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Filing and Serving the Divorce/Dissolution Petition

The divorce/dissolution petition is a legal document that is filed in court by a spouse who seeks a divorce. Also called the "complaint" in some states, the petition informs the court of the filing spouse's (called the "petitioner") desire to end the marriage, and its filing with the court signifies the initiation of the divorce process. Once the divorce/dissolution petition has been "served" on the petitioner's spouse, it also notifies him or her that the divorce process has begun (more on serving the petition below).

Contents of the Divorce/Dissolution Petition: Information and Requests

While specific requirements and formats vary from state to state, the divorce/dissolution petition typically contains the following information:

- Identification of the spouses by name and address;
- Date and place of marriage;
- Identification of children of the marriage;
- Acknowledgement that the petitioner and/or his or her spouse have lived in the state or county for a certain amount of time prior to filing the petition;
- Grounds for divorce;
- Declaration or request as to how the petitioner would like to settle finances, property division, child custody, visitation, and other issues related to divorce.

Contents of the Divorce/Dissolution Petition: Temporary Orders

In addition to the information described above, the divorce/dissolution petition may ask the court to put temporary "orders" in place on certain family and financial issues while the divorce process is ongoing. If approved, these orders usually stay in effect until the divorce becomes final. These temporary orders may pertain to issues such as:

- Which spouse will have primary (physical) custody of the child(ren);
- Child visitation schedule for the non-custodial spouse;
- Payment of child support;
- Payment of spousal support;
- Which spouse will live in the couple's house or primary residence;
- Payment of bills and other financial concerns

Where is the Divorce/Dissolution Petition Filed?

Divorce is governed by state law, and the divorce process is handled solely at the state government level, so the spouse seeking a divorce files a divorce petition in his or her state's "superior" or "circuit" court -- usually in a county or district branch of that state court.

More on [Where to File for Divorce](#) , including a listing of durational residency requirements by state.

Go [here](#) for information on courts in your state and/or county.

"Serving" the Divorce Petition

After a divorce/dissolution petition is filed with the court, the petitioner (and his or her lawyer) makes sure that the petition is "served" (legally delivered) on the other spouse. Each state has strict requirements for serving legal documents, including the different methods of service that are available, so it is important that service be done right in order for the divorce

to validly proceed.

Sample Divorce/Dissolution Petitions (or Complaints)

The state-specific samples below should give you an idea of what a divorce/dissolution petition (or complaint) looks like, and the information these documents usually contain:

- **Massachusetts:** [Complaint for Divorce](#) [PDF] (Commonwealth of MA - Hampshire)
- **New York:** [Verified Complaint - Action for Divorce](#) [PDF] (Supreme Court of N.Y.)
- **Oregon:** [Petition for Dissolution of Marriage - with Children](#) [PDF] (Oregon Courts)

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