



CHECKLIST FOR ABSOLUTE DIVORCE

To obtain an Absolute Divorce you must complete all of the following steps and procedures in order. **FAILURE TO FOLLOW THE STEPS IN ORDER WILL DELAY YOUR DIVORCE PROCEEDINGS!**

STEP 1: FILING YOUR COMPLAINT WITH THE CLERK OF SUPERIOR COURT

You must first complete the following forms and file them with the Clerk of Superior Court, first floor, Room 107 of the Cumberland County Courthouse. Failure to bring the correct number of copies may result in additional fees.

Complaint for Absolute Divorce

- Original complaint and two (2) copies must be filled out completely and accurately
- All three forms must be properly notarized
- Filing fee (\$165.00) in cash, money order or certified check payable to the Clerk of Superior Court (*No personal checks accepted.*)
(*Court costs are a minimum of \$165.00 subject to legislative increase without notice.*)

Civil Summons

- Original summons and two (2) copies
- Summons filled out completely and accurately and
MUST BE SIGNED BY THE CLERK

Domestic Civil Action Coversheet

- Original Domestic Civil Action Coversheet **and** two (2) copies
- Coversheet filled out completely and accurately

Certificate of Absolute Divorce

- Certificate filled out completely and accurately (Original only)

****NOTE: You should always have three copies of each document you are filing; the original for the Court, one copy for your records, and one copy for the opposing party.***

STEP 2: SERVICE OF PROCESS (**CHOOSE ONE OF THE FOLLOWING**)

After filing your complaint with the clerk, you must now serve the defendant with one (1) copy of the divorce complaint, one (1) Domestic Civil Action Coversheet, the form entitled IMPORTANT NOTICE and the summons that must

be signed by the clerk. You may serve the defendant in one of the following ways:

Service by Sheriff

- Pay \$15.00 service fee to the Civil Office of the Sheriff in the county where the defendant resides (*Service fees are subject to legislative increase without notice. No personal checks accepted.*)

-OR-

Service by Certified Mail-Restricted Delivery

- Mail to the Defendant by certified mail-restricted delivery, return receipt requested, and one (1) copy each of the complaint, coversheet, IMPORTANT NOTICE and summons.
- Obtain the “green card” receipt, returned from the post office with the defendant’s signature and attach to Affidavit of Service form.
- Complete the front section only of the Affidavit of Service form (provided in your ABSOLUTE DIVORCE PACKET). Make sure you sign this form before a Notary Public.
- File the completed Affidavit of Service form and attached “green card” receipt with the Clerk’s Office

-OR-

Service by Personal Delivery

- Complete the top portion on the front of the Affidavit of Service (provided in your ABSOLUTE DIVORCE PACKET).
- The Defendant must complete the section **Personal Delivery** on the back of the Affidavit of Service form. The Defendant must sign this form before a Notary Public.
- File the completed Affidavit of Service form with the Clerk’s Office

STEP 3: CALENDARING YOUR CASE FOR TRIAL

Obtaining a Court Date

- Thirty days after** the Defendant has been served with the Summons and complaint you should visit the District Court Judge’s Office located on the second floor, of the Cumberland County Courthouse, Suite 211 to speak to a Family Court staff member. You will need to show proof of service. They will give you the next available court date to schedule your Absolute Divorce.
- Complete three (3) copies of the Calendar Request/Notice of Hearing form
- The original should be left with a Family Court Case Manager. One copy is for your records and you must send the third copy to the Defendant by

regular mail. You must give the Defendant at least ten (10) days notice of the hearing.

STEP 4: FINALIZING YOUR DIVORCE

Your Day in Court

- BE PREPARED!
- You will need to have the original **and** two (2) copies of your Judgment for Absolute Divorce (provided in your ABSOLUTE DIVORCE PACKET) with the top portion completed, and ready for the Judge to sign.
- Your case will be called by the judge. You may have a chance to observe courtroom procedure and an opportunity to see what information you should provide to the Judge when your case is called. Pay close attention!
- When the judge calls your case, you will need to ask the clerk to swear you in. You must then present evidence and testimony in your case, from the witness stand, in accordance with North Carolina General Statute.

Filing Your Judgment

- Once the divorce is granted, the Judge will sign the original Judgment for you. You must then take the Judgment to the Civil Division of the Clerk's Office located on the first floor of the Cumberland County Courthouse, Room 107 to file. A Clerk will file the original and confirm the Judge's signature on the two (2) copies. One is for your records and you must send the other copy to the Defendant by regular mail.
- YOU MUST FILE THE ORIGINAL JUDGMENT WITH THE CLERK'S OFFICE. YOUR DIVORCE IS NOT COMPLETE UNTIL YOU DO SO!!**