

### **Obtaining a Divorce Without an Attorney**

Due to limited resources, Veterans Legal Services may not be able to assist you with your divorce. If you are unable to retain an attorney, you may wish to pursue the divorce yourself. Below is a list of general steps for obtaining a contested divorce in Massachusetts. Please note this document is not a substitute for legal advice and does not consider your individual circumstances.

1) **Get your certified original marriage certificate.** This can be obtained from the city hall in the city or town where you were married or from the Massachusetts Registry of Vital Records, <https://www.mass.gov/orgs/registry-of-vital-records-and-statistics>. You may not file for divorce without this. The marriage certificate needs to be a certified copy with a raised seal. If you were married in another country, you will also need a certified translation of the marriage certificate.

2) **Complete Complaint for Divorce forms.** You may obtain the required divorce forms online at <https://www.mass.gov/service-details/instructions-complaint-for-divorce-section-1b-irretrievable-breakdown-court-form>. You will need to complete the following forms. Samples are also attached for your reference, but you will want to get the most up to date forms from the Court's website.

1. The Complaint for Divorce
2. The R-408 Vital Statistics Form
3. Affidavit of Care and Custody (if you have minor children of the marriage)
4. Child Support Guidelines Worksheet (if you are asking for child support), and
5. Military Affidavit

If you need assistance completing the paperwork, contact the Registry's (or Clerk's) Office in the County where you are going to file and ask if they have a court service center to assist you.

*Be sure to make two copies of all of the paperwork you are going to file. The first copy is for your own records and the second is for serving your spouse.*

3) **File the documents.** Once you have completed the documents, you need to file the divorce paperwork and your marriage certificate with the Court and pay the filing fee. As of June 2021, the filing fee is \$200, plus a \$15 surcharge, and a \$5 fee for a document call a Summons, so the total fee is \$220. Fees may change so visit <https://www.mass.gov/info-details/probate-and-family-court-filing-fees> for the most up to date information.

4) **Requesting a Fee Waiver.** If your income is less than 125% of the Federal Poverty Guidelines (approx. \$1,342 a month for a single individual in 2021), or you receive needs-based assistance such as MassHealth or Chapter 115 benefits, you may ask the Court to waive your filing fee by submitting an Affidavit of Indigency (fee waiver), <https://www.mass.gov/doc/affidavit-of-indigency/download>. If you don't meet those criteria but paying the fee would be a serious hardship you can also file the Supplement to the Affidavit of Indigency <https://www.mass.gov/doc/supplement-to-the-affidavit-of->

[indigency/download](#) and explain why you need a fee waiver. On the Affidavit of Indigency you will want to ask for a waiver for the fee for filing and service of the complaint. If you have a minor child/children with the defendant, also ask for a waiver of the fee of the Parent Education Course. If your Affidavit of Indigency is approved, make sure to request a certified copy.

5) **Have your spouse served.** Once your documents have been filed with the Court, the Court will send you a summons which is used to document that you have provided your spouse with notice of the legal action. You need to have your spouse served with the Complaint for Divorce and other documents you filed. Every County Sheriff's Office has a Civil Process Division that will serve legal paperwork. Provide the County Sheriff's Office or a Constable with the original summons and a copy of the Complaint for Divorce and other paperwork you filed. If you requested a fee waiver and it was approved, provide the Sheriff with the original or a certified copy of the approved Affidavit of Indigency and the Sheriff will bill the state directly for the cost of service.

The Sheriff will then attempt to serve your spouse. They may ask you for information about your spouse's home or work address, physical appearance, or other information to help locate them. You may not personally serve your spouse, unless your spouse is willing to accept service and sign in front of a notary public. [If the Sheriff's office notifies you by mail that it was unable to serve your spouse, bring that notice ("Diligent Search Notice") to the Court and tell the registry staff. They can explain alternative options for service.]

6) **Request a court date.** After you receive the original summons back from the sheriff stating that your spouse was served, you need to file the proof of service with the Court to request a court date. You and your spouse will receive notice of the court date by mail. The first court date is typically what is called a case management conference and it gives the Court an opportunity to better understand the issues that need to be decided.

7) **Motions for Temporary Orders.** Sometimes you may need something from the Court right away, such as orders to stay in your home, to prevent your spouse from spending certain assets, or to get custody and support of children. In those situations, you will want to file a Motion for Temporary Orders <https://www.mass.gov/doc/motion-for-temporary-orders-cjd-400> and explain why you need something from the Court immediately that cannot wait for the rest of the divorce process. In those situations, file the Motion form with the Court when you file your Complaint or as soon after filing the Complaint as you know you will need the Court to act on something right away. Ask the Clerk for a hearing date on your motion and complete that section of the form. Then you will need to mail or deliver a copy of the form to your spouse to give them notice of your Motion and when they need to appear. Complete the section of the form labelled Return of Service with the date you provided a copy of your Motion to your spouse and file the original with the Court.

Be sure to attend the motion hearing on the date and time scheduled. Dress nicely if you can since this helps show respect for the Court. Bring any paperwork or evidence with you to show the Court why you need an order right away. Motion days are often very busy so be prepared to explain your issue quickly and be clear what you are asking the Court to do.

8) **If you have a minor child/children with the defendant, complete an approved Parent Education Program.** Massachusetts requires both parents of minor children (under the age of 18) to register with an approved Parent Education program provider within 60 days of service of the Complaint upon the defendant. Attendance is mandatory unless waived by the court. There is a fee to attend, however you may request a reduced fee, which must be approved by the Probate and Family Court (see #3 above).

9) **Mandatory financial disclosures.** When you get divorced, the Court will need to make orders about how to divide your assets and for child support and spousal support (aka alimony), if spousal support is appropriate in your case. Part of this process includes the required exchange of certain financial information between spouses. This is done by having you and your spouse complete a Financial Statement that lists each of your income, assets, and debts. VLS has a separate worksheet to help you fill out this form. The Court may also require you to exchange certain financial documents under what is called Rule 410. For more information on Rule 410 go to <https://www.mass.gov/supplemental-rules-of-the-probate-and-family-court/supplemental-probate-and-family-court-rule-410>.

**MIDDLESEX COUNTY ONLY:**

Middlesex County Probate and Family Court has recently been divided into two divisions, North and South.

[Middlesex Probate & Family Court – South](#)

10-U Commerce Way  
Woburn, MA 01801

[Middlesex Probate & Family Court - North](#)

370 Jackson Street, 5<sup>th</sup> Floor  
Lowell, MA 01852

**Middlesex County Sheriff's Office – Civil Process Divisions:**

400 Mystic Ave.  
Medford, MA 02155  
<https://www.middlesexsheriff.org/Civil>