

*Commonwealth of Massachusetts*  
Bristol County Probate & Family Court



**Gina L. DeRossi**  
*Register of Probate*

## **JOINT PETITION FOR DIVORCE (1A)**

***Use these instructions ONLY if:***

- ✓ You and your spouse BOTH want to file for divorce and you want to file jointly; **AND**
- ✓ You and your spouse believe that the marriage is irretrievably broken (that is, you and your spouse can't make the marriage work); **AND**
- ✓ You both agree on how to divide assets, debts, amount of alimony and child support (if any), custody, visitation etc. (If you can't agree, ask about filing a 1B divorce action).

***Your case MUST be filed in Bristol County Probate & Family Court if:***

- ✓ You were married in Massachusetts; **AND**
- ✓ You last lived together in Bristol County and one of you still lives in Bristol County.

***Your case MAY be filed in Bristol County Probate & Family Court if:***

- ✓ You last lived together in another county, neither of you lives in that county now, and one of you now lives in Bristol County.

***If you were not married in Massachusetts, you can file in Massachusetts if:***

- ✓ The marriage breakdown happened while you were living together in Massachusetts; **OR**
- ✓ The marriage broke down in another state, BUT at least one spouse has lived over a year in Massachusetts and didn't move here for the purpose of obtaining a divorce.

**STEP 1:**     **COMPLETE THE FORMS:** Fill out all forms completely using permanent black ink.  
You may also complete and type the forms on line at [www.bristolcountyprobate.com](http://www.bristolcountyprobate.com).

*If there were **NO** children born or conceived during the marriage, you must fill out the following forms:*

- ✓ **JOINT PETITION FOR DIVORCE.** Must be signed by both parties.
- ✓ **SEPARATION AGREEMENT.** Signed by both parties and notarized. The Court does not provide this form. You must create your own agreement or hire an attorney to assist you.
- ✓ **AFFIDAVIT OF IRRETRIEVABLE BREAKDOWN.** Signed by both parties. This form is available at the Registry or on line at [www.bristolcountyprobate.com](http://www.bristolcountyprobate.com).
- ✓ **FINANCIAL STATEMENTS.** Each spouse must complete a separate Financial Statement Form on original pink court forms. This form along with separate Instructions are available at the Registry or on line at [www.bristolcountyprobate.com](http://www.bristolcountyprobate.com).
- ✓ **CERTIFICATE OF ABSOLUTE DIVORCE/VITAL STATISTICS FORM.** Form (R-408). Complete the top portion only.
- ✓ **REQUEST FOR UNCONTESTED ASSIGNMENT.** This form asks the Court to give you a hearing date to appear in front of the Judge.

*If there were children born or conceived during the marriage you must fill out the following forms **IN ADDITION** to the above listed forms:*

- ✓ **AFFIDAVIT DISCLOSING CARE AND CUSTODY PROCEEDINGS.** This form along with separate Instructions are available at the Registry or on line at [www.bristolcountyprobate.com](http://www.bristolcountyprobate.com).
- ✓ **CHILD SUPPORT GUIDELINES WORKSHEET.** Follow the instructions on the form.

**STEP 2:** **MAKE COPIES:** Make a copy of all completed forms. Assemble the copies so that you have 2 COMPLETE PACKETS OF THE FORMS – the originals and the copies. Keep copies for yourself. You may have to make additional copies in the future.

**STEP 3:** **FILING FEE:** At the time of filing/ mailing the above documents to the Registry, you must include a **\$215.00** filing fee.

The fee may be payable by money order or personal check to the Registry of Probate. If the documents are filed in person at the Probate & Family Court Registry at 40 Broadway, Suite 240, Taunton, MA, you may also pay by cash or major credit card.

**STEP 4:**     **FILE THE PAPERS:** Take the original forms listed above and your filing fee and deliver or mail the original documents to the Registry of Probate for processing at 40 Broadway, Suite 240, Taunton, MA 02780.

**IMPORTANT:**     **With the above documents, you MUST file a CERTIFIED, CIVIL, LONG FORM MARRIAGE CERTIFICATE. This can be obtained from the City or Town Hall where you applied for your marriage license.**

**You must also file your original PARENT EDUCATION PARTICIPATION CERTIFICATE.** Information about this requirement is available on line at [www.bristolcountyprobate.com](http://www.bristolcountyprobate.com) or at the Probate & Family Court Registry.

**STEP 5:**     **HEARING DATE:** Once all the required documents are filed, you will receive a Notice from the Court with a hearing date. Both parties MUST appear before the Judge on this date.

**STEP 6:**     **JUDGMENT NISI:** When both of you appear in front of the Judge at the court hearing to request a divorce, the Judge reviews the separation agreement and may approve the agreement and divorce at this hearing. The Judge issues the Findings and Approval of the agreement. The divorce judgment is called a Judgment Nisi and is automatically entered thirty (30) days later.

**STEP 7:**     **FINAL DIVORCE DECREE:** The divorce Judgment Nisi is automatically final after an additional ninety (90) days. This means the divorce is final one hundred twenty (120) days from the date of your hearing. A Certificate of Divorce Absolute or the final divorce decree can be obtained for a fee of **\$20.00** from the Registry of Probate ONLY after the expiration of ninety (90) days.

**Please be advised that the information in this pamphlet is provided as a service of the Bristol County Probate & Family Court Registry and does not constitute legal advice which can only be given to you by an attorney.**

Bristol County Probate & Family Court Registry  
40 Broadway, Suite 240  
Taunton, MA 02780  
(508) 977-6040  
[www.BristolCountyProbate.com](http://www.BristolCountyProbate.com)