of Divorce Action:

Petition for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Incompatibility. Fault-based: (1) adultery; (2) impotence; (3) abandonment for 1 year; (4) imprisonment; (5) confinement for five years for permanent insanity; (6) cruel and inhuman treatment; (7) drunkenness; (8) wife was pregnant by another at the time of marriage; (9) gross neglect; (10) fraud; or (11) a foreign divorce which is not valid in Oklahoma.

General Divorce Procedures:

Separation agreements are authorized.

Mediation or Counseling Requirements:

The court may appoint an arbitrator if there is a joint custody dispute after the divorce takes place.

Legal Separation Provisions:

Either spouse may file for alimony without seeking a divorce on the following grounds: (1) adultery; (2) impotence; (3) abandonment for 1 year; (4) imprisonment; (5) confinement for permanent insanity for 5 years; (6) cruel and inhuman treatment; (7) drunkenness; (8) wife was pregnant by another at the time of marriage; (9) gross neglect; or (10) fraud.

Property Distribution:

Oklahoma is an “equitable distribution” state. Each spouse will retain all property acquired prior to the marriage and any gifts or inheritances whenever acquired. All the marital property will be divided in a just and reasonable manner.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded alimony. The award may be a lump sum or in installments. There are no other factors listed in the statute.

Child Custody and Visitation:

Child custody is awarded in the best interests of the child and based on the following: (1) that the child has frequent contact with both parents; and (2) that each parent be responsible in the rearing of the child. There is no preference for or against joint custody.

Child Support:

The court may order either parent to pay child support. The court will look at the income and property assets of each parent. There are official child support guidelines in Oklahoma.

Rights to Maiden Name:

A wife may have her former or maiden name restored.

OREGON

Residence Requirements:

If the marriage took place in Oregon and one spouse is a resident of Oregon, then there is no residency time limit. If the marriage was not performed in Oregon, then one spouse must have been a resident of Oregon for 6 months before filing.

Where to File: _____

In the county where either spouse resides.

Name of Court: _____

“In the Circuit Court for the State of Oregon for the County of _____.”

Title of Divorce Action: _____

Petition for Dissolution of Marriage

Party Filing: _____

Petitioner (Joint: Co-Petitioner)

Other Party: _____

Respondent (Joint: Co-Petitioner)

Title of Final Papers: _____

Decree of Dissolution of Marriage

Important Note:

Additional forms may be required. Call or visit your clerk of the court.

Approved Grounds for Divorce:

No-fault-based: Irreconcilable differences between the spouses which have caused the irretrievable breakdown of the marriage. Fault-based: (1) consent to marriage was obtained by fraud, duress, or force; (2) minor married without lawful consent; or (3) lacked mental capacity to consent. Misconduct of the spouses will only be considered when child custody is an issue.

General Divorce Procedures:

A summary dissolution of marriage may be granted if: (1) the residency requirement has been satisfied; (2) there are no minor children and the wife is not pregnant; (3) the marriage is not more than 10 years in duration; (4) neither spouse owns real estate; (5) there are no debts over \$15,000 incurred by the spouses; (6) the total value of the spouses' personal property is less than \$30,000, excluding any unpaid balances on loans; (7) waiver of spousal support; (8) waiver of pendente lite orders, except for spousal abuse; and (9) the Petitioner knows of no other pending domestic suit. In addition, there will be a 90-day waiting period before a hearing will be held.

Mediation or Counseling Requirements:

The court may order conciliation services. In addition, if there is a child custody or support dispute, the court may order mediation.

Legal Separation Provisions:

The grounds for legal separation are irreconcilable differences between the spouses which have caused the irretrievable breakdown of the marriage.

Property Distribution:

Oregon is an “equitable distribution” state. All the spouses’ property can be divided by the court. There is a presumption that the spouses equally contributed to the acquisition of property, unless shown otherwise. The court will consider the following: (1) each 102 contribution to the acquisition of marital property, including non-monetary contributions; (2) any retirement benefits; (3) the cost of selling any assets; (4) the amount of taxes or liens on the property; (5) whether the property award is in lieu of or in addition to maintenance; and (6) any life insurance coverage.

Alimony/Spousal Support/Maintenance:

The court may award support to either spouse. The spouse receiving support must make a reasonable effort in becoming self-supportive or the court will terminate spousal support. The court will consider the following factors: (1) the time and expense a spouse incurs to obtain sufficient education or training for gainful employment; (2) length of marriage; (3) any interruption in a 102 education, training, or employment due to homemaking responsibilities; (4) standard of living during the marriage; (5) occupation of each spouse; (6) earning ability of each spouse; (7) any custodial support obligations; (8) financial resources of each spouse; (9) the tax consequences to each spouse; (10) the age of the spouses; (11) the physical and emotional conditions of the spouses; (12) the vocational skills and employability of the spouse seeking support; (13) the educational level of each spouse at the time of the marriage and at the time the divorce is filed for; (14) any life insurance; (15) the costs of health care; (16) the extent that a 102 earning capacity is impaired due to absence from the job market to be homemaker and the extent that job opportunities are unavailable considering the age of the spouse and the anticipated length of time for appropriate training; (17) the contribution of each spouse to the marriage; (18) any long term financial obligations, including legal fees; and (19) any other factor the court deems just and equitable.

Child Custody and Visitation:

Marital misconduct will be considered. The court will base its decision on the following factors: (1) the bond between the child, the parents and any siblings; (2) any domestic abuse; (3) the amount of time the child has lived in a particular environment, and the desirability of maintaining continuity; and (4) the child’s attitude and the parents’ attitude.

Child Support:

Either parent may be ordered to pay child support based on the following factors: (1) the financial resources of both parties; (2) the parent’s ability to pay; (3) the needs of the child or other dependent; (4) the desirability of the custodial parent to remain at home as a full-time parent; (4) the standard of living the child would have enjoyed if the marriage were not dissolved; (5) the potential earnings of the parents; (6) the cost of day care to the parent having custody or physical care of the child if that parent works outside the home, or the value of the child care services performed by that parent if the parent remains in the home; (7) the tax consequences to each parent; and (8) any other relevant factors.

Rights to Maiden Name:

Either spouse may have a former name restored.

PENNSYLVANIA

Residence Requirements:

One spouse must have been a resident of Pennsylvania for at least 6 months before filing for a divorce.

Where to File:

In the county where (1) the defendant re-sides; (2) where the defendant resides if plaintiff lives outside the state; (3) where marriage home was if plaintiff continuously resided in the same county; (4) prior to 6 months after separation, and if the defendant agrees, where the plaintiff resides; (5) prior to 6 months after separation, and if neither spouse lives in the county of the marriage home, where either spouse lives; or (6) after 6 months after separation, where either spouse lives.

Name of Court:

**Court of Common Pleas.
"Court of Common Pleas,
_____ County,
Pennsylvania."**

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Title of Final Papers:

Decree of Divorce

Other Party:

Defendant

Approved Grounds for Divorce:

No-fault: (1) irretrievable breakdown of the marriage with spouses living separate and apart without cohabitation for 2 years, or (2) irretrievable breakdown of the marriage and the spouses have signed and filed affidavits stating that they consent to the divorce. Fault-based: (1) adultery; (2) imprisonment for 2 or more years; (3) confinement for 18 months due to permanent insanity; (4) willful desertion for 1 year; (5) cruel and inhuman treatment; (6) bigamy; or (7) personal indignities.

General Divorce Procedures:

There are no official forms for a complaint for divorce on the grounds of irretrievable breakdown of the marriage.

Mediation or Counseling Requirements:

The court may order counseling for reconciliation for a period of between 90 and 120 days. Either spouse may request counseling, in which case three counseling sessions may be ordered.

Legal Separation Provisions:

Separation agreements are binding if the terms are reasonable.

Property Distribution:

Pennsylvania is an “equitable distribution” state. Each spouse will retain any property acquired before the marriage and any gift or inheritance whenever acquired. The court will divide the marital property based on the following factors: (1) the value of each 102 separate property; (2) each 102 contribution to the acquisition of marital property, including non-monetary contributions; (3) the length of the marriage; (4) any and all sources of income of each spouse; (5) any debts of each spouse; (6) the earning capability of each spouse; (7) occupation of each spouse; (8) the standard of living established during the marriage; (9) the financial position of each spouse after the division of the property; (10) the tax consequences to each spouse; (11) the vocational skills of the spouses; (12) the employability of the spouses; (13) any premarital agreement; (14) any contributions toward the education, training, or increased earning power of the other spouse; (15) any prior marital obligations; and (16) any other factor necessary to do equity and justice between the spouses.

Alimony/Spousal Support/Maintenance:

The court may award alimony to either spouse based on the following factors; (1) any marital misconduct; (2) the time and expense a spouse will incur to obtain sufficient education or training for appropriate employment; (3) the needs of the spouse seeking alimony and the ability of the other spouse to make such payments while meeting his or her own needs; (4) age and health of each spouse; (5) the earning capability of each spouse; (6) the financial resources of each spouse; (7) the probable length of time a spouse will need alimony. There are official spousal support guidelines; (8) whether the spouse seeking alimony lacks sufficient property to provide for his or her own needs; (9) whether the spouse is unable to be self-supporting through appropriate employment; (10) whether the spouse seeking alimony is the custodian of a child; (11) any tax consequences; (12) the standard of living established during the marriage; (13) the duration of the marriage; (14) the comparative financial resources of the spouses, including their comparative earning abilities in the labor market; (15) the needs and obligations of each spouse; (16) the contribution of each spouse to the marriage, including services rendered in homemaking, child care, education, and career building of the other spouse; (17) the educational level of each spouse at the time of the marriage and at the time the action for alimony is commenced; (18) the conduct of the spouses during the marriage; and (19) any other factor the court deems just and equitable.

Child Custody and Visitation:

Joint or shared child custody will be determined on the best interest of the child, and upon a consideration of the following factors: (1) which parent is more likely to encourage, permit, and allow frequent and continuing contact, including physical access between the other parent and the child, and (2) whether either parent has engaged in any violent, criminally sexual, abusive, or harassing behavior. The court may require a written plan to be submitted in a shared/joint custody situation.

Child Support:

The court may order either parent to pay child support based on the following factors: (1) the net income of the parents; (2) the financial resources of the parents; (3) the earning capabilities of the parents; (4) any extraordinary expenses; and (5) any unusual needs of the child or the parents. There are official child support guidelines.

Rights to Maiden Name:

Either spouse may have a former or maiden name restored upon written notice filed with the prothonotary (chief clerk) of the court granting the divorce.

RHODE ISLAND

Residence Requirements:

One spouse must have been a resident of Rhode Island for 1 year before filing.

Where to File:

In county of defendant if residency requirement is met, otherwise in plaintiff's county.

Name of Court:

**Family Court. "State of Rhode Island, Family Court
_____ Division."**

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Final Judgment of Divorce

Approved Grounds for Divorce:

No-fault: (1) irreconcilable differences which have caused the irremediable breakdown of the marriage, or (2) living separate and apart without cohabitation for 3 years. Fault-based: (1) adultery; (2) impotence; (3) alcoholism or drug abuse; (4) abandonment and presumed dead; (5) failure to consummate marriage; (6) willful desertion for 5 years (or less within the discretion of the court); (7) gross neglect; (8) cruel and inhuman treatment; (9) bigamy; (10) life imprisonment; (11) spouse is of unsound mind; and (12) incest.

General Divorce Procedures:

An official financial statement must be filed by each spouse. An official child support guidelines form must be filed in cases involving minor children. In addition, there must be a court hearing in all divorce cases.

Mediation or Counseling Requirements:

A family court counseling form must be filed with the complaint for divorce.

Legal Separation Provisions:

The grounds for legal separation are: (1) adultery; (2) impotence; (3) alcoholism or drug abuse; (4) abandonment and presumed dead; (5) failure to consummate marriage; (6) willful desertion for 5 years or less (within the discretion of the court); (7) gross neglect; (8) confinement for incurable insanity; (9) bigamy; (10) life imprisonment; (11) spouse is of unsound mind; (12) incest; (13) irreconcilable differences which have cause the irremediable breakdown of the marriage; (14) living separate and apart without cohabitation for 3 years; and (15) any other cause which may seem to require a divorce from bed and board (legal separation).

Property Distribution:

Rhode Island is an “equitable distribution” state. All property acquired prior to the marriage and any gift or inheritance whenever acquired will be retained by each spouse. The court will divide the remaining property based on the following factors: (1) each 102 contribution to the acquisition of marital property, including non-monetary contributions; (2) the length of the marriage; (3) the conduct of the spouses during the marriage; (4) the health and ages of the spouses; (5) the amount and sources of income of the spouses; (6) the occupation and employability of each of the spouses; (7) the contribution by one spouse to the education, training, licensure, business, or increased earning power of the other; (8) the need of a custodial parent to occupy or own the marital residence and to use or own the household effects according to the best interests of any children; (9) either 102 wasteful dissipation or unfair transfer of any assets in contemplation of divorce; and (10) any other factor which is just and proper.

Alimony/Spousal Support/Maintenance:

The court may award alimony to either spouse based on the following factors: (1) the extent to which a spouse was absent from employment while fulfilling homemaking responsibilities; (2) the extent to which a 102 education may have become outmoded and his or her earning capacity diminished; (3) the time and expense required for a supported spouse to acquire the appropriate education and training to develop marketable skills and become employed; (4) the probability, given the 102 age and skills, of completing education and training and becoming self-supporting; (5) the standard of living during the marriage; (6) the opportunity for either spouse for the future acquisition of capital assets and income; (7) the ability of the supporting spouse to pay, taking into consideration the supporting 102 (a) earning capacity, (b) earned and unearned income, (c) assets, (d) debts and (e) standard of living; and (8) any other factors which are just and proper.

Child Custody and Visitation:

There are no factors listed in the statute. Child custody will be determined according to the best interest of the child.

Child Support:

The court may order either parent to pay child support based on the following: (1) the financial resources of the child and parents; (2) the needs of the child; (3) earning capabilities of the parents; (4) the standard of living the child would have enjoyed if the marriage was not dissolved; (5) the earning potential of the parents; (6) any other dependents of the parents; (7) the financial resources, needs and obligations of both the noncustodial and custodial parent; and (8) any other relevant factor.

Rights to Maiden Name:

The wife may have her former name restored.

SOUTH CAROLINA

Residence Requirements:

If both spouses are residents of South Carolina, the filing spouse must only have been a resident for 3 months. Otherwise, if only the filing spouse is a resident, then he or she must have been a resident of South Carolina for at least 1 year.

Where to File:

In the county where the defendant resides, the county where plaintiff resides if the defendant is a non-resident, or, if both still live in the state, the county where the spouses last lived together.

Name of Court:

“State of South Carolina, The Family Court of the _____ Judicial Circuit.”

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Living separate and apart without cohabitation for 1 year. Fault-based: (1) adultery; (2) alcoholism or drug abuse; (3) physical abuse or reasonable apprehension of physical abuse; or (4) willful desertion for 1 year.

General Divorce Procedures:

The clerk of the court may have forms, which have been developed by the court, to be used in divorce matters.

Mediation or Counseling Requirements:

The court may order counseling to bring about a reconciliation.

Legal Separation Provisions:

Legal separation and separate maintenance may be obtained in South Carolina.

Property Distribution:

South Carolina is an “equitable distribution” state. Each spouse will retain any property acquired prior to the marriage and any gift or inheritance whenever acquired. The court will divide all other property based on the following factors: (1) any marital misconduct; (2) length of the marriage; (3) the time and expense a spouse incurs to obtain sufficient education or training for appropriate employment; (4) each 102 contribution to the acquisition of marital property; (5) the earning ability of each spouse; (6) the financial resources of each spouse and the ability to increase resources; (7) the value of the non-marital property of each spouse; (8) the debts of each spouse; (9) the desirability to award the family residence to the custodial parent; (10) the age of the spouses; (11) any marital misconduct; (12) any economic misconduct; (13) the value of the marital property; (14) the income of each spouse; (15) the physical and emotional health of each spouse; (16) any retirement benefits; (17) whether alimony has been awarded; (18) the desirability of awarding the family home to the spouse having custody of any children; (19) the tax consequences; (20) any other support obligations of either spouse; (21) any child custody arrangements; and (22) any other relevant factors.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded alimony. The court will consider the following: (1) the age and health of each spouse; (2) the employment history of each spouse; (3) standard of living during the marriage; (4) the earning ability of each spouse; (5) the effect of having custody of any children on the custodial parent’s ability to work full time; (6) the standard of living established during the marriage; (7) the duration of the marriage and the ages of the spouses when married and when divorced; (8) the educational background of each spouse, and the need of additional training or education to reach the 102 income potential; (9) the marital and separate property of each spouse; (10) any marital misconduct; (11) any tax consequences; (12) any prior support obligations; (13) any other relevant factors.

Child Custody and Visitation:

Child custody is based on the following factors: (1) the circumstances of the parents; (2) the circumstances of the case; (3) the religious faith of all parties involved; (4) the child’s welfare; and (5) the best spiritual and other interests of the child. The parents both have equal rights regarding any award of custody of children.

Child Support:

Either parent may be ordered to pay child support. There are official child support guidelines that the court may use. The court will deviate from the guidelines if there is a showing that the amount of the award will be unjust or inappropriate.

Rights to Maiden Name:

The wife may have her former name restored.

SOUTH DAKOTA

Residence Requirements:

The filing spouse must be a resident of South Dakota, or a member of the Armed Forces stationed in South Dakota, when filing for a divorce and until the divorce is final. There is no time limit for residency requirement.

Where to File: _____

In the county where either spouse resides. However, defendant may have the case transferred to his or her county.

Name of Court: _____

“State of South Dakota, County of _____, In the Circuit Court, _____ Judicial District.”

Title of Divorce Action: _____

Complaint for Divorce

Party Filing: _____

Plaintiff

Other Party: _____

Defendant

Title of Final Papers: _____

Final Decree of Divorce

Approved Grounds for Divorce:

No-fault: Irreconcilable differences which have caused the irretrievable breakdown of the marriage. Fault-based: (1) adultery; (2) confinement for 5 years because of permanent insanity; (3) convicted felon; (4) willful desertion; (5) cruel and inhuman treatment; (6) willful neglect; (7) separation caused by misconduct; and (8) drunkenness.

General Divorce Procedures:

If the spouses base the complaint for divorce on irreconcilable differences, they can submit affidavits which establish the required residency and the grounds for divorce. In such a case, the court will not generally require either spouse to personally appear in court.

Mediation or Counseling Requirements:

The proceeding can be delayed for up to 30 days if the court determines that there is a reasonable possibility for reconciliation between the spouses.

Legal Separation Provisions:

The grounds for legal separation are: (1) adultery; (2) confinement for 5 years because of permanent insanity; (3) convicted felon; (4) willful desertion; (5) cruel and inhuman treatment; (6) willful neglect; (7) separation caused by misconduct; or (8) drunkenness.

Property Distribution:

South Dakota is an “equitable distribution” state. All the spouses’ property will be divided. The court will consider the following factors: (1) each spouse’s contribution to the acquisition of the marital property, including any non-monetary contribution; (2) the duration of the marriage; (3) the age and health of each spouse; (4) the earning capability of each spouse; (5) the value of each spouse’s property; and (6) the income-producing capacity of each spouse’s assets.

Alimony/Spousal Support/Maintenance:

The court may award either spouse maintenance for life or for a shorter duration based on the following factors: (1) the length of the marriage; (2) any marital misconduct; (3) the financial resources of each spouse; (4) the age of each spouse; (5) the needs of the spouse seeking support and the ability of the other spouse to make such payments while meeting his or her own needs; (6) the health of each spouse; (7) the financial resources of the spouse seeking maintenance, including marital property apportioned to such spouse and such 102 ability to meet his or her needs independently; and (8) the fault of the spouses during the marriage.

Child Custody and Visitation:

Child custody is based on the best interest of the child. The preference of the child may be considered if the child is of sufficient age and capacity.

Child Support:

The court may order either parent to pay child support. There are official child support guidelines, however, the court may deviate from the guidelines if the amount would be unjust or inappropriate.

Rights to Maiden Name:

The wife may have her former or name restored.

TENNESSEE

Residence Requirements:

Either spouse must have been a resident of Tennessee for 6 months before filing if the grounds for divorce arose outside Tennessee. If the grounds for divorce arose in Tennessee, then there is no time requirement.

Where to File:

In the county where both spouses resided at time of separation; or county where respondent resides if he or she is a resident, or the county of the petitioner if respondent is not a resident.

Name of Court:

Circuit Court or Chancery Court. "In the _____ Court of _____ County, Tennessee."

Title of Divorce Action:

Petition for Divorce

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Final Decree of Divorce

Approved Grounds for Divorce:

No-fault: (1) irreconcilable differences, or (2) living separate and apart without cohabitation for 2 years, and there are no minor children. Fault-based: (1) adultery; (2) impotence; (3) conviction of a felony and imprisonment; (4) willful desertion for 1 year; (5) endangering the life of the spouse; (6) wife is pregnant by another at the time of marriage without husband's knowledge; (7) bigamy; (8) commission and/or conviction of an infamous crime; or (9) refusing to move to Tennessee with a spouse and willfully absenting oneself from a new residence for 2 years.

General Divorce Procedures:

If the divorce is based on irreconcilable differences, the spouse may enter into a settlement agreement that has been notarized. The agreement must contain the following: (1) a specific reference to the divorce case by naming the court and docket number; or (2) state that the respondent has knowledge that a divorce will be filed; and (3) that the respondent waives service of process and filing an answer. There will be a hearing in 60 days if there are no minor children, and in 90 days if there are minor children. The settlement agreement must have a provision dealing with child custody and child support. Some counties may require that the respondent sign an appearance and waiver form before the clerk of the court.

Mediation or Counseling Requirements:

The court may delay the proceeding upon request from either spouse to allow an attempt at reconciliation.

Legal Separation Provisions:

The grounds for a legal separation are: (1) cruel and inhuman treatment; (2) that the husband makes the wife's condition intolerable with personal indignities; (3) the husband has abandoned the wife; or (4) the husband has forced the wife to leave the family residence without providing for her.

Property Distribution:

Tennessee is an “equitable distribution” state. Each spouse will retain any property that was acquired prior to the marriage and any gift or inheritance whenever acquired. The court will divide the marital property according to the following factors: (1) the value of the separate property of each spouse; (2) each 102 contribution to the acquisition of marital property, including non-monetary contributions; (3) the length of the marriage; (4) present and future earning ability of each spouse; (5) the economic circumstances of each spouse at the time the division of property is to become effective; (6) the liabilities and needs of each spouse and the opportunity of each for further acquisition of capital assets and income; (7) the federal income tax consequences of the court’s division of the property; (8) the tangible and intangible contributions made by one spouse to the education, training, or increased earning power of the other spouse; (9) the relative ability of each party for the future acquisition of capital and income; and (10) any other factor necessary to do equity and justice between the spouses.

Alimony/Spousal Support/Maintenance:

Either spouse may be awarded lump sum, periodic, or rehabilitative spousal support based on the following factors: (1) the value of any separate property and the value of the spouses’ share of any marital property; (2) whether the spouse seeking alimony is the custodian of a child whose circumstances make it appropriate for that spouse not to seek outside employment; (3) the need for sufficient education and training to enable the spouse to find appropriate employment; (4) the standard of living during the marriage; (5) the duration of the marriage; (6) the comparative financial resources of the spouses including their comparative earning abilities in the labor market and any retirement, pension, or profit-sharing benefits; (7) the needs and obligations of each spouse; (8) the tangible and intangible contributions of each spouse to the marriage, including services rendered in homemaking, child care, and contributions to the education, earning capacity, and career building of the other spouse; (9) the relative education and training of the spouses and the opportunity of each party to secure education and training; (10) the age of the spouses; (11) the physical and mental condition of the spouses; (12) the tax consequences to each spouse; (13) the usual occupation of the spouses during the marriage; (14) the vocational skills and employability of the spouse seeking alimony; (15) the conduct of the spouses during the marriage; and (16) any other factor the court deems just and equitable.

Child Custody and Visitation:

Joint or sole custody is awarded according to the best interest of the child and considering the child’s preference. There is no presumption that either parent is more suited to obtain custody. However, if the child is of tender years, the sex of the parent seeking custody is a factor which may be taken into consideration.

Child Support:

The court may order either parent to pay child support based on the following factors: (1) the financial resources of the child and parents; (2) whether the non-custodial parent’s visitation is over 110 days per year or under 55 days per year; (3) the standard of living the child would have enjoyed if the marriage was not dissolved; (4) the physical and emotional conditions and educational needs of the child; (5) the earning capacity of each parent; (6) the age and health of the child; (7) the monetary and non-monetary contributions of each parent to the well-being of the child; (8) any pension or retirement benefits of the parents; and (9) any other relevant factors.

Rights to Maiden Name:

A wife may resume the use of her former or maiden name.

TEXAS

Residence Requirements:

Either spouse must have been a resident of Texas for 6 months and a resident of the county for 90 days before filing.

Where to File: _____

In the county of the petitioner

Name of Court: _____

“In the District Court of _____ County, Texas, _____ Judicial District.”

Title of Divorce Action: _____

Petition for Divorce

Party Filing: _____

Petitioner

Other Party: _____

Respondent

Title of Final Papers: _____

Decree of Divorce

Important Note:

Additional forms may be required. Call or visit your clerk of the court.

Approved Grounds for Divorce:

No-fault: (1) The marriage has become insupportable because of discord or conflict of personalities that has destroyed the legitimate ends of the marital relationship, and prevents any reasonable expectation of reconciliation, or (2) living separate and apart without cohabitation for 3 years. Fault-based: (1) adultery; (2) abandonment; (3) cruel and inhuman treatment; (4) confinement for incurable insanity for 3 years; or (5) conviction of a felony and imprisonment for over 1 year.

General Divorce Procedures:

Marital settlement agreements are authorized. There is a 60-day waiting period before a divorce will be granted.

Mediation or Counseling Requirements:

The court may order counseling. If the counselor's report states that reconciliation is possible, the court may delay the proceeding for up to 60 additional days.

Legal Separation Provisions:

Separation agreements are authorized.

Property Distribution:

Texas is a “community property” state. Only property acquired during the marriage will be equally divided unless such a division would be unjust.

Alimony/Spousal Support/Maintenance:

The court may award maintenance for a spouse only if (1) the spouse from whom maintenance is requested has been convicted of family violence within two years before the suit for dissolution, or (2) the duration of the marriage was 10 years or longer and the spouse seeking maintenance (a) lacks sufficient property to provide for his or her reasonable minimum needs; (b) is unable to support him or her self through employment because of an incapacitating physical or mental disability; (c) is the custodian of a child which requires substantial care and supervision because of a physical or mental disability which makes it necessary that the spouse not be employed outside the home; or (d) clearly lacks earning ability in the labor market adequate to provide for the 102 minimum reasonable needs.

Child Custody and Visitation:

Joint or sole managing conservatorship (custody) is determined according to the best interests of the child. The sex of the parents is not a factor for consideration. The wishes of the child may be considered. The factors to be considered in determining the terms and conditions for possession of a child by the possessory conservator (parent with visitation) are as follows: (1) the age, circumstances, needs and best interests of the child; (2) the circumstances of the parents; (3) evidence of any spouse or child abuse; and (4) any other relevant factor. The factors specified in the statute for consideration in decisions regarding joint managing conservatorship are: (1) whether the physical, psychological or emotional needs and development of the child will benefit; (2) the ability of the parents to give first priority to the welfare of the child and reach shared decisions in the child's best interests; (3) whether each parent can encourage and accept a positive relationship between the child and the other parent; (4) was entered into voluntarily and knowingly, and (5) is in the best interests of the child. In addition, there are standard terms for a court's order on a child's conservatorship set out in the statute that are presumed to be the minimum allowable time that the parent, who is not awarded the primary physical residence of the child is to have the child.

Child Support:

The court may order either or both parents to pay child support based on the following factors: (1) the financial resources of the parents; (2) the age and needs of the child; (3) the amount of custodial care and visitation to the child; (4) the amount of alimony being currently paid or received; (5) whether a parent has custody of another child and any child support expenses paid or received for the care of another child; (6) provisions for health care; (7) any special educational or health care needs of the child; (8) any benefits a parent receives from an employer; (9) any debts or obligations of a parent; (10) any wage or salary deductions of the parents; (11) the cost of traveling to visit the child; (12) any positive or negative cash flow from any assets; (13) any provisions for health care or insurance; (14) any special or extraordinary educational, health care, or other expenses of the parents or the child; and (15) any other relevant factor.

Rights to Maiden Name:

Either spouse may resume a former name.

UTAH

Residence Requirements:

The filing spouse must have been a resident of Utah (or a member of the Armed Forces stationed in Utah) and a resident of the county where the divorce is filed for at least 3 months.

<u>Where to File:</u>	<u>Name of Court:</u>	<u>Title of Divorce Action:</u>
County of the Petitioner.	District Court; may be Family Court Division of District Court. "In the District Court of the _____ Judicial District, in and for _____ County, State of Utah."	Petition for Divorce

<u>Party Filing:</u>	<u>Other Party:</u>	<u>Title of Final Papers:</u>
Petitioner	Respondent	Decree of Divorce

Approved Grounds for Divorce:

No-fault: (1) irretrievable differences of the marriage, or (2) living separate and apart without cohabitation for 3 years under a judicial decree of separation. Fault-based: (1) adultery; (2) impotence; (3) willful desertion for 1 year; (4) willful neglect; (5) conviction of a felony; (6) drunkenness; (7) cruel and inhuman treatment; or (8) incurable insanity.

General Divorce Procedures:

There is a 90 day waiting period after filing before a divorce will be granted. A divorce will not be granted upon default. However, in a default case, the evidence may be contained in an affidavit of the petitioner. Evidence and testimony must be taken in every divorce case. A financial verification form is also required in child support cases.

Mediation or Counseling Requirements:

Upon request, the court may order counseling to attempt reconciliation.

Legal Separation Provisions:

The grounds for legal separation are: (1) living separate and apart without cohabitation; (2) willful desertion; or (3) gross neglect.

Property Distribution:

Utah is an “equitable distribution” state. All the spouses’ property may be divided equitably by the court. This includes property acquired prior to the marriage and any gifts and inheritances.

Alimony/Spousal Support/Maintenance:

Either spouse may be ordered to pay alimony. The following factors are to be considered: (1) the financial condition and needs of the recipient spouse; (2) the recipient’s earning capacity and ability to produce income; (3) the ability of the paying spouse to provide support; (4) the length of the marriage; (5) the standard of living at the time of separation; (6) any marital fault of the spouses; (7) if the marriage has been of long duration and the marriage dissolves on the threshold of a major change in the income of one of the spouses; (8) if one ¹⁰² earning capacity has been greatly enhanced by the other’s efforts; and (9) any other relevant factors. In general, the court will not award alimony for a period longer than the marriage existed. Alimony terminates upon remarriage or cohabitation with another person.

Child Custody and Visitation:

Joint or sole child custody is determined by the following factors: (1) the child’s preference if at least 12 years of age; (2) the moral fitness of the parents; (3) which parent is better suited to meet the child’s needs; and (4) which parent is willing to allow frequent and continuing contact between the child and the other parent. If there is an allegation of child abuse, the court will order an investigation by the Division of Family Services. Joint custody may be ordered if (1) it will be in the best interests of the child; (2) both parents agree to joint custody; or (3) both parents appear capable of implementing joint custody.

Child Support:

Either parent may be ordered to pay child support. There are official child support guidelines that the court may use. The court will deviate from the guidelines if there is a showing that the amount of the award will be unjust or inappropriate.

Rights to Maiden Name:

There is a general statutory provision for changing a name.

VERMONT

Residence Requirements:

One spouse must have been a resident of Vermont for at least 6 months before filing. In addition, one spouse must have been a resident for 1 year before a final divorce will be granted.

Where to File: _____

In the county of either spouse.

Name of Court: _____

“State of Vermont, Family Court, _____ County.”

Title of Divorce Action: _____

Complaint for Divorce

Party Filing: _____

Plaintiff

Other Party: _____

Defendant

Title of Final Papers: _____

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Living separate and apart without cohabitation for 6 consecutive months, and the resuming of marital relations is not reasonably probable. Fault-based: (1) adultery; (2) willful desertion for 7 years; (3) gross neglect; (4) cruel and inhuman treatment; or (5) incurable mental illness.

General Divorce Procedures:

There are no simplified divorce procedures. A hearing is required and oral testimony of witnesses is required in all divorce cases.

Mediation or Counseling Requirements:

The court may delay the proceedings for 30 to 60 days if one spouse denies that they have lived apart for the required time.

Legal Separation Provisions:

The grounds for legal separation are: (1) adultery; (2) willful desertion for 7 years; (3) gross neglect; (4) cruel and inhuman treatment; (5) living separate and apart without cohabitation for 6 months; (6) imprisonment for 3 years or more or for life; or (7) incurable mental illness.

Property Distribution:

Vermont is an “equitable distribution” state. All property, regardless of when it was acquired, including gifts and inheritances, can be divided by the court based on the following factors: (1) how and by whom the property was acquired; (2) the value of each 102 property; (3) the duration of the marriage; (4) each 102 contribution to the acquisition of marital property, including non-monetary contribution; (5) the financial status of each spouse and the desirability to award the family home to the custodial parent or allow that parent to live in the home until the child(ren) is grown; (6) the occupation of each spouse; (7) the age and health of each spouse; (8) conduct of spouses during the marriage; (9) the amount and sources of income of the spouses; (10) the vocational skills of the spouses; (11) the employability of the spouses; (12) the liabilities and needs of each spouse and the opportunity of each for further acquisition of capital assets and income; (13) whether the property award is instead of or in addition to maintenance; (14) the merits of each spouse; (15) the burdens imposed upon either spouse for the benefit of the children; and (16) the contribution by one spouse to the education training or increased earning power of the other.

Alimony/Spousal Support/Maintenance:

The court may order either spouse to pay maintenance based on the following factors: (1) the standard of living established during the marriage; (2) the financial resources of each spouse, including the value of the property awarded from the division; (3) the needs of the spouse seeking support and the ability of the other spouse to make such payments while meeting his or her own needs; (4) the time necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that 102 future earning capacity; (5) the duration of the marriage; (6) the financial resources of the spouse seeking maintenance, including property apportioned to such spouse and such 102 ability to meet his or her needs independently; (7) the age of the spouses; (8) the physical and emotional conditions of the spouses; and (9) any effects of inflation on the cost of living.

Child Custody and Visitation:

Joint or sole custody may be awarded based on the following: (1) the parents’ wishes; (2) the bond between the child, each parent and any siblings; (3) the desire and ability of the parents to provide for the child’s needs; (4) the desire and ability of each parent to cooperate in joint custody; (5) the child’s adjustment to his or her home, school and community; (6) the ability and disposition of each parent to foster a positive relationship and frequent and continuing contact with the other parent, including physical contact unless it will result in harm to the child or parent; and (7) the quality of the child’s relationship with the primary care provider, given the child’s age and development.

Child Support:

The court may order either parent to pay child support. The court will consider the following: (1) the standard of living the child would have enjoyed if the marriage was not dissolved; (2) the needs of the child; (3) the financial resources of the parents; (4) the financial resources of the child; (5) inflation with relation to the cost of living; (6) the costs of any educational needs of either parent; (7) any travel expenses related to parent-child contact; and (8) any other relevant factors.

Rights to Maiden Name:

The wife may have her former name restored.

VIRGINIA

Residence Requirements:

Either one of the spouses must have been a resident of Virginia for at least 6 months.

Where to File:

In the county where spouses last resided together; where defendant resides if defendant is a resident of Virginia, or where plaintiff resides if plaintiff is a resident of Virginia and defendant is not.

Name of Court:

**Circuit Court or Juvenile and Domestic Relations Court or Experimental Family Court.
"Virginia: In the _____ Court of _____."**

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Living separate and apart without cohabitation for 1 year or; (2) living separate and apart without cohabitation for 6 months if there are no minor children, and the spouses have entered into a separation agreement. Fault-based: (1) adultery (including homosexual acts); (2) abandonment; (3) conviction of a felony and imprisonment for 1 year; (4) cruelty; or (5) willful desertion.

General Divorce Procedures:

A spouse may waive service of process, but it must be signed in the presence of the clerk. In addition, the testimony of the spouses must also generally be corroborated by a witness.

Mediation or Counseling Requirements:

There are no provisions for mediation.

Legal Separation Provisions:

The grounds for legal separation are: (1) cruelty; (2) willful desertion; (3) abandonment; or (4) reasonable apprehension of bodily injury.

Property Distribution:

Virginia is an “equitable distribution” state. Each spouse will retain property acquired prior to the marriage and any gift or inheritance whenever acquired. The marital property will be divided based on the following factors: (1) each 102 contribution to the acquisition of the marital property, including non-monetary contributions; (2) the cause that led to the divorce; (3) the length of the marriage; (4) the debts of the spouses; (5) the age and health of the spouses; (6) the liquid or non-liquid character of the property; (7) the tax consequences; (8) how and by whom the property was acquired; (9) the contributions, monetary and non-monetary, of each spouse to the well-being of the family; and (10) any other factor necessary to do equity and justice between the spouses.

Alimony/Spousal Support/Maintenance:

The court may award alimony to either spouse based on the following factors: (1) the time and expense a spouse will incur to obtain sufficient education or training for appropriate employment; (2) the property of the spouses; (3) the standard of living established during the marriage; (4) the duration of the marriage; (5) the financial resources of the spouse seeking maintenance, including marital property apportioned to such spouse and such 102 ability to meet his or her needs independently; (6) the contribution of each spouse to the marriage, including services rendered in homemaking, child care, education, and career building of the other spouse; (7) the tax consequences to each spouse; (8) the age of the spouses; (9) the physical and emotional conditions of the spouses; (10) the educational level of each spouse at the time of the marriage and at the time the action for support is commenced; (11) the circumstances which contributed to the divorce; and (12) any other factor the court deems just and equitable.

Child Custody and Visitation:

Joint or sole custody will be awarded based on the following factors: (1) the age of the child; (2) the child's wishes, needs and financial resources; (3) the bond between the child and each parent; (4) whether each parent has had an active role in rearing the child; and (5) the mental and physical health of all individuals involved.

Child Support:

Either parent may be ordered to pay child support based on the following factors: (1) the standard of living the child would have enjoyed if the marriage was not dissolved; (2) the division of the marital property; (3) the age and health of the child; (4) the needs of the child; and (5) the obligations and financial resources of the parents; (6) the earning capacity of each parent; (7) the monetary or non-monetary contributions of the parents to the family's well-being; (8) the education of the parents; (9) the ability of the parents to secure education and training; (10) the income tax consequences of child support; (11) any special medical, dental or child care expenses; and (13) any other relevant factors.

Rights to Maiden Name:

Either spouse may have a former name restored.

WASHINGTON

Residence Requirements:

Filing spouse must be a resident of Washington, or a member of the Armed Forces stationed in Washington.

Where to File:

In the county of either spouse.

Name of Court:

Superior Court or Family Court. "In the _____ Court of the State of Washington, In and For the County of _____."

Title of Divorce Action:

Petition for Dissolution of Marriage

Party Filing:

Petitioner

Other Party:

Respondent

Title of Final Papers:

Decree of Dissolution of Marriage

Important Note:

Additional forms may be required. Call or visit your clerk of the court.

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage. Fault-based: Irretrievable breakdown of the marriage is the only grounds for divorce.

General Divorce Procedures:

All divorce cases must be filed on official Washington forms. In addition, the spouses must file a Washington Department of Health Certificate with the petition. These forms are generally available at the clerk of the court office. There is at least a 90-day waiting period after filing the divorce and the service of summons on the respondent.

Mediation or Counseling Requirements:

Child custody or child visitation issues in dispute will be referred to mediation. The court may order counseling for the spouses if either spouse requests counseling.

Legal Separation Provisions:

Irretrievable breakdown of the marriage is the only ground for a legal separation.

Property Distribution:

Washington is a “community property” state. Each spouse will retain any property acquired prior to marriage or any gifts or inheritances whenever acquired. The court will divide the “community property” based on the following factors: (1) the nature and value of each 102 separate property; (2) the financial status of each spouse when the property division becomes effective; (3) the length of the marriage; (4) the nature and value of the community property; and (5) the desirability of awarding the family residence to the custodial parent or allowing that parent to live in the home until the child(ren) is grown.

Alimony/Spousal Support/Maintenance:

The court may award alimony to either spouse based on the following factors: (1) the time and expense a spouse will incur to obtain sufficient education or training for appropriate employment; (2) the financial position of the spouse seeking alimony; (3) the needs of the spouse seeking alimony and the ability of the other spouse to make such payments while meeting his or her own needs; (4) the debts of each spouse; (5) the age and health of each spouse; (6) the standard of living established during the marriage; (7) the duration of the marriage; (8) the physical and emotional conditions of the spouses; and (9) any child support responsibilities for a child living with the parent.

Child Custody and Visitation:

Joint or sole custody will be determined according to the best interests of the child. Every petition for a dissolution of marriage in which a child is involved must include a proposed parenting plan. The plan should contain the following: (1) dispute resolution; (2) a residential schedule; and (3) allocation of parental rights to make decisions for the benefit of the child. The court may order an investigation concerning the proposed parenting plan.

Child Support:

Either parent may be ordered to pay child support. There are official child support guidelines that the court may use. The court will deviate from the guidelines if it is shown that the amount of the award will be unjust or inappropriate.

Rights to Maiden Name:

The wife’s former name may be restored.

WEST VIRGINIA

Residence Requirements:

There is no time-limit residency requirement if the marriage was performed in West Virginia and one spouse is a resident when filing. Otherwise, one spouse must have been a resident for at least 1 year.

Where to File:

In the county where spouses last resided together, county of defendant if a resident, or county where plaintiff lives if defendant is a non-resident.

Name of Court:

**“Circuit Court of _____
County, West Virginia.”**

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: (1) irreconcilable differences, or (2) living separate and apart without cohabitation and without interruption for 1 year. Fault-based: (1) adultery; (2) abandonment for 6 months; (3) alcoholism or drug abuse; (4) physical abuse or reasonable apprehension of physical abuse; (5) cruel and inhuman treatment, including false accusations of adultery or homosexuality; (7) willful neglect; or (8) habitual drunkenness.

General Divorce Procedures:

A divorce will be granted if one spouse files a verified complaint for divorce on the grounds of irreconcilable differences, and the other spouse files a verified answer admitting the irreconcilable differences. The clerk of the court will have official answer forms available free of charge. No witnesses will be necessary for any proof for a divorce on the grounds of irreconcilable differences.” In other cases, witnesses will be required. The court may approve or reject a marital settlement agreement of the spouses. Standard financial disclosure forms may be required to be filed.

Mediation or Counseling Requirements:

There are no provisions for mediation.

Legal Separation Provisions:

The grounds for legal separation are the same as for divorce.

Property Distribution:

West Virginia is an “equitable distribution” state. Each spouse will retain any property acquired prior to the marriage and any gifts or inheritances whenever acquired. The marital property will be divided equally, however, the court may deviate from this plan based on the following factors: (1) the value of each 102 separate property; (2) each 102 contribution to the acquisition of marital property; (3) the conduct of each spouse as it relates to the disposition of the property; (4) the contribution by one spouse to the other spouse toward his or her education or training which will increase his or her earning ability; (5) the amount and sources of income of the spouses; (6) the value of the labor performed in a family business or in the actual maintenance or improvement of tangible marital property; (7) the foregoing by either spouse of employment or other income-earning activity through an understanding of the spouses or at the insistence of the other spouse; and (8) any other factor necessary to do equity and justice between the spouses.

Alimony/Spousal Support/Maintenance:

The court may award alimony to either spouse based on the following factors: (1) length of the marriage; (2) the financial resources of the spouses; (3) whether the spouse seeking support is the custodial parent and is unable to work outside of the home; (4) age and health of the spouses; (5) the educational level of the spouses; (6) the distribution of the marital property; (7) the occupations of the spouses; (8) the time and expense necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that 102 future earning capacity; (9) the duration of the marriage; (10) the amount of time the spouses actually lived together as wife and husband; (11) the tax consequences to each spouse; (12) the vocational skills and employability of the spouse seeking alimony; (13) any custodial and child support responsibilities; (14) the cost of education of minor children and of health care for each spouse and the minor children; (15) any legal obligations of the spouses to support themselves or others; (16) the present employment or other income of each spouse; and (17) any other factor the court deems just and equitable. The marital misconduct of the spouses will be considered and compared.

Child Custody and Visitation:

The court may award custody to either parent. There are no specific factors listed in the statute.

Child Support:

The court may order either parent to pay child support. The court will consider the following: (1) whether the spouse seeking support is the custodian of a child whose condition or circumstances make it appropriate for that spouse not to seek outside employment; (2) the time and expense necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that 102 future earning capacity; (3) the duration of the marriage and the actual period of cohabitation as husband and wife; (4) the comparative financial resources of the spouses, including their comparative earning abilities in the labor market; (5) the needs and obligations of each spouse; (6) the tax consequences to each spouse; (7) the age of the spouses; (8) the physical and emotional conditions of the spouses; (9) the vocational skills and employability of the spouse seeking support and maintenance; (10) any custodial responsibilities; (11) the educational level of each spouse at the time of the marriage and at the time the action for divorce is commenced; (12) the cost of education of minor children and of health care for each spouse and the minor children; (13) the distribution of marital property; (14) any legal obligations of the spouses to support themselves or others; and (15) any other factor the court deems just and equitable.

Rights to Maiden Name:

Either spouse may request that he or she have former name restored.

WISCONSIN

Residence Requirements:

Either spouse must have been a resident of Wisconsin for 6 months and a resident of the county where the divorce will be filed for 30 days prior to filing. No hearing on the divorce will be scheduled until 120 days after the defendant is served the summons or after the filing of a joint petition.

Where to File: _____	Name of Court: _____	Title of Divorce Action: _____
In the county of the filing spouse.	Circuit Court/Family Court. "State of Wisconsin: Circuit Court, _____ County."	Petition for Divorce
Party Filing: _____	Other Party: _____	Title of Final Papers: _____
Petitioner; Joint: Co-Petitioner	Respondent; Joint: Co-Petitioner	Decree of Divorce

Important Note:

Additional forms may be required. Call or visit your clerk of the court.

Approved Grounds for Divorce:

No-fault: Irretrievable breakdown of the marriage which can be established by either: (1) both spouses filing jointly for a divorce on these grounds; (2) living separate and apart for 12 months; or (3) at the court's discretion. Fault-based: Irretrievable breakdown of the marriage is the only ground for a divorce.

General Divorce Procedures:

If the divorce involves children, an official child support form and a financial disclosure form must be filed with the petition. These forms are available from the court clerk. A guide to Wisconsin divorce procedures will be provided to the spouse when filing for a divorce. Official forms must be used when filing for a petition for divorce.

Mediation or Counseling Requirements:

If child custody is disputed, then mediation will be ordered. In addition, the court must inform the spouses of the availability of counseling services.

Legal Separation Provisions:

The only ground for legal separation is irretrievable breakdown of the marriage.

Property Distribution:

Wisconsin is a “community property” state. Only property acquired during the marriage will be divided equally, however, the court may deviate from this plan based on the following factors: (1) whether the property award is in lieu of or in addition to spousal support; (2) the value of each 102 separate property; (3) the occupation of each spouse; (4) the length of the marriage; (5) age and health of each spouse; (6) the earning capability of each spouse; (7) the time and expense a spouse will incur to obtain sufficient education or training for appropriate employment; (8) the contribution of each spouse to the acquisition of the marital property, including the contribution of each spouse as homemaker; (9) the amount and sources of income of the spouses; (10) the vocational skills of the spouses; (11) the federal income tax consequences of the court’s division of the property; (12) the standard of living established during the marriage; (13) any premarital or marital settlement agreements; (14) any retirement benefits; (15) any custodial provisions for the children; and (16) any other relevant factor. The court may also divide any separate property of the spouses to prevent hardship on a spouse or children.

Alimony/Spousal Support/Maintenance:

The court may award maintenance to either spouse based on the above factors in addition to the following: (1) the financial resources of the spouses; (2) any mutual agreement between the spouses; (3) the time necessary to acquire sufficient education and training to enable the spouse to find appropriate employment, and that 102 future earning capacity; (4) the duration of the marriage; (5) the financial resources of the spouse seeking maintenance, including marital property apportioned to such spouse and such 102 ability to meet his or her needs independently; (6) the contribution of each spouse to the marriage, including services rendered in homemaking, child care, education, and career building of the other spouse; (6) the tax consequences to each spouse; (7) the age of the spouses; (8) the physical and emotional conditions of the spouses; (9) the vocational skills and employability of the spouse seeking maintenance; (10) the length of absence from the job market; (11) the probable duration of the need of the spouse seeking maintenance; (12) any custodial and child support responsibilities; (13) the educational level of each spouse at the time of the marriage and at the time the divorce is filed for; and (14) any other relevant factor.

Child Custody and Visitation:

Legal custody and physical placement is based on the following: (1) the best interest of the child; (2) the child’s wishes; (3) the bond between the parents and the child; (4) any domestic violence; (5) whether one parent will more likely interfere in the child’s relationship with the other parent; (6) the child’s adjustment to his or her home, school and community; (7) the mental and physical health of all individuals involved; (8) any findings or recommendations of a neutral mediator; (9) the availability of child care; (10) any significant drug or alcohol abuse; and (11) any other factors (except the sex and race of the parent).

Child Support:

The court may order either parent to pay child support based on the following factors: (1) the standard of living the child would have enjoyed if the marriage was not dissolved; (2) the cost of day care to the custodial parent; (3) the financial resources of the child and parents; (4) the child’s needs; (5) the financial resources of the child; (6) the age and health of the child; (7) the desirability of the parent having custody remaining in the home as a full-time parent; (8) the tax consequences to each parent; (9) the award of substantial periods of physical placement to both parents (joint custody); (10) any extraordinary travel expenses incurred in exercising the right to periods of physical placement; (11) the best interests of the child; and (12) any other relevant factors.

Rights to Maiden Name:

Either spouse may have his or her former name restored.

WYOMING

Residence Requirements:

The filing spouse must have been a resident of Wyoming for 60 days prior to filing; or the marriage was performed in Wyoming and the filing spouse must have resided in Wyoming from the time of the marriage to the time of filing.

Where to File:

In the county where either spouse resides.

Name of Court:

“In the District Court, In and For _____ County, Wyoming.”

Title of Divorce Action:

Complaint for Divorce

Party Filing:

Plaintiff

Other Party:

Defendant

Title of Final Papers:

Decree of Divorce

Approved Grounds for Divorce:

No-fault: Irreconcilable differences. Fault-based: Confinement for incurable insanity for 2 years.

General Divorce Procedures:

There is a waiting period of 20 days before a divorce will be granted.

Mediation or Counseling Requirements:

In cases involving child custody, the court may order the parents to attend appropriate classes regarding the impact of divorce on children.

Legal Separation Provisions:

The grounds for legal separation are the same as for a divorce.

Property Distribution:

Wyoming is an “equitable distribution” state. All property of the spouses will be divided by the court in an equitable manner based on the following: (1) the financial position of each spouse when the division becomes effective; (2) the conduct of the spouses; (3) the obligations imposed on each spouse for the benefit of the children; (4) how and by whom the property was acquired; (5) the economic circumstances of each spouse at the time the division of property is to become effective; (6) the merits of each spouse; (7) any liabilities imposed upon the property; and (8) any other factor necessary to do equity and justice between the spouses.

Alimony/Spousal Support/Maintenance:

The court may order either spouse to pay alimony. Marital fault is not considered. The need and ability of each spouse is considered.

Child Custody and Visitation:

The court will award child custody according to the following: (1) the best interest of the child; (2) the child’s wishes; (3) the fitness of each parent; and (4) any evidence of domestic violence.

Child Support:

The court may order either parent to pay child support based on the official child support guidelines. However, the court may deviate from these guidelines if the amount would be unjust or inappropriate under the particular circumstances of the case.

Rights to Maiden Name:

No legal provision addresses restoration of former name, however, a general statute allows a party to petition for a name change.