

**SAMPLE PETITION**

The sample petition below is for parties filing for a no-fault Louisiana divorce where there are minor children of the marriage. It is presumed that the proper venue for filing is Calcasieu Parish, or the 14<sup>th</sup> Judicial District Court. Although it is not necessary to hire a divorce lawyer in order to file for divorce in Louisiana, you should be aware that each divorce petition is based upon the specific facts of the case and that although this sample may cover most issues for some people, that does not mean that it covers all issues for you.

It is a common occurrence for parties to a divorce proceeding to show up at a divorce attorney’s office long after the Petition for Divorce has been filed only to find out that they missed out on certain important rights by attempting to file their own divorce. I had one case in which my client’s spouse was determined to file the divorce on her own and because she failed to ensure service upon my client, the clock never started running and the parties had to wait even longer to obtain the judgment of divorce.

At the very least, you should meet with someone just to review your Petition for Divorce to determine if you have missed anything.

*Corcoran Law Firm, LLC, and Lawrence Sean Corcoran make no warranties about the application of the provisions below to your case, and you should not use this sample petition for divorce without ensuring that it is appropriate to your situation.*

**YOUR NAME** : **14<sup>TH</sup> JUDICIAL DISTRICT COURT**  
**VS. NO.** \_\_\_\_\_ : **STATE OF LOUISIANA**  
**SPOUSE NAME** : **PARISH OF CALCASIEU**  
**FILED:** \_\_\_\_\_ : \_\_\_\_\_  
**DEPUTY CLERK OF COURT**

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**PETITION FOR DIVORCE**

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**NOW INTO COURT**, through undersigned counsel, comes (YOUR NAME) of the full age of majority and domiciled within the Parish of Calcasieu, State of Louisiana, respectfully represents that:

1.

Made Defendant herein is (SPOUSE NAME) of the full age of majority and domiciled within the Parish of Jefferson Davis, State of Louisiana.

2.

This court has subject matter jurisdiction over this matter pursuant to LSA-C.C.P. Art. 10A(7) because both

parties are presently domiciled in this state.

3.

Venue is proper in this court pursuant to LSA-C.C.P. Art. 3941 because (SPOUSE NAME) is domiciled within this Parish, and because it is the Parish of the last matrimonial domicile.

4.

(YOUR NAME) and (SPOUSE NAME) were married on the \_\_\_ day of \_\_\_\_\_, 20\_\_, in Lake Charles, State of Louisiana.

5.

The parties did not enter into a covenant marriage consistent with LSA-R.S. 9:273.

6.

(YOUR NAME) and (SPOUSE NAME) physically separated on or about the \_\_\_ day of \_\_\_\_\_, 2015, and have lived separate and apart continuously and without reconciliation since that time.

7.

One (1) child was born of the marriage between (YOUR NAME) and (SPOUSE NAME), namely: (CHILD'S NAME), \_\_\_ years of age at this time (d.o.b. \_\_/\_\_/\_\_).

8.

(YOUR NAME) desires that she be granted a divorce based upon LSA-C.C. Art. 102 and LSA-C.C. Art. 103.1. (YOUR NAME) shows that she intends to live separate and apart continuously and without reconciliation for three hundred sixty-five (365) days after the parties physically separated or since the service of this petition, whichever occurs last. After the period of time required under LSA-C.C. Art. 103.1 has elapsed, (YOUR NAME) intends to file a rule to show cause praying that this Honorable Court issue judgment in favor of (YOUR NAME) and against (SPOUSE NAME) decreeing an absolute divorce "a vincula matrimonii" between the parties, forever dissolving the community of acquets and gains.

9.

Pursuant to LSA-C.C. Art. 2362.1, (YOUR NAME) is entitled to judgment recognizing that the court costs and attorney's fees incurred prior to the date of divorce for this and in all incidental actions are acknowledged as community obligations; therefore, (YOUR NAME) desires (SPOUSE NAME) be ordered to pay his pro rata share of the expenses incurred by (YOUR NAME) during the course of these proceedings.

10.

It is in the best interest of the minor child that legal custody be awarded to both parties jointly. Said request for legal custody is supported by the facts contained herein and below.

11.

(YOUR NAME) requests that this Honorable Court establish the following physical custody schedule between the minor child and the parties: (YOUR NAME) believes that the minor child should primarily reside at her residence with (SPOUSE NAME) being given periods of physical custody every Wednesday from after school until 7pm and every other Sunday from 12pm until Monday morning when he shall drop the minor child at school.

12.

(YOUR NAME) requests that this Honorable Court help establish a holiday schedule dividing the physical custody of the minor child during the major holidays.

13.

(YOUR NAME) asserts that it is the best interest of the minor child that (YOUR NAME) be designated as the domiciliary parent, and subject to such custodial rights as are proper to the circumstances of this case.

14.

(YOUR NAME) maintains that it is in the best interest of the parties' minor child to permit the right for first refusal to the Party not exercising physical custody.

15.

(YOUR NAME) maintains that it is not in the best interest of the parties' minor child to permit the party exercising physical custody or visitation to be allowed to have unrelated persons, with whom he or she has a romantic relationship spend the night.

16.

(YOUR NAME) desires that this Honorable Court set and award child support in her favor and in accordance with the facts of this case and the Louisiana Child Support Guidelines, pursuant to LSA-R.S. 9:315, et seq.

17.

Pursuant to LSA-R.S. 9:315.2, (YOUR NAME) moves this Honorable Court to order (SPOUSE NAME) to provide the court and (YOUR NAME), within a reasonable time prior to the hearing in which child support is scheduled to be set by this Honorable Court, a copy of (SPOUSE NAME)'s two most recent state and federal tax

returns, two months' worth of the most recent paycheck stubs with a year-to-date gross earnings, or receipts and expenses if self-employed, proof of the cost for medical insurance premiums to insure the child only, and proof of child care expenses, or certification/evidence of state or federal benefits. In addition, (SPOUSE NAME) shall provide to the presiding judicial officer and (YOUR NAME) and her attorney, pursuant to LSA-R.S. 9:315, et seq., a verified income statement showing gross income and adjusted gross income and documentation of current and past earnings.

18.

(YOUR NAME) moves this Honorable Court to order (SPOUSE NAME) to pay his pro rata share for the educational expenses, extracurricular activities, day care, holiday care, and summer care expenses incurred on behalf of the minor child. The parties shall each pay their percentage share directly to the provider. In the event that one party pays directly in full, said party shall be reimbursed by the other party within fifteen (15) days thereafter.

19.

(YOUR NAME) moves this Honorable Court to award her the federal and state child dependency tax credits, pursuant to LSA-R.S. 9:315.18, commencing with the present tax year.

20.

(YOUR NAME) desires and moves this Honorable Court to order (SPOUSE NAME) maintain the minor child on Health, Dental, Hospitalization, and Vision insurance.

21.

Pursuant to LSA-R.S. 9:315.4 and LSA-R.S. 9:315.5, (YOUR NAME) desires and moves this Honorable Court to order (SPOUSE NAME) be responsible for his pro rata share of the child's insurance premiums, insurance co-pays, prescriptions, deductibles, dental expenses, ocular expenses, and all other expenses not covered by insurance, during these proceedings or until further order of the court.

22.

(YOUR NAME) does not have sufficient income for her maintenance and is in need of an award of interim spousal support, and in due course final periodic support. (SPOUSE NAME) has the economic ability to provide interim spousal support to (YOUR NAME); and (YOUR NAME) desires a judgment awarding an amount of spousal support in accordance with the standard of living that the parties sustained during the marriage.

23.

(YOUR NAME) further desires that the award of spousal support be made retroactive from the date of this

filing, and that the support continue until the rendition of a judgment awarding or denying final periodic spousal support or one hundred eighty (180) days from the rendition of judgment of divorce, whichever occurs first.

24.

(YOUR NAME) presently has the use and possession of a community vehicle, that being a 20\_\_ (make and model of vehicle). (YOUR NAME) moves this Honorable Court to grant (YOUR NAME) the exclusive use of the 20\_\_ (make and model of vehicle).

25.

(SPOUSE NAME) presently has the use and possession of a community vehicle, that being a 20\_\_ (make and model of vehicle). (YOUR NAME) moves this Honorable Court to grant (SPOUSE NAME) the exclusive use of the 20\_\_ (make and model of vehicle).

26.

(YOUR NAME) fears that (SPOUSE NAME) may dispose of, alienate, conceal, or otherwise encumber assets belonging to the community of acquets and gains, between (YOUR NAME) and (SPOUSE NAME), and because irreparable injury, loss, or damage may otherwise result to (YOUR NAME), it is necessary that a temporary restraining order issue, without bond, and in due course a preliminary injunction and permanent injunction, enjoining and prohibiting (SPOUSE NAME), or his agents or assigns, from disposing of, alienating, concealing, or otherwise encumbering any of the assets of the community of acquets and gains at any time during the pendency of these proceedings or until further order of the court, including but not limited to: property jointly owned or leased, except in the normal course of business or that which is necessary for the support of petitioner and or minor children; and any beneficiary designations on life insurance plans and retirement plans; 401(k) savings accounts; investment funds; stock funds; bank accounts; certificates of deposit; and any other account.

27.

Petitioner is a Permanent Legal Resident of the United States and because of her poverty and want of means, as evidenced by the affidavit attached hereto, is unable to pay court costs either in advance or as they accrue, including trial cost bond and desires to prosecute this action *in forma pauperis* pursuant to law.

**WHEREFORE**, (YOUR NAME) prays that:

1. This Honorable Court award custody of the minor child to both parties jointly.
2. This Honorable Court designate (YOUR NAME) as the domiciliary parent, subject to such custodial rights as are

proper to the circumstances of this case.

3. This Honorable Court award (SPOUSE NAME) the exclusive use and occupancy of the family residence pending the partition of community property, subject to reimbursement to (YOUR NAME) of the rental value of the property.
4. This Honorable Court establish a visitation schedule between the parties and the minor child.
5. This Honorable Court establish a holiday schedule dividing the physical visitation of the minor child during the major holidays.
6. This Honorable Court provide for the right of first refusal to the party not exercising physical custody.
7. This Honorable Court restrict a party exercising physical custody from spending the night with persons with whom they have a romantic relationship.
8. This Honorable Court set and award child support in her favor and in accordance with the facts of this case and the Louisiana Child Support Guidelines, pursuant to LSA-R.S. 9:315, et seq.
9. This Honorable Court order (SPOUSE NAME) to provide the court and to (YOUR NAME)'s counsel a copy of (SPOUSE NAME)'s two most recent state and federal tax returns, two months' worth of the most recent paycheck stubs with a year-to-date gross earnings, or receipts and expenses if self-employed, proof of the cost for medical insurance premiums to insure the child only, and proof of child care expenses, or certification/evidence of state or federal benefits. In addition, (SPOUSE NAME) shall provide to the presiding judicial officer and (YOUR NAME) and her attorney, pursuant to LSA-R.S. 9:315, et seq., a verified income statement showing gross income and adjusted gross income, and documentation of current and past earnings.
10. This Honorable Court order (SPOUSE NAME) to (a) pay his pro rata share for the educational expenses, extracurricular activities, day care, holiday care, and summer care expenses incurred on behalf of the minor child; (b) the parties pay their percentage share directly to the provider; and (c) in the event that one party pays directly in full, said party shall be reimbursed by the other party within fifteen (15) days thereafter.
11. This Honorable Court award (YOUR NAME) the federal and state child dependency tax credits, pursuant to LSA-R.S. 9:315.18, commencing with the present tax year.
12. (SPOUSE NAME) maintain the child on his Health, Dental, Hospitalization, and Vision insurance.
13. (SPOUSE NAME) be cast for his pro rata share of the child's insurance premiums, insurance co-pays, prescriptions, deductibles, dental expenses, ocular expenses, and all other expenses not covered by insurance, during these proceedings or until further order of the court, pursuant to LSA-R.S. 9:315.4 and LSA-R.S. 9:315.5.

14. (YOUR NAME) be granted the exclusive use of the 20\_\_ (make and model of vehicle).
15. (SPOUSE NAME) be granted the exclusive use of the 20\_\_ (make and model of vehicle).
16. This Honorable Court award (YOUR NAME) an amount of interim spousal support in accordance with the standard of living that the parties sustained during the marriage. (YOUR NAME) further prays that any award for interim spousal support be made retroactive from the date of this filing, and that the support continue until the rendition of a judgment awarding or denying final periodic spousal support or one hundred eighty (180) days from the rendition of judgment of divorce, whichever occurs first.
17. This Honorable Court grant (YOUR NAME) an award of final periodic spousal support in (YOUR NAME)'s favor.
18. This Honorable Court issue a temporary restraining order, without bond, and in due course a preliminary injunction and permanent injunction, enjoining and prohibiting (SPOUSE NAME), or his agents or assigns, from disposing of, alienating, concealing, or otherwise encumbering any of the assets of the community of acquets and gains at any time during the pendency of these proceedings or until further orders of the court, including but not limited to any beneficiary designations on life insurance plans and retirement plans, 401(k) Savings accounts, Investment funds, stock funds, bank accounts, certificates of deposit and any other account.
19. After due proceedings take place that a Judgment of Divorce be entered herein in favor of (YOUR NAME) and against (SPOUSE NAME) pursuant to LSA-C.C. Art. 102.
20. This Honorable Court order (SPOUSE NAME) to pay his pro rata share of all court costs and attorney's fees associated with this action and all incidental actions, which are incurred prior to execution of a judgment of divorce, pursuant to LSA-C.C. Art. 2362.1.
21. Keila Booke Doucet be permitted to prosecute this action *in forma pauperis* pursuant to law.

**WHEREFORE**, (YOUR NAME) moves this Honorable Court for the issuance of a Rule Nisi, therein to Order (SPOUSE NAME) to Show Cause on a date and hour to be selected by this Honorable Court, Why:

1. It is not in the best interest for this Honorable Court to award custody of the minor child to both parties jointly.
2. It is not in the best interest for this Honorable Court to designate (YOUR NAME) as the domiciliary parent, subject to such custodial rights as are proper to the circumstances of this case.
3. This Honorable Court should not award (SPOUSE NAME) the exclusive use and occupancy of the family residence pending the partition of community property, subject to reimbursement to (YOUR NAME) of the rental value of the property.

4. This Honorable Court should not establish a visitation schedule between the parties and the minor child.
5. This Honorable Court should not establish a holiday schedule dividing the physical visitation of the minor child during the major holidays.
6. The party not exercising physical custody should not be entitled to the right of first refusal.
7. The parties should not be prohibited from spending the night with persons with whom they have a romantic relationship during the exercise of physical custody with the minor child.
8. (SPOUSE NAME) should not be prohibited from consuming or being under the influence of alcohol or any illicit or illegal drugs while he is exercising physical custody of the minor child.
9. This Honorable Court should not set and award child support in her favor and in accordance with the facts of this case and the Louisiana Child Support Guidelines, pursuant to LSA-R.S. 9:315, et seq.
10. This Honorable Court should not order (SPOUSE NAME) to provide the court and to (YOUR NAME)'s counsel a copy of (SPOUSE NAME)'s two most recent state and federal tax returns, two months' worth of the most recent paycheck stubs with a year-to-date gross earnings, or receipts and expenses if self-employed, proof of the cost for medical insurance premiums to insure the child only, and proof of child care expenses, or certification/evidence of state or federal benefits. In addition, (SPOUSE NAME) shall provide to the presiding judicial officer and (YOUR NAME) and her attorney, pursuant to LSA-R.S. 9:315, et seq., a verified income statement showing gross income and adjusted gross income, and documentation of current and past earnings.
11. This Honorable Court should not order (SPOUSE NAME) to (a) pay his pro rata share for the educational expenses, extracurricular activities, day care, holiday care, and summer care expenses incurred on behalf of the minor child; (b) the parties pay their percentage share directly to the provider; and (c) in the event that one party pays directly in full, said party shall be reimbursed by the other party within fifteen (15) days thereafter.
12. This Honorable Court should not award (YOUR NAME) the federal and state child dependency tax credits, pursuant to LSA-R.S. 9:315.18, commencing with the present tax year.
13. (SPOUSE NAME) should not maintain the child on his Health, Dental, Hospitalization, and Vision insurance.
14. (SPOUSE NAME) should not be cast for his pro rata share of the child's insurance premiums, insurance co-pays, prescriptions, deductibles, dental expenses, ocular expenses, and all other expenses not covered by insurance, during these proceedings or until further order of the court, pursuant to LSA-R.S. 9:315.4 and LSA-R.S. 9:315.5.
15. (YOUR NAME) should not be granted the exclusive use of the 20\_\_ (make and model of vehicle).

16. (SPOUSE NAME) should not be granted the exclusive use of the 20\_\_ (make and model of vehicle).
17. This Honorable Court should not award (YOUR NAME) an amount of interim spousal support in accordance with the standard of living that the parties sustained during the marriage and that any award for interim spousal support should not be made retroactive from the date of this filing, and that the support should not continue until the rendition of a judgment awarding or denying final periodic spousal support or one hundred eighty (180) days from the rendition of judgment of divorce, whichever occurs first.
18. This Honorable Court should not grant (YOUR NAME) an award of final periodic spousal support in (YOUR NAME)'s favor.
19. (YOUR NAME) should not be granted a preliminary injunction, and in due course a permanent injunction, enjoining and prohibiting (SPOUSE NAME), or his agents or assigns, from disposing of, alienating, concealing, or otherwise encumbering any of the assets of the community of acquets and gains at any time during the pendency of these proceedings or until further orders of the court, including but not limited to any beneficiary designations on life insurance plans and retirement plans, 401(k) Savings accounts, Investment funds, stock funds, bank accounts, certificates of deposit and any other account.
20. (SPOUSE NAME) should not be ordered to pay his pro rata share of all court costs and attorney's fees associated with this action and all incidental actions, which are incurred prior to execution of a judgment of divorce, pursuant to LSA-C.C. Art. 2362.1.

Respectfully submitted,

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**YOU OR YOUR ATTORNEY SIGNS**

**Service Information**

Will Waive Service