

### Divorce Documents Checklist

To file a divorce action, you must have been a resident of the CNMI for at least **ninety (90) days** prior to the filing of the Complaint. For purposes of this action, you are the Plaintiff (Petitioner) and your spouse is the Defendant (Respondent). Please visit or call the **Family Court Division** at (670) 236-9840 if you have any questions about forms or procedures.

	Name of Document	Signed by	Comments
<input type="checkbox"/>	<i>Complaint for Divorce</i>	Petitioner	Filling out this form starts the divorce process. Once you've filled it out completely, pay your filing fees and bring the Complaint to the Clerk's Office to have it file-stamped and receive a case number. Write the case number on all documents that you file from this point on.
<input type="checkbox"/>	<i>Summons to Answer Complaint for Divorce</i>	Court Clerk	This should be filed along with your Complaint. This document summons and notifies your spouse to file any answer they'd like to make to the Complaint within 20 days (if he/she is on-island) or 30 days (if off-island).
	<i>Answer to Complaint for Divorce</i>  (Only applies to your spouse)	Your Spouse	If your spouse disagrees with the Complaint, he/she can file an Answer with the Court contesting the divorce.
<input type="checkbox"/>	<i>Declaration of Service</i>  (Only applies if you know where your spouse currently resides)	Server	Once you've completed the Complaint and Summons, the next step is to deliver a copy to your spouse (otherwise known as "serving" your spouse). The Complaint and Summons must be served by someone (18 years old or older) other than yourself. Once the documents have been served, your server must then fill out this document and turn it into the Court Clerk.  If your spouse lives off-island, you must provide a return receipt signed by your spouse and attach it to the Declaration of Service when you submit it to the Court Clerk. If your spouse lives off-island, there are additional steps to complete before you reach this point. <i>See below.</i>
<input type="checkbox"/>	<i>Verified Ex-Parte Motion for an Order to Appear and Plead and for Service by Mail</i>	Petitioner	Every time you file a "motion," you are asking the Judge for permission to do something. In this case, you are asking if you can mail the Complaint and Summons to your spouse by certified, registered mail because he/she lives off-island. You must fill out this document, submit it to the Court Clerk, and wait for a response from the Judge. <b>DO NOT</b> mail out the Complaint and Summons to your spouse before receiving permission from the Judge.
<input type="checkbox"/>	<i>Order to Appear and Plead</i>	Judge	This is an Order by the Judge granting your motion. Once you receive this document, you may proceed to serve your spouse.
<input type="checkbox"/>	<i>Verified Ex-Parte Motion for an Order to Appear and Plead and for Service by publication</i> (Only applies if you don't know where your spouse resides)	Petitioner	If you cannot locate your spouse, you must fill out this form to ask the Judge for permission to serve your spouse by publication in the local newspaper.
<input type="checkbox"/>	<i>Summons for Publication</i>	Petitioner	File this with the Verified Ex-Parte Motion for an Order to Appear and Plead and for Service by Publication. This notifies your spouse that he/she has 30 days to file an Answer to the Complaint.
<input type="checkbox"/>	<i>Order Allowing Service by Publication</i>	Judge	This document means that the Judge has given you authorization to publish a notice in the newspaper. Once you receive this, you are required to publish one notice a week for FOUR consecutive weeks. Make sure you save and make copies of the original newspaper clippings.
<input type="checkbox"/>	<i>Declaration of Publication</i>	Petitioner	Complete this document once your last notification has been published in the newspaper. Attach all four original newspaper clippings to the Declaration. Your spouse has 30 days from the last newspaper notice to answer the Complaint.

<input type="checkbox"/>	<i>Consent to Dissolve Marriage</i>	Petitioner and Spouse	If this is an uncontested divorce AND your spouse would like to forego the 20 or 30 days to answer the Complaint, fill out this form with your spouse and have it notarized. Filling out this document will speed up your hearing date.
<input type="checkbox"/>	<i>Trial Setting Memo and Notice of Hearing</i>	Petitioner	Fill out this form only if there was an Answer to Complaint for Divorce or Consent to Dissolve Marriage.
<input type="checkbox"/>	<i>Income and Expense Declaration</i>	Petitioner and/or Spouse if Judge Orders	Fill this out when you and your spouse cannot agree on child support.
<input type="checkbox"/>	<i>Asset and Debt Declaration</i>	Petitioner and/or Spouse	Fill out this form if there are assets or debts that need to be divided amongst the both of you.
<input type="checkbox"/>	<i>Motion for Entry of Default</i>	Petitioner	Complete this form once the 20 or 30 days have elapsed AND there's been no Answer to the Complaint. This asks the Court to look at your case and move forward to Default Judgment.
<input type="checkbox"/>	<i>Declaration in support of entry of default</i>	Petitioner	Complete this form in conjunction with the Motion for Entry of Default.
<input type="checkbox"/>	<i>Entry of Default by Clerk</i>	Clerk	If the time to answer the Complaint and Summons has elapsed AND the Plaintiff has completed the Motion and Declaration for Entry of Default, the Clerk will issue a default.
<input type="checkbox"/>	<i>Motion for Default Judgment and Notice of Hearing</i>	Petitioner	Complete this form after the Entry of Default by Clerk. This form asks for a Default Hearing Date.
<input type="checkbox"/>	<i>Divorce Decree</i>	Judge	A Divorce Decree will be issued once the Judge grants your divorce. You may pick this up from the Family Court a few days after your hearing.

**See Court Filing Fees as of March 1, 2017**

Note: If you cannot afford the filing fees, you may obtain a Informa Pauperis Form (fee waiver) from the Family Court Division.