

## OFFICE OF THE SEBASTIAN COUNTY CIRCUIT CLERK

P. O. Box 1179  
901 South B Street, Room #205  
Fort Smith, Arkansas 72902

P. O. Box 310  
Town Square  
Greenwood, AR 72936

### **Pro Se Divorce Form Information**

***please keep these instructions until you receive your court date from the Judge's office***

1. The Sebastian County Circuit Clerk's Office furnishes forms to assist people who have decided to file for divorce without the assistance of an attorney (referred to as *pro se*). Because there may be legal issues of which you are not aware you are urged to seek the assistance of an Attorney. The Circuit Clerk's office is prohibited by law from giving you legal advice, and assumes no responsibility if you choose to represent yourself. The purpose of the Circuit Clerk's office in furnishing forms for *pro se* litigants is to ensure that the Clerk's office has legible and uniform forms to deal with and to ensure that the basic information required in Arkansas to obtain a divorce is furnished.

2. You should not use the forms if you and your spouse have minor children together, or if you have not already agreeably divided your real and personal property and debts. If you have minor children together, or if you have issues regarding property and debts that have not been resolved, you need to seek the assistance of an Attorney.

3. You should fill in the blanks on the **Complaint** form with the requested information and you should place an X in the appropriate boxes. *You MUST have your signature notarized.* You should also fill out the **Cover Sheet** with the requested information. (You will need the **original and three** copies of the **Complaint** and the **original and two** copies of the **Cover Sheet.**) The Clerk will give you the case number and the name of the Judge who will hear your case when you file your **Complaint**. You do not need to fill in the information on the **Decree of Divorce** form until you receive your court date from the judge hearing your case. The cost to file your **Complaint** is \$165.00. If your spouse will sign a **Waiver of Service of Process and Entry of Appearance** form there will be no additional cost, but if it is necessary for the Sheriff to serve your **Complaint**, the Sheriff will charge an additional fee of \$50.00. *Your spouse MUST have his/her signature notarized.*

4. If you live in the Greenwood District of Sebastian County you must file with the Circuit Clerk's office in Greenwood. All towns in Sebastian County other than Fort Smith are in the Greenwood District. You need to fill in either Fort Smith or Greenwood where it says "District" at the top of the forms.

5. After you file your divorce **Complaint** (four copies), you must either give a file-marked copy to your spouse and have him/her sign the **Waiver of Service of Process and Entry of Appearance** form or you must have a copy of the **Complaint** and a **Summons** (which Summons the is included in this packet) served on your spouse by the Sheriff or by certified mail. If the **Complaint** and **Summons** is served by certified mail you must file the **Affidavit of Service**, stating that you sent a file-marked copy of the **Complaint** and **Summons** to the Defendant by certified mail, return receipt requested, and you must attach the green receipt card which the post office will return to you. The card must have your spouse's signature on it. If someone else signs the green card other than your spouse the service is invalid. Your signature on the **Affidavit of Service** must be notarized. If you can't get the Defendant to sign a **Waiver of Service and Entry of Appearance** or sign the certified mail card then you need to have the Defendant served by the Sheriff.

6. After you have filed your divorce **Complaint** and your spouse's **Waiver of Service and Entry of Appearance** or other proof of service you need to send a letter (included in this packet) with a copy of your **Complaint** and a copy of your proposed **Decree of Divorce** to the Judge and ask for a court date. If the Judge finds you have correctly filled out your **Complaint** and **Decree of Divorce** he will contact you by mail and advise you of your court date. The addresses of the two Judges who hear divorce cases are:

Judge Annie Hendricks  
901 South B St, Room 214  
Fort Smith, AR 72901

Judge Jim Spears  
901 South B St, Room 213  
Fort Smith, AR 72901

7. When you come to court you must bring a witness other than your spouse who can testify that you have lived in Arkansas for the past 90 days and that you are separated from your spouse. You need to bring **four copies** of your completed **Decree of Divorce** form and each copy should be **dated** with the date of your court date. You also need to bring a copy of the **Cover Sheet** which you had filled out when you filed your Complaint.

**Multiple claims. If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.**

**COVER SHEET  
STATE OF ARKANSAS  
CIRCUIT COURT: DOMESTIC RELATIONS**

The domestic relations reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located on the back of the form.

**FILING INFORMATION**

County: SEBASTIAN District: 12TH Docket Number: DR-

Judge: \_\_\_\_\_ Division: \_\_\_\_\_ Filing Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Defendant: \_\_\_\_\_  
Last Name First Name Last Name First Name

Date of Marriage: \_\_\_\_\_  
Month Day Year

Attorney Providing Information: \_\_\_\_\_  
 Plaintiff  Defendant Address \_\_\_\_\_

Litigant, if Pro Se: \_\_\_\_\_  
Address \_\_\_\_\_

Related Case(s): Judge \_\_\_\_\_ Case Number(s) \_\_\_\_\_

**Type of Case: (Select One)**

**IV-D Case (For OCSE use only)**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> (DV) Divorce   | <input type="checkbox"/> (CS) Custody/Visitation | <input type="checkbox"/> (DA) Domestic Abuse   |
| <input type="checkbox"/> (DS) Divorce w/Support    | <input type="checkbox"/> (SP) Child Support      | <input type="checkbox"/> (FJ) Foreign Judgment |
| <input type="checkbox"/> (AN) Annulment            | <input type="checkbox"/> (PT) Paternity          | <input type="checkbox"/> (CT) Contempt         |
| <input type="checkbox"/> (SM) Separate Maintenance | <input type="checkbox"/> (PS) Paternity/Support  | <input type="checkbox"/> (BA) Body Attachment  |
|  |  | <input type="checkbox"/> (OT) Other _____      |

**Manner of Filing:**  Original  Re-Open  Transfer

**DISPOSITION INFORMATION**

Disposition Date: \_\_\_\_\_  Bench Trial  Non-Trial  Jury Trial

<b>Decree or Judgment Type:</b>	<b>Dismissal Type:</b>	<b>Other:</b>
<input type="checkbox"/> (JD) Divorce Granted	<input type="checkbox"/> (DW) Dismissed with Prejudice	<input type="checkbox"/> (TR) Transferred to Another Jurisdiction
<input type="checkbox"/> (OD) Other Decree	<input type="checkbox"/> (DN) Dismissed without Prejudice	
<input type="checkbox"/> (OJ) Other Judgment		

**Family Information:**

There are no children born of the marriage.  
 There are children born of the marriage; See Confidential Data AOC Form 35

**Public Law 104-193 Information:**

<input type="checkbox"/> ( ) Custody Placed With:	<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant	<input type="checkbox"/> Other (Name) _____
<input type="checkbox"/> ( ) Child Support	<input type="checkbox"/> New	<input type="checkbox"/> Modified	<input type="checkbox"/> Terminated
<input type="checkbox"/> ( ) Spousal Support	<input type="checkbox"/> New	<input type="checkbox"/> Modified	<input type="checkbox"/> Terminated
<input type="checkbox"/> ( ) Order of Protection	<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant	<input type="checkbox"/> Child
<input type="checkbox"/> ( ) Income Withholding			

**Judgment Amount \$** \_\_\_\_\_

Clerk Signature \_\_\_\_\_  
AOC 24 7-05  
625 Marshall Street  
Little Rock AR 72201

Date \_\_\_\_\_  
Send 1 paper or electronic copy to AOC upon Filing.  
Send 1 paper or electronic copy to AOC upon Disposition.  
Keep original in Court file.

**Effective 8-12-2005**

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS  
\_\_\_\_\_ DISTRICT  
Fort Smith / Greenwood  
DOMESTIC RELATIONS DIVISION \_\_\_\_\_

PLAINTIFF

\_\_\_\_\_  
Name of Plaintiff

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City / State / Zip Code

VS.

CASE NO. DR-\_\_\_\_\_

DEFENDANT

\_\_\_\_\_  
Name of Defendant

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City / State / Zip Code

**COMPLAINT FOR DIVORCE**

Comes now the plaintiff, \_\_\_\_\_, *pro se*, and for his/her complaint  
Name of Plaintiff  
for divorce against the defendant, \_\_\_\_\_, states and alleges:  
Name of Defendant

1.  The plaintiff is a resident of the Fort Smith District of Sebastian County, Arkansas, and has been a resident of the state of Arkansas for more than sixty days before filing of this complaint.

The plaintiff is a resident of the Greenwood District of Sebastian County, Arkansas and has been a resident of the state of Arkansas for more than sixty days before the filing of this complaint.

2. The parties were lawfully married on \_\_\_\_\_ and separated on \_\_\_\_\_  
Date

\_\_\_\_\_ since which time they have lived separate and apart.  
Date

3.  No children who were born of the marriage and none are expected.

There are no children who were born of the marriage who are now under the age of eighteen, and none are expected.

4. The parties have already divided their personal property to their mutual satisfaction.

5.  There is no marital real estate to divide.

The parties have already divided their marital real estate to their mutual satisfaction.

6. The parties have agreed that each party will be responsible for those debts in his or her separate name.

7. The defendant has treated the plaintiff with such general indignities as to make plaintiff's life intolerable and to entitle plaintiff to an absolute divorce.

8.  Wife desires to be restored to her former name of \_\_\_\_\_.

Wife desires to retain her present name.

WHEREFORE, plaintiff prays that the court award plaintiff an absolute divorce and for all other relief to which plaintiff is entitled.

\_\_\_\_\_  
Plaintiff

**VERIFICATION**

I, \_\_\_\_\_, plaintiff, state that the statements contained in the foregoing complaint are true and correct to my knowledge and belief.

\_\_\_\_\_  
Plaintiff

STATE OF ARKANSAS     )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_\_, personally appeared before me, a Notary Public for the aforesaid state and county, \_\_\_\_\_, to me well-known or satisfactorily proven, who stated that the statements in the foregoing complaint were true and correct to the best of his/her knowledge and belief.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS

\_\_\_\_\_  
Fort Smith / Greenwood DISTRICT  
DOMESTIC RELATIONS DIVISION \_\_\_\_

\_\_\_\_\_  
Name of Plaintiff

PLAINTIFF

VS.

CASE NO. DR-\_\_\_\_\_

\_\_\_\_\_  
Name of Defendant

DEFENDANT

**WAIVER OF SERVICE OF PROCESS AND ENTRY OF APPEARANCE**

The defendant, \_\_\_\_\_, comes before the court and states that the defendant has received a file marked copy of the complaint that has been filed in this case and that he/she waives the necessity of having the complaint served on him/her by the sheriff or by mail. The defendant further states that the court may proceed to hear this matter without further notice to the defendant and that the relief requested in the complaint by the plaintiff may be granted to the plaintiff without objection by the defendant.

\_\_\_\_\_  
Signature of defendant

STATE OF ARKANSAS

COUNTY OF SEBASTIAN

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS

\_\_\_\_\_ DISTRICT

\_\_\_\_\_ DIVISION \_\_\_\_\_

# SUMMONS

Case No.: \_\_\_\_\_

PLAINTIFF(S):

DEFENDANT(S):

PLAINTIFF'S ATTORNEY:

DEFENDANT'S ADDRESS:

THE STATE OF ARKANSAS TO DEFENDANT(S): \_\_\_\_\_

# NOTICE

1. You are hereby notified that a lawsuit has been filed against you; the relief asked is stated in the attached complaint.
2. The attached complaint will be considered admitted by you and a judgment by default may be entered against you for the relief asked in the complaint unless you file a pleading and thereafter appear and present your defense. Your pleading or answer must meet the following requirements:
  - A. It must be in writing, and otherwise comply with the Arkansas Rules of Civil Procedure.
  - B. It must be filed in the court clerk's office within THIRTY (30) days from the day you were served with this summons.
3. If you desire to be represented by an attorney you should immediately contact your attorney so that an answer can be filed for you within the time allowed.

Additional notices:

WITNESS my hand and the seal of the court this date \_\_\_\_\_

Address of Clerk's office:

Sebastian County Circuit Clerk

Sebastian County Courts Building

\_\_\_\_\_, Arkansas 72901

DENORA COOMER

CIRCUIT CLERK

By: \_\_\_\_\_ D.C.

(SEAL)

# RETURN

STATE OF ARKANSAS, COUNTY OF \_\_\_\_\_ :

On this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,  
I have duly served the within summons by delivering a copy thereof (or stating the substance thereof),  
together with a copy of the complaint, to  
such person being:

**CHECK APPLICABLE SQUARE:**

- the person named therein as defendant.
- a member of the defendant's family above 14 years of age at defendant's usual place of abode, namely

\_\_\_\_\_

- the duly designated agent for service of process for the defendant, namely \_\_\_\_\_

\_\_\_\_\_

OTHER: \_\_\_\_\_

\_\_\_\_\_, SHERIFF

By: \_\_\_\_\_

Deputy Sheriff

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS  
\_\_\_\_\_ DISTRICT  
Fort Smith / Greenwood  
DOMESTIC RELATIONS DIVISION \_\_\_\_

\_\_\_\_\_  
Name of Plaintiff

PLAINTIFF

VS.

CASE NO. DR-\_\_\_\_\_

\_\_\_\_\_  
Name of Defendant

DEFENDANT

**AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_, after being duly sworn, state that on \_\_\_\_\_,  
name of plaintiff  
\_\_\_\_\_, 201\_\_ I mailed copies of the complaint for divorce and a copy of the summons to the  
defendant, \_\_\_\_\_, at his/her address of  
\_\_\_\_\_, by certified mail, restricted delivery, return receipt  
requested.

The complaint and summons were delivered to the defendant as is shown by the return  
receipt attached to this affidavit which bears the signature of the defendant.

\_\_\_\_\_  
Signature of plaintiff

STATE OF ARKANSAS  
COUNTY OF SEBASTIAN

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_ day of  
\_\_\_\_\_, 201\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires:



IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS

\_\_\_\_\_  
Fort Smith / Greenwood  
DISTRICT  
DOMESTIC RELATIONS DIVISION \_\_\_\_

\_\_\_\_\_  
Name of Plaintiff

PLAINTIFF

VS.

CASE NO. DR-\_\_\_\_\_

\_\_\_\_\_  
Name of Defendant

DEFENDANT

**DECREE OF DIVORCE**

Now on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, this cause comes on for hearing with the plaintiff, \_\_\_\_\_, appearing in person, *pro se*, and the defendant, \_\_\_\_\_, having been properly served, or having entered his/her appearance, appears not. After considering the testimony of the plaintiff and plaintiff's witness, the court finds:

1. This court has jurisdiction of the parties and subject matter of this cause of action.
2. The plaintiff has proved the allegations of his/her complaint by a preponderance of the evidence and the plaintiff is entitled to an absolute divorce on the grounds of general and personal indignities.
3.  There were no children born of the marriage and none are expected.  
 The children born of the marriage are now adults.

4. Each party is awarded that personal property now in his or her possession free and clear of any claims of the other party. Each party shall sign and deliver to the other any document of title necessary to give full title to the other person.

5.  There is no marital real estate to divide.

The marital real estate has already been divided.

6. Each party will be responsible for those debts in his or her separate name.

7.  The wife is restored to her former name of \_\_\_\_\_.

The wife desires to retain her present name.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

\_\_\_\_\_  
Circuit Judge