

Instructions for Complaint Without Minor Children Form

A Complaint is required to begin a divorce action. A Complaint tells your spouse (and the court) what you are asking for and why. Please note that you are not divorced until a Judgment and Decree of Divorce has been signed by the Judge. This is merely the start of your divorce action.

- Complete the top portion of the Complaint. (NOTE: The top portion of each form is called the “caption” and the information will be the same on every form you fill out.)

- Answer or complete the numbered paragraphs as follows:
 1. Fill in the name of the county and state in which you live.
 2. Fill in the name of the county and state in which your spouse lives.
 3. Fill in the information regarding date and location of your marriage. If the parties are living apart, provide the date they began to do so.
 4. Check the appropriate grounds for divorce in the event that you and your spouse do not agree to the use of irreconcilable differences. **Please understand that seeking a divorce for other than irreconcilable differences is likely to result in a contested divorce which is both costly and complex. In those circumstances, you are strongly advised to meet with and hire an attorney to fully protect your interests.** You are not required to check other grounds for divorce.
 5. You do not need to write anything for this paragraph. It tells the court that you and your spouse do not have any children. However, if you and spouse have minor children or if one of you is pregnant, this is not the correct form for you to use. Use the form specifically for a Complaint With Minor Children.
 6. You do not need to write anything for this paragraph. It tells the court that you and your spouse own property and have debts which need to be divided.
 7. Circle or otherwise indicate the correct information in this paragraph so that the court knows how to handle support issues.

- Answer or complete set of paragraphs telling the Court what you want:
 1. You do not need to write anything for this paragraph. It tells the court that you are asking for a divorce from your spouse.
 2. You do not need to write anything for this paragraph. It tells the court that you are asking the court to equitably divide your property and debts.
 3. Indicate if either party wishes to have their former last name restored. Insert their date of birth.
 4. You do not need to write anything for this paragraph. It tells the court that you are requesting any other relief that is equitable and just.

- You must date and sign the complaint and fill in your address and phone number.

- Complete the **Verification** portion: **Do not fill out the verification until you are in the presence of a notary public or clerk of court. Make sure to bring identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.**

WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be prosecuted for not telling the truth.

2. For an equitable division of the marital property and debts.
3. That Plaintiff's / Defendant's (circle one) former name be restored to:
 _____ . Date of birth _____
4. For alimony, if requested above, and further relief as may be equitable and just.
5. For further relief as may be just and equitable.

Dated _____, 20____.

 Plaintiff's Signature

 Print or type name

 Street Address

 City/State/Zip

 Phone Number

VERIFICATION

STATE OF SOUTH DAKOTA)
 : SS
 COUNTY OF _____)

Plaintiff, being first duly sworn, deposes and states that he or she verifies the facts expressed within the Complaint are true.

Dated _____, _____.

 Plaintiff's Signature

Subscribed and sworn to before me this _____ day of _____, _____.

 Notary Public/Clerk of Courts

If Notary, my Commission expires: _____

(SEAL)