

**FILING FOR DIVORCE IN NEBRASKA  
(NO CHILDREN AND NO DISPUTED PROPERTY)**

**Introduction**

A divorce can be complicated. It is up to you to decide whether and how you use a lawyer in your divorce. The law allows you to do your divorce by yourself, which is also known as proceeding *pro se* (pronounced “pro-say”).

This packet of forms and instructions is intended **only** for divorce cases where:

- There are no children and none are expected;
- All property has already been divided or there is no dispute as to its division;
- No alimony is requested; and
- The parties will each pay their own debts

**UNLESS YOU MEET ALL OF THESE REQUIREMENTS YOU CANNOT USE THESE FORMS TO DO YOUR DIVORCE ON YOUR OWN.**

**Facts About Filing for Divorce in Nebraska**

- You or your spouse must be a resident of Nebraska for at least one (1) year before filing your divorce with the court. The one exception is when you have been married less than one (1) year, but have lived in Nebraska the entire time since your marriage.
- You start the legal process by filing a Complaint for Dissolution with the Clerk of the District Court in the county where you or your spouse lives.
- The current cost of filing a Complaint for Dissolution is \$104.00. Once you file, you will be given a case number for your case. This number must be on all documents you file with the court in the future.
- If you are filing for a divorce without a lawyer, you must complete all the necessary forms. The Clerk of the District Court cannot help you prepare any legal documents and can provide only limited information about the process.
- Once you have filed your Complaint for Dissolution, it is important that you inform the Clerk of the District Court if your or your spouse’s address changes.

**Forms and Filing**

**1. Forms**

This packet contains the following forms: (.pdf)

- [Complaint for Dissolution of Marriage](#)

- [Instructions for Filling out the Complaint](#)
- [Judgment Debtor Information](#)
- [Instructions for Filling out the Judgment Debtor Information](#)
- [Voluntary Appearance](#)
- [Instructions for Filling out the Voluntary Appearance](#)
- [Praecipe for Summons](#)
- [Instructions for Filling out the Praecipe for Summons](#)
- [Notice of Hearing](#)
- [Instructions for Filling out the Notice of Hearing](#)
- [Decree of Dissolution of Marriage – Personal Service](#)
- [Instructions for Filling out the Decree – Personal Service](#)
- [Instructions for your Divorce Hearing](#)

## 2. Filing the Forms

What must you take to the [Clerk of the District Court](#) to file a divorce?

- Complaint for Dissolution of Marriage
- Vital Statistics Certificate
- Filing fee **or** filing fee waiver papers
- Judgment Debtor Information form

### (a) [Complaint](#)

This is the first document you must give to the Clerk of the District Court. When you file this document, you begin the process of getting a divorce. However, filing the Complaint is only the beginning of the process – you will not be divorced until the judge signs a Decree of Dissolution of Marriage and the Decree is filed with the Clerk of the District Court.

Please refer to the [Instructions for Filling out the Complaint](#) for details on how to fill out the Complaint.

### (b) [Vital Statistics Certificate of Dissolution of Marriage WORKSHEET](#)

Nebraska law requires that you file a fully completed Vital Statistics Certificate of Dissolution of Marriage or Annulment. You can get this Certificate from the Clerk of the District Court when you file the Complaint. If you do not know the responses to some of the information the form wants, you can put “unknown” in the appropriate box on the form.

(c) **Filing Fee or Filing Fee Waiver Papers**

In order to file the Complaint with the Clerk of the District Court, you will need to pay the filing fee. Right now, the filing fee for a divorce case is \$104. If you cannot afford to pay the filing fee because you have a very low income, you can ask the judge to waive the filing fee. See the packet entitled "[Proceeding Without Payment of Fees](#)," which has forms and instructions to help you ask the judge to waive the filing fee.

(d) **Judgment Debtor Information Form**

This document must be given to the Clerk of the District Court at the time of filing your Complaint. Please refer to the [Instructions for Filling out the Judgment Debtor Information form](#) for details on how to fill out this form.

**3. What Happens Once the Forms are Filed**

Once you (1) file the Complaint, (2) file the Vital Statistics Certificate, (3) give the Judgment Debtor Information form to the Clerk of the District Court, and (4) either pay the filing fee or have the filing fee waived by the judge, the Clerk will actually create a file on your divorce case. At that point, the Clerk will give your file a case number and will know the name of the judge who will hear your divorce case. If you need the name of the judge, please contact the Clerk's office for that information.

**4. Giving Notice of the Divorce Case to your Spouse**

Once you file your divorce with the Clerk of the District Court, you must give formal notice to your spouse that you have filed. This formal notice is called "service" or "service of process." If you know what method you want to use to give notice to your spouse, you can prepare the paperwork and take it with you when you file the Complaint.

**YOU MUST SERVE YOUR SPOUSE (OR FILE A VOLUNTARY APPEARANCE SIGNED BY YOUR SPOUSE) WITHIN SIX (6) MONTHS OF WHEN YOU FILE YOUR COMPLAINT FOR DIVORCE. IF YOU DO NOT SERVE YOUR SPOUSE OR FILE A VOLUNTARY APPEARANCE SIGNED BY YOUR SPOUSE WITHIN SIX (6) MONTHS OF THE TIME YOU FILE YOUR COMPLAINT FOR DIVORCE, YOUR CASE WILL AUTOMATICALLY BE DISMISSED.**

You can give notice to your spouse in one of the following ways: Voluntary Appearance, Praecipe for Summons, or Service by Publication. Each method is discussed in more detail below. Usually, it is best to try the Voluntary Appearance first. If that does not work, then try the Praecipe for Summons. If that does not work, then try Service by Publication.

**If you serve your spouse by publication, the court will be able to give you a divorce, but may not be able to do much more than that.**

**(a) [Voluntary Appearance](#)**

Your spouse can accept service by signing a Voluntary Appearance. Here is the procedure.

- (1) Prepare a Voluntary Appearance form for your spouse to sign using the [Instructions for Filling out the Voluntary Appearance](#).
- (2) Give your spouse the Voluntary Appearance and a photocopy of the Complaint you filed with the Clerk of the District Court.
- (3) Have your spouse sign the Voluntary Appearance and return it to you. (Tell your spouse to keep the photocopy of the Complaint.)
- (4) Take the signed Voluntary Appearance to the Clerk of the District Court and file it.

**(b) [Praecipe for Summons](#)**

You can have your spouse served by the sheriff in the county where your spouse lives. Here is the procedure.

- (1) Prepare a Praecipe (pronounced “pray-si-pee”) for Summons, using the [Instructions for Filling out the Praecipe for Summons](#).
- (2) File the Praecipe for Summons with the Clerk of the District Court where you filed your divorce. The Praecipe is a request that the Court issue a Summons to be served on your spouse by the sheriff. The Summons tells your spouse that you have filed the Complaint and the time by which a response to the Complaint is due.
- (3) If the judge waived the filing fees for you, be sure to attach a copy of the Order to Proceed In Forma Pauperis signed by the judge so the county will pay the sheriff’s bill for serving the summons on your spouse.
- (4) You should list all addresses in the Praecipe where the sheriff might be able to find your spouse, including your spouse’s home and/or work addresses. If your spouse is usually at a location during certain hours, you can list that in the Praecipe.

(A) Service in the Same County

- (i) If your spouse is living or working in the county where you file your Complaint, the sheriff of that county will pick up the summons and copy of the Complaint and serve it on your spouse at the address you list in the Praeceptum. The sheriff will then file papers with the court indicating that your spouse was served.
- (ii) If the sheriff cannot serve your spouse, you can either file another Praeceptum with the court asking the sheriff to try again, or you can request that the court allow you to serve by publication. See packet entitled “[Service by Publication](#)” discussed below.

(B) Service in a Different County or State

- (i) If your spouse lives or works in a different county in Nebraska or in a state other than Nebraska, you must pick up the Summons from the Clerk once it is ready. (You can ask the Clerk when you file the Praeceptum about how long it will take to prepare the Summons and how to find out when it is ready.)
- (ii) Once you pick up the Summons, find out the address and phone number of the sheriff’s office where you must mail the Summons. (If you do not know the address or phone number of the sheriff’s office, the Clerk may be able to provide that to you. If the Clerk cannot provide it to you, you will have to find it on your own.)
- (iii) **Before you mail the Summons**, call the sheriff’s office and discuss how they expect to be paid for serving the Summons on your spouse. Some out-of-county sheriffs and most out-of-state sheriffs want payment in advance.
- (iv) Once you make arrangements with the sheriff, mail the Summons and a copy of the Complaint to the sheriff. Include a letter explaining to the sheriff that the Summons and a copy of the Complaint must be personally served on your spouse **before** the “return date” on the Summons (the date by which the Summons must be served in order for service to be effective).

- (v) When the sheriff serves your spouse, or if the sheriff is unable to serve your spouse, the sheriff will return documents to you with a “return of service.” The return of service will indicate whether or not your spouse was served. You must file all of this paperwork with the court, even if your spouse was not served.

(c) **[Service by Publication](#)**

If you cannot get your spouse to sign a Voluntary Appearance and if the sheriff is unable to serve a Summons on your spouse, you can ask the court for permission to serve your spouse with notice of the divorce in another way. See the packet entitled “[Service by Publication](#)” for forms and instructions to help you do this.

**5. What Happens After You Give Notice to Your Spouse**

(a) **Waiting Period**

- (1) Your spouse has 30 days after being served to file a written response to your Complaint with the court. (If your spouse filed a Voluntary Appearance, the 30 days begin to run the day **after** you file the signed Voluntary Appearance with the court.) Your spouse does not have to file papers responding to your Complaint, but is entitled to do so if your spouse wants to.
- (2) You cannot ask the court to hear your divorce case until **at least** 60 days have passed from the time your spouse was served.
  - (A) If the sheriff served your spouse in person, the 60 days begin to run the day after the sheriff served your spouse.
  - (B) If you filed a Voluntary Appearance signed by your spouse, the 60 days begin to run the day after you file the signed Voluntary Appearance with the court.
  - (C) If you served your spouse by publication, the 60 days begin to run the day after the **last** date the Notice of Divorce Proceeding was published in the newspaper.

(b) **Requesting a Hearing Date**

You must contact the Clerk of the District Court to figure out how to get a hearing date and time in your divorce case, since different courts have different procedures.

## 6. Preparing for the Hearing

- (a) Once you are given a hearing date and time, you must prepare a [Notice of Hearing](#) using the [Instructions for Filling out the Notice of Hearing](#) in order to give your spouse notice of when the hearing will be held **unless your spouse was served by publication**. If your spouse was served by publication, you need not prepare and file a Notice of Hearing.
- (b) Here are the procedures for preparing the Notice of Hearing:
  - (1) You must sign the original Notice of Hearing and file it with the Clerk. Make sure to fill out the information requested in the Certificate of Service at the bottom of the Notice of Hearing and sign the Certificate of Service **before** you file the original Notice of Hearing with the Clerk of the District Court.
  - (2) Make two copies of the Notice of Hearing after you have signed it but before you file it with the court. Send one of those copies to your spouse by first-class mail, and keep the other copy for your files.
  - (3) Make certain to check with the Clerk about how far ahead of the hearing date you need to file the Notice of Hearing with the Clerk's office.
  - (4) Prepare a [Decree of Dissolution of Marriage](#) using the [Instructions For Filling out Decree of Dissolution of Marriage](#). *If you served your spouse by publication, use the [Decree of Dissolution of Marriage – Service by Publication](#) and the [Instructions for Filling out Decree of Dissolution of Marriage -- Service by Publication](#)*. You will take this Decree to the hearing to give to the judge.
  - (5) Prepare what you are going to say in court. A sample of what you might say in court is included in this packet and entitled "[Instructions for your Divorce Hearing](#)." It's okay to write out what you want to say ahead of time and read it when you go to court. Practice what you want to say so that you won't be too nervous when you go to court.

## 7. The Hearing

- (a) You must go to the hearing and testify (talk under oath) in open court about your divorce. Once you have testified, the judge will decide if you will get a divorce and if the Decree of Dissolution that you prepared is done correctly.
- (b) If the judge signs the Decree, that means that the judge has decided to grant your divorce. The judge will usually tell you the day of your hearing whether or not the Decree will be signed.

- (c) If the judge signs the Decree and you want an official (“certified”) copy, you should ask the Clerk of the District Court how to get one and what the cost will be to get one.

## **8. After the Hearing**

If the judge signs the Decree **and files the Decree with the Clerk’s office**, the divorce will not be final for 30 days. Also understand that you cannot remarry anyone anywhere in the world until at least six (6) months and one (1) day have passed from the date the Decree is signed by the judge and filed with the Clerk’s office.

**If you use these forms and the judge has problems with any of them, we would like to hear about it. Please e-mail the State Court Administrator’s Office with reports of any problems. The e-mail address is:**  
**[jbancroft@nsc.state.ne.us](mailto:jbancroft@nsc.state.ne.us)**