

Divorce Information and Worksheet

Instructions: This worksheet is designed to be used by persons contemplating a divorce. It may also be used by your attorney. Completing this form before your initial interview with your attorney may save you valuable time and money.

Part 1 - Definitions – Terms and Explanations

Definitions – Terms and Explanations	
1. Complaint	The pleading used to commence a divorce action that is filed with the court clerk, usually in the county of residence of the parties.
2. Petition	Same as complaint. Some States use the term Petition instead of complaint.
3. Plaintiff	The person who files the complaint. May be called Petitioner if a Petition is used instead of a complaint. If a Joint Complaint is allowed, the parties may be called Co-Plaintiffs or Co-Complainants.
4. Defendant	The person who the complaint is filed against. This person is usually required to answer the complaint within a certain number of days, or file a waiver to the complaint. After the complaint is filed, the defendant is usually served with a copy of the complaint and a summons directing the defendant to answer the complaint.
5. Co-Plaintiffs	When both parties sign the complaint in a divorce action it is called a Joint Complaint or Joint Petition. Some states allow Joint complaints and some do not.
6. Summons	The is a document signed by the Court Clerk and served on the defendant. It informs the defendant that a complaint has been filed and directs the defendant to file an answer within the required time.
7. Cover Sheet	Some states require a cover sheet to be filed with the complaint, petition or joint complaint which provides basic information about the parties and the action. These are used by the court for easy reference and also sometimes for statistic reporting. Some clerks will supply you with the required cover sheet and others will direct you to where a copy can be obtained.
8. Information Sheet	Same as Cover Sheet. Some states use the term Information sheet instead of cover sheet.
9. Waiver of Process	In cases where the defendant does not desire to file an answer, or where the defendant agrees to the divorce, the defendant will file a waiver of process. In states that allow a waiver of process, the waiver takes the place of the summons and no summons are issued you the clerk when the complaint is filed.
10. Entry of Appearance	Often the defendant will include an entry of appearance with the waiver of process and the forms are sometimes combined into a single form. The entry basically provides that the defendant enters his or her appearance in the case and may consent to an entry of divorce.
11. Court Clerk	Courts have clerks who handle the court papers, hearings and other matters. A complaint is filed with the Court clerk usually in the county of residence of the parties. The clerk is the clerk of the court who handles domestic matters in your county, such as the chancery clerk, Family Court Clerk, etc. There may be more than one clerk in your county for different types of courts.
12. Waiting Period	Some states have a waiting period from the time of filing the complaint before the matter may be heard or a final judgment entered. If so, you cannot set the case for trial or present a judgment of divorce until the waiting period has expired.