

FORMS A-1

FOR SELF REPRESENTED PARTIES
UNCONTESTED DIVORCE
NO CHILDREN; NO ASSETS; NO DEBTS

~~6/2012~~
~~5/2016~~
~~7/1/2019~~
~~6/10/2021~~
11/26/2022

PURPOSE:

This packet contains instructions and forms for the legal documents you will need to complete an uncontested divorce. These forms should only be used if you have (1) no children; (2) no assets to divide (or they are already divided; and (3) no debts to divide (or they are already divided). In other words, you are seeking a divorce only.

DISCLAIMER:

Every divorce case is a serious and complicated legal action. The law requires you to make serious and truthful allegations regarding your circumstances. It is always a very good idea to seek legal advice from a lawyer before you file and/or go to court. Please do not ask family court employees, clerks or judges for legal advice—they are not allowed to provide that to you. This packet is all the assistance the family court can legally give you.

FORM INSTRUCTIONS:

Follow the instructions on the form and fill in the blanks. Please print or type all information you provide. If you do not know the answer to a question on the form, please write "unknown." Do not leave any blanks unanswered. Be as complete and specific with your information as possible.

On most of the forms is a place for a notary public. This is where you swear that the information you provide is accurate. Please remember that you are swearing to tell the truth, the whole truth and nothing but the truth. This oath is required before the Clerk's office will send your petition to the Judge for a final order.

COMPLAINT FILING PROCEDURE:

When you complete all forms and have had them notarized properly, bring them to the Clerk's Office, Domestic Relations Division, along with your filing fee in the amount of \$227⁰⁰. The Clerk will record the date and time by "stamp filing" the forms. The Clerk will forward your filing to the Judge, who will review your information and determine whether the legal requirements are met for filing a divorce petition, and if so, will execute your final decree of divorce at the expiration of the thirty day cooling off period required by law. If you have not completed the forms correctly or fully, your case will be set for a hearing/trial where the Judge will have you complete forms and provide the necessary testimony. To avoid having to come to court, make sure all forms are completed accurately.

Payment methods: Filing fee of \$227.00

Bay Minette courthouse takes cash, money order & cashier's check.

Fairhope & Foley Satellite courthouses take money order & cashier's check only.

Make cashier's check or money order payable to: Baldwin County Circuit Clerk for \$227 (filing fee).

All signatures must be notarized.

The Child Support Information Sheet page MUST be filled in even though there are no children. It is for general informational purposes.

In the packet with no children, no assets and no debts there are 2 pages that address the changing of the wife's maiden name.

If the wife is NOT changing her last name, fill out page 9. If the wife IS changing her last name, fill out page 10. DO NOT FILL OUT BOTH PAGES.

Be sure to complete the Alabama Certificate of Divorce (1/2 sheet page at end of packet).

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN RE: THE MARRIAGE OF

_____	)	
(print name of person filing for divorce)	)	
Plaintiff,	)	
vs.	)	Case No. _____
_____	)	
(print name of the spouse)	)	
Defendant.	)	
_____	)	

**CHECKLIST OF ATTACHED ITEMS FOR A-1
NO CHILDREN; NO ASSETS; NO DEBTS**

- _____ Alabama Certificate of Divorce (1/2 sheet form)
- _____ Complaint
- _____ Answer & Waiver
- _____ Request for Commissioner, Commission and Testimony by Deposition
- _____ CS47 (completed, even if no children)
- _____ Final Decree

IN RE: THE MARRIAGE OF

COMPLAINT FOR DIVORCE

and shows unto the Court as follows:

- in _____, _____ (City and State where married).

4. Check one:

☐ The parties separated on or about _____ and have not resumed living as man and wife since that time.

☐ The parties are not at this time living separate and apart.

5. There have been no children born of this marriage and none are expected.

6. There has been an irretrievable breakdown of the marriage between the Plaintiff and the Defendant in that they do not have the same goals in life, they do not have mutual interests, they are unable to talk with each other or communicate in any meaningful way, and further attempts at reconciliation are impracticable or futile and not in the best interests of the parties.

7. Plaintiff requests that a divorce be granted on the grounds of incompatibility of temperament and irretrievable breakdown of the marriage.

8. ☐ Wife requests that her maiden name be restored and that after the decree of divorce is final, she be allowed to resume the use of her maiden name: _____
(state full name as you would like it to be after the divorce).

☐ Wife does not request the restoration of her maiden name.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court will render an Order dissolving the bonds of matrimony existing between the parties, order a division of the marital assets and liabilities, and your Plaintiff further prays that this Honorable Court will grant such other, different and further relief as the Court may deem fit and proper.

Signature of Plaintiff

Printed Name of Plaintiff

STATE OF _____)
COUNTY OF _____)

The Plaintiff, being first duly sworn, deposes and says on oath that the averments of the foregoing Complaint for Divorce are true and correct to the best of Plaintiff's knowledge, information and belief.

Signature of Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME

on this _____ day of _____, _____.

NOTARY PUBLIC

My Commission Expires:

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN RE: THE MARRIAGE OF

_____,)
(print name of person filing for divorce))
Plaintiff,)
vs.) Case No. _____
_____,)
(print name of the spouse))
Defendant.)
_____)

ANSWER & WAIVER OF DEFENDANT UNREPRESENTED BY COUNSEL

Comes now _____ (print Defendant's name), the Defendant in the above-styled cause, and the ☐ husband ☐ wife of the Plaintiff, and for answer to the divorce complaint heretofore filed in this action would state as follows:

1. The Defendant admits all of the material allegations of the divorce complaint.
2. The Defendant waives notice of the filing of the divorce complaint.
3. The Defendant consents that testimony may be taken in this action without further notice to him/her.
4. The Defendant consents to the submission of this action to the Court for final decree.

SIGNED this _____ day of _____, _____

(Defendant's signature – must be signed in front of a notary public)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned authority, certify that _____ [Defendant's name], whose name is signed to the foregoing Answer and Waiver, acknowledged before me on this day that, being informed of the allegations of the Complaint for Divorce filed against him/her in said Action, and of the contents of the Answer and Waiver, he/she signed the Answer and Waiver in my presence, voluntarily, on this the _____ day of _____, _____.

NOTARY PUBLIC
My Commission Expires _____

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN RE: THE MARRIAGE OF

_____,)
(print name of person filing for divorce))
Plaintiff,)
vs.) Case No. _____
_____,)
(print name of the spouse))
Defendant.)
_____)

REQUEST FOR COMMISSIONER, COMMISSION & DEPOSITION

TO THE CLERK OF SAID COURT:

In the above-styled action, please appoint _____, a notary public and a person of integrity and competency as Commissioner to orally examine on behalf of the Plaintiff, the following witness, to-wit: the Plaintiff, _____ (print Plaintiff's name).

COMMISSION TO TAKE DEPOSITION

TO: _____ (Commissioner's Name)

Take notice that this court, having confidence in your integrity and competency, has appointed you Commissioner to take testimony of on behalf of the Plaintiff in the above-styled action. You are hereby authorized to call and cause said witness to come before you at such time and place as you may appoint, and take deposition on oath of said witness, touching on the knowledge of each of the matters in controversy. You are further instructed to certify said deposition and return same to this Court with all convenient speed.

Date

CIRCUIT COURT CLERK

IN RE: THE MARRIAGE OF

_____,
(*print name of person filing for divorce*)

Plaintiff,

vs.

_____,
(*print name of the spouse*)

Defendant.

Case No. _____

Before me, the undersigned authority in and for said State and County, personally appeared _____ (*print Plaintiff's name*), who is known to me, and who being by me first duly sworn deposes and says as follows:

2. Check One:

- ☐ The Defendant and I are both resident citizens of the State of Alabama.
- ☐ The Defendant is not a resident of the State of Alabama; however, I have been a resident citizen of the State of Alabama for the six months preceding the filing of this Complaint, and avers that the State of Alabama has jurisdiction over the Defendant.

☐ My spouse and I separated on or about _____ and have not resumed living as man and wife since that time.

4. There have been _____ (how many?) child(ren) born of this marriage. Their names and dates of birth are as follows:

No children are expected from our union at this time.

5. I aver that there exists such a complete incompatibility of temperament that the Defendant and I can no longer live together as husband and wife.

6. We no longer share the same interests and goals in life.

7. Since our marriage and continuing through the present time, the relations between my spouse and myself have continued to deteriorate, and at the present time, the underlying relationship of my spouse and myself to each other has broken down to the extent that our marriage exists in name only.

8. There appears to be no hope of reconciliation.

9. Our differences in lifestyle and interest are so great that no reasonable effort would serve to reconcile them and the legitimate ends of matrimony have been destroyed.

10. I am convinced that we cannot reconcile our differences and there is no other way but a divorce.

11. Upon a final hearing of this cause, I pray that a Judgment of Divorce be rendered forever dissolving the bonds of matrimony now existing between the Defendant and me and that the property owned by the Defendant and me be equitably divided.

12. I request that the Court waive the requirement of a corroborating witness as the Defendant is not contesting this divorce and that the matters that have resulted in the irretrievable breakdown of our marriage are of a personal nature and no good would be served by the details and the testimony of a corroborating witness.

Further, deponent saith not.

(Plaintiff's signature)

CERTIFICATE OF COMMISSIONER

I, _____, the Commissioner named in the above commission, hereby certifies that the evidence of the witness, _____, was written down by me under oath, and subscribed by me and that I have personal knowledge of said witness, and that I am not of counsel or kin to any of the parties to the said cause, or in any manner interested in the result thereof.

Date

Commissioner/Notary Signature
My commission expires:

State of Alabama Unified Judicial System Form CS-47 Rev. 12/2021	<i>Appendix to Rule 32.1</i> DOMESTIC RELATIONS/CHILD SUPPORT INFORMATION SHEET	Case Number _____
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IN THE _____ COURT OF _____, ALABAMA
 (Circuit or District) (Name of County)

v.

 Plaintiff Defendant

Information Concerning the Parties:

Plaintiff (☐ Mother, ☐ Father, ☐ Other _____) or
 Other party (Specify) (_____)

Address (including city, state, and zip code):

Email Address: _____
 Cell Phone #: _____
 Cell Phone Service Provider: _____

Last four numbers of Social Security No.: _____ Date of Birth: _____
 ***_**_

Sex: _____

Place of Employment (if applicable) and Address of
 Employer (including city, state, and zip code):

Work Telephone No: _____

Defendant (☐ Mother, ☐ Father, ☐ Other _____) or
 Other party (Specify) (_____)

Address (including city, state, and zip code):

Email Address: _____
 Cell Phone #: _____
 Cell Phone Service Provider: _____

Last four numbers of Social Security No.: _____ Date of Birth: _____
 ***_**_

Sex: _____

Place of Employment (if applicable) and Address of
 Employer (including city, state, and zip code):

Work Telephone No: _____

Are there minor children under the age of 19 who are subject to this action? ☐ Yes ☐ No

If you marked yes, you must complete the following information.

Information Concerning the Minor Child(ren): Name(s)	Address(es)	Sex(es)	Date(s) of Birth	Last four numbers of Social Security Number(s)
_____	_____	_____	_____	***_**_
_____	_____	_____	_____	***_**_
_____	_____	_____	_____	***_**_
_____	_____	_____	_____	***_**_

THE CHILD SUPPORT REFORM ACT OF 1997, CODIFIED AT § 30-3-190 ET SEQ., ALA.CODE 1975, REQUIRES THAT THE DEPARTMENT OF HUMAN RESOURCES MAINTAIN THE ABOVE INFORMATION IN THE RECORD FOR ALL PARTIES IN DOMESTIC RELATIONS, SUPPORT, OR PATERNITY ACTIONS. THIS INCLUDES GRANDPARENTS OR OTHERS WHO MAY EITHER INITIATE AN ACTION OR INTERVENE IN AN EXISTING ACTION.

Completed By _____
 (Print Name)

Date Completed: _____
 Daytime Phone No.: _____

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN RE: THE MARRIAGE OF

_____	)	
(print name of person filing for divorce)	)	
	)	
Plaintiff,	)	
	)	Case No. _____
vs.	)	
_____	)	
(print name of the spouse)	)	
	)	
Defendant.	)	

FINAL DECREE OF DIVORCE

THIS CAUSE is submitted for Judgment on the pleading and the testimony as taken by deposition, it is now therefore, ORDERED, ADJUDGED AND DECREED, as follows:

FIRST: The bonds of matrimony heretofore existing between the parties herein are dissolved and Plaintiff is forever divorced from Defendant.

SECOND: Neither party shall contract marriage, except with each other, until sixty days after the date of the judgment. Should an appeal be taken within forty-two days, neither party shall contract marriage, except to each other, during the appeal.

THIRD: That the costs have been prepaid, so there is no further order as to the same.

...

DONE THIS ____ DAY OF _____, ____.

JUDGE
BALDWIN COUNTY, ALABAMA

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN RE: THE MARRIAGE OF

_____	)	
(print name of person filing for divorce)	)	
Plaintiff,	)	
vs.	)	Case No. _____
_____	)	
(print name of the spouse)	)	
Defendant.	)	

FINAL DECREE OF DIVORCE

(RESTORATION OF WIFE'S MAIDEN NAME)

THIS CAUSE is submitted for Judgment on the pleading and the testimony as taken by deposition, it is now therefore, ORDERED, ADJUDGED AND DECREED, as follows:

FIRST: The bonds of matrimony heretofore existing between the parties herein are dissolved and Plaintiff is forever divorced from Defendant.

SECOND: Neither party shall contract marriage, except with each other, until sixty days after the date of the judgment. Should an appeal be taken within forty-two days, neither party shall contract marriage, except to each other, during the appeal.

THIRD: That the costs have been prepaid, so there is no further order as to the same.

FOURTH: That the Wife's former name of _____ shall be restored to her from this date forward.

...
DONE THIS ____ DAY OF _____, _____

JUDGE
BALDWIN COUNTY, ALABAMA

ALABAMA

CERTIFICATE OF DIVORCE

TYPE IN PERMANENT
DARK INK

State File Number **101**

Petitioner's Representative must file this form with the Circuit Court at the time the petition is filed.						1. COUNTY OF DECREE
SPOUSE 1	2. SPOUSE 1 NAME First Middle Last (Print last name all capitals) Suffix (Sr, Jr, etc.)					3. LAST NAME PRIOR TO FIRST MARRIAGE
	4. DATE OF BIRTH (Month, Day, Year)		5. SEX (Male or Female)		6. RACE (Specify American Indian, Black, White, etc.)	
	7. USUAL RESIDENCE - STATE		8. COUNTY		9. CITY - TOWN OR LOCATION	
	10. ADDRESS - Street and Number or RFD Number			Zip Code	11. NUMBER OF THIS MARRIAGE (First, Second, etc.)	
SPOUSE 2	12. SPOUSE 2 NAME First Middle Last (Print last name all capitals) Suffix (Sr, Jr, etc.)					13. LAST NAME PRIOR TO FIRST MARRIAGE
	14. DATE OF BIRTH (Month, Day, Year)		15. SEX (Male or Female)		16. RACE (Specify American Indian, Black, White, etc.)	
	17. USUAL RESIDENCE - STATE		18. COUNTY		19. CITY - TOWN OR LOCATION	
	20. ADDRESS - Street and Number or RFD Number			Zip Code	21. NUMBER OF THIS MARRIAGE (First, Second, etc.)	
MARRIAGE	22. Give the total number of children for whom custody was determined and indicate the number awarded to each party. Enter a "0" for the total if the custody of <u>no children under 18</u> was subject to this action.					23. NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF THE DATE IN ITEM 24 (Enter "0" if no children)
	___ Spouse 1 ___ Joint ___ Spouse 2 ___ Other ___ Total Children/Custody was Determined					24. DATE COUPLE SEPARATED (Month, Day, Year)
	25. PLACE OF THIS MARRIAGE (City, County, State)		26. DATE OF THIS MARRIAGE (Month, Day, Year)		27. PETITIONER ☐ Spouse 1 ☐ Spouse 2 ☐ Both ☐ Other, Specify _____	
	28. PETITIONER'S ATTORNEY OR REPRESENTATIVE (Type)		29. ADDRESS (Street and Number or RFD Number, City, State, Zip Code)			
DECREE	30. TYPE OF DECREE (Specify Divorce, Annulment, etc.)		31. DATE OF FINAL DECREE (Month, Day, Year)		32. DECREE AWARDED TO ☐ Spouse 1 ☐ Spouse 2 ☐ Both	
					33. TITLE OF COURT CIRCUIT	
OFFICIAL	35. SIGNATURE OF OFFICIAL		36. TITLE OF OFFICIAL		37. TRIAL DOCKET NUMBER	

CIRCUIT CLERK MUST MAIL THIS REPORT BY THE FIFTH (5TH) OF EACH MONTH TO: CENTER FOR HEALTH STATISTICS, P.O. BOX 5618, MONTGOMERY, AL 36103 - 5618

ADPH- HS-16 / Rev. 04-06-20

INFORMATION BELOW WILL NOT APPEAR ON CERTIFIED COPIES

38. SPOUSE 1 SOCIAL SECURITY NUMBER _____-_____-_____-_____-_____-_____-	39. EDUCATION (Specify ONLY highest grade completed) Elementary or High School (0 - 12) College (1 - 4 or 5+)
40. SPOUSE 2 SOCIAL SECURITY NUMBER _____-_____-_____-_____-_____-_____-	41. EDUCATION (Specify ONLY highest grade completed) Elementary or High School (0 - 12) College (1 - 4 or 5+)