

2002

Last Revised: May 31,

Nebraska Supreme Court Committee on Pro Se Litigation
(committee on self-represented court litigants)

Origin/Authorization: Consultation Minutes of September 12, 2001

Terms: All appointments to be at the pleasure of the Court

Purpose Statement: To study the extent and nature of pro se litigation in Nebraska's Courts, to identify challenges created by pro se litigation for court staff, judges, opposing counsel, and the barriers to the self-represented litigant which the judicial system presents and to propose innovations and solutions to the Supreme Court which insure equal access to the courts while maintaining the impartiality, dignity and efficiency of the judicial process (3 year study).

Composition	Name, City	Appointment Date
Court of Appeals Judge, Chairperson	Hon. Richard D. Sievers, Lincoln	9-12-01
District Judge, Vice-Chairperson	Hon. Teresa K. Luther, Grand Island	9-12-01
District Judge	Hon. William B. Cassel, Ainsworth	9-12-01
County Judge	Hon. Curtis L. Maschman, Falls City	9-12-01
Attorney at Law	John M. Guthery, Lincoln	9-12-01
Executive Director, NLS	Douglas K. German, Omaha	9-12-01
Assistant Attorney General	Linda L. Willard, Lincoln	9-12-01
State Court Administrator	Joseph C. Steele, Lincoln	9-12-01
Associate State Court Administrator	Janice K. Walker, Lincoln	9-12-01
Attorney at Law	Tara L. Muir, Lincoln	9-12-01
Clerk Magistrate	Barb Finn, Neligh	9-12-01
Senator	Matt Connealy, Lincoln	9-12-01
Attorney at Law	James R. Mowbray, Lincoln	9-12-01
Attorney at Law	George B. Achola, Omaha	9-12-01
Clerk of the District Court	Rudy Tesar, Omaha	9-12-01
NSBA Director of Legal Services	Jean K. McNeil, Lincoln	9-12-01
Attorney at Law	Denise E. Frost, Omaha	9-12-01
Attorney at Law	D. C. "Woody" Bradford, Omaha	9-12-01
Attorney at Law	Brenda L. Bartels, Scottsbluff	9-12-01
Creighton Legal Clinic	Catherine M. Mahern, Omaha	9-12-01

Bar Foundation Executive Director	Doris J. Huffman, Lincoln	9-12-01
Attorney at Law	D. Milo Mumgaard, Lincoln	9-12-01
Attorney at Law	Robert M. Hillis, Fremont	9-12-01

COMMITTEE INDEX

SUPREME COURT FORMS

State of Nebraska



You will need Adobe Acrobat Reader 4.0 (or higher) to read and/or print most of these forms.

For Windows XP users: Some characters may appear altered in the PDF files; update to Acrobat Reader 5.0.5 to correct this problem.

This is a comprehensive list of Nebraska court forms that are presently on-line. The Nebraska Supreme Court Rules contain some forms or samples of forms, all of which are listed on this page. The Nebraska County Court Forms Manual contains official forms used in the county court system. A few of these forms are available here. Most forms are also available from your local Trial Courts.

If the form you need is not on our web site (listed below), contact your local court for a copy of the form. General form books, such as West's Legal Forms, American Jurisprudence Legal Forms and Federal Practice and Procedure are available at the Nebraska State Law Library for review. Some counties also have a county law library which is open to the public. Go to Trial Courts to access contact information.

If you are not a court employee and are using this page to assist you in processing court documents, you should know that you will often have to create documents without the help of examples. You should consider consulting an attorney to assist you. Each person's legal situation is unique. Court staff cannot advise you about what language to use and library staff cannot select forms for you.

Forms Used in County Court/Separate Juvenile Court

<u>Adoptions</u>
<u>Appeals from County Court</u>
<u>Guardianships/Conservatorships</u>
<u>Small Claims</u>
<u>Waiver/Fine Schedule</u>
<u>Waiver and Plea of Guilty</u>

Forms Used in District Court

<u>Criminal Homicide Report Form</u>

General Court Forms

<u>Child Support Guideline Forms</u>
<u>Financial Affidavit</u>
<u>Garnishments</u>
<u>Protection Order Forms/Information Sheets</u>

General Court Forms -- Non-Procedural

<u>Attorney Forms</u>
Trust Accounts and Blanket Bonds
Fax Cover Page
<u>Interpreters Forms for Payments</u>

Judicial Qualifications Commission

Complaint Against Judges

Judges' Forms

Judicial Financial Interest Statement

Report of Cases Under Advisement

Judicial Vacancy Application Package**Personnel Forms**

Official Court Reporter Monthly Timesheet

Questions/Comments pertaining to the Court Forms?

E-mail: [NJB Web Manager](#)

- 2:1 Waiver and Plea of Guilty
- 3:6 Affidavit and Praecipe for Summons in Garnishment (In aid of Execution)
- 3:8 Reverse of Summons and Order of Garnishment (In aid of Execution) - Interrogatories
- 3:8B Notice to Judgment Debtor - Request for Hearing
- 3:8D Application and Order of Continuing Lien
- 3:8E Notice of Extension
- 3:9 Praecipe for Execution
- 3:11 Execution Notice of Exemptions - Request for Hearing
- 4:1 Plaintiff's Claim and Notice to Defendant (Small Claims Court)
- 4:2 Counterclaim or Setoff of Defendant (Small Claims Court)
- 4:3 Notice of Transfer to Civil Docket and Pre-Trial Order (Small Claims Court)
- 6:1 Financial Affidavit
- 9:2 Notice of Appeal (Small Claims Court)
- 9:3 Appeal Bond (Small Claims Court)
- 9:4 Supersedeas Bond (Small Claims Court)
- 11:1 Time Payment Application/Order/Agreement
- 14:6 Instructions for Waiver of Parental Notification
- 14:7 Petition for Waiver of Parental Notification
- 14:8 Parental Notification Notice of Appeal
- 19:1 Protection Order Praecipe
- 19:2 Petition and Affidavit to Obtain Harassment Protection Order
- 19:3 Protection Order Information Harassment
- 19:8 Petition and Affidavit to Obtain Domestic Abuse Protection Order
- 19:9 Protection Order Information Domestic Abuse
- 19:14 Request for Hearing

Child support guideline worksheets

Notice to Withhold Income

Child Support Termination Application and Affidavit

Nebraska County Attorney Criminal Homicide Report

Statement for Payment of Interpreters



AJS

American Judicature Society
promoting the effective administration of justice

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Pro Se Links

Summary

Here are some links to sites about pro se litigation that you may find of interest. If you know of a site we should add to this list, please send an e-mail to ksampson@ajs.org.

[Join A](#)

[Memb](#)

[benefi](#)

[Join tc](#)



[Click here](#) for state self-help sites
[Click here](#) for local self-help sites
[Click here](#) for law school self-help sites
[Click here](#) for related organizations

STATE SELF-HELP SITES

California

www.courtinfo.ca.gov/selfhelp/ (California Courts Self-Help Center includes forms and instructions, Q&A, links, glossary and other aids)

NEW!!! Colorado

www.courts.state.co.us/scao/Forms.htm (Forms can be completed online and printed. Site includes a self-help survey.)

Connecticut

www.jud.state.ct.us/directory/directory/servcenter.htm (Connecticut Court Service Center, New Britain, CT; serves all court customers including the self-represented)

Delaware

<http://courts.state.de.us/family> (Click on Divorce Packets)

Florida

www.flcourts.org/ (Click on "Self-Help" Center)

Hawaii

www.state.hi.us/jud (Click on "Self Help"; see also "Tips on Going to Court")

Idaho

www2.state.id.us/cao/ (Includes forms, instructions, an attorney roster, contact information for 22 court assistance offices, and more)

NEW!!! Illinois

www.illinoislawhelp.org (This website is being developed and maintained by the

Illinois Technology Center for Law & the Public Interest (ITC), a collaboration of Illinois legal services providers, funders, the private bar and law school communities.)

Indiana

www.state.in.us/judiciary/ (Click on Self-Service Legal Center; currently offers a divorce-without-children package, with more planned)

NEW!!! Maine

www.helpmelaw.org (A Legal Services Corporation statewide self-help site)

NEW!!! Maryland

www.peoples-law.org (A Legal Services Corporation statewide self-help site)

NEW!!! Massachusetts

www.neighborhoodlaw.org (A Legal Services Corporation statewide self-help site)

New Jersey

www.judiciary.state.nj.us/prose/index.htm (Packets for petitioning for a name change, filing complaints in small claims court, petitioning changes in child support or alimony, and others)

NEW!!! New Mexico

www.nmcourts.com (Click on Family Law Forms; includes several divorce packets and instructions).

Oregon

www.ojd.state.or.us/ (Click on Family Law Forms; statewide domestic relations forms included)

NEW!!! Tennessee

<http://www.tals.org/Home/PublicWeb> (A Legal Services Corporation statewide self-help site)

Utah

<http://courtlink.utcourts.gov/> (Click on Online Court Assistance Programs; document-assembly feature; helps litigants prepare court documents for landlord-tenant or uncontested divorce cases)

Washington

www.courts.wa.gov/forms/home.cfm (Pattern forms for family law and domestic violence; has link to instructions)

www.nwjustice.org/ (Legal self-help materials in English, Russian and Spanish)

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LOCAL SELF-HELP SITES

Arizona

www.superiorcourt.maricopa.gov/ssc/sschome.html (Self-Service Center, Maricopa County Superior Court)

California (county sites)

NEW!!! Orange County

<http://i-can.legal-aid.com/>

Sacramento County

www.saccourt.com/index/family.asp (Information for parents about developmental stages of children, how to keep them out of the conflict in a divorce case, etc.)

San Mateo County

www.ezlegalfile.com/ (Document-assembly feature for preparing forms online)

Santa Cruz County

www.co.santa-cruz.ca.us/crt/flfdoc.html (Materials provided by the Family Law Facilitator, who is funded by the county to provide more than IV-D child support services)

Ventura County

www.courts.countyofventura.org (Click on "Legal Self-Help")

Minnesota (Hennepin County)

www.co.hennepin.mn.us/courts/Self-Help/shmain.htm (Information about preparing paperwork, free consultation with volunteer lawyers, and accessing other resources)

NEW!!! Nevada (Clark County Family Law Self-Help Center)

www.co.clark.nv.us/district_court/self_help_center.htm (Forms for divorce, annulment child custody, visitation, child support, community property division and name changes)

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LAW SCHOOL SELF-HELP SITES

www.law.siu.edu/selfhelp/index.htm (Site of the Self-Help Legal Center at Southern Illinois University School of Law)

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RELATED ORGANIZATIONS

www.abanet.org/legalservices/publicfree.html ("Consumer's Guide" to legal help on the internet)

www.equaljustice.org (Website of the Project for the Future of Equal Justice. Click on Links, scroll down to Pro Se Assistance Sites)

<http://ncsc.dni.us/KMO/Topics/ProSe/PSSummary.htm> (National Center for State Courts' site, includes pro se litigation court links to each state, articles and other great information)

www.statejustice.org (The State Justice Institute (SJI) awards grants to improve the quality of justice in State courts nationwide, including grants to facilitate pro se litigants' access to the courts.)

NEW!!! www.unbundledlaw.org (Maryland Legal Assistance Network; includes ethics advisory opinions, unbundling rules from 5 states, recommendations from October 2000 conference)

Court Self-Help Center

Customer Service Representatives Can:

- Refer you to Center resources and Community Resource Information.
- Direct you to available forms, instructions, and other court-related information.
- Assist you in using the public access computers.
- Answer basic procedural questions.
- Review documents or forms for completeness.



Court Self-Help Center

Customer Service Representatives Cannot:

- Give legal advice.
- Draft or prepare your legal documents.
- Review documents or forms for accuracy.
- Go to court with you.
- Represent you in any legal matter.

Waukesha County **Family Court Self-Help**



"Helping You Help Yourself in Family Court"

Services Available:

- ✓ User-Friendly Forms & Instructions
- ✓ Community Resource Information
- ✓ Customer Service Representative
- ✓ Family Court Self-Help Website
- ✓ Public Access to Computers
- ✓ Legal Research Materials
- ✓ Procedural Information
- ✓ Local Attorney Roster
- ✓ Family Legal Clinic

Family Court Self-Help Program

Waukesha County Courthouse, Room C-108
515 W. Moreland Blvd., Waukesha, WI 53188
(262) 548-7524

<http://courtsselfhelp.waukeshacounty.gov>

What Is the Center?

The Family Court Self-Help Center offers court information and public resources, with a special focus on people who are representing themselves in family court matters.

Who Can Benefit?

- Individuals who choose to represent themselves in a family court matter.
- Individuals who need assistance and information on divorce and child support, placement, and custody.
- Individuals who need help finding legal assistance.

Where Is The Center?

The Center is located in Room C-108 of the Waukesha County Courthouse, adjacent to the Family Division Office.

Hours of Operation

The Center is open from 8:15 A.M. until 4:15 P.M., Monday through Friday. The Center is closed whenever the Courthouse is closed.

Fees & Charges

There are fees associated with the following:

- Filing of documents
- Pre-printed materials
- Photocopies
- Printer usage



Available Services Include:

Customer Service Representative

The Center is staffed by Customer Service Representatives who can direct you to available resources and help you access the Court Self-Help website. Center Representatives are not attorneys. They **cannot give legal advice** or help you fill out forms.

Legal Assistance

The Center provides the following legal assistance: a roster of local attorneys available for hire; a Family Legal Clinic that provides an opportunity to meet with a local attorney and receive limited legal advice; information on your rights if you hire an attorney, and answers to Frequently Asked Questions on how to hire and work with an attorney.

User-Friendly Forms & Instructions

User-friendly forms and instructions have been specifically written for those who choose to represent themselves in family court matters. Forms and instructions are available on the Family Court Self-Help website, or in the Family Court Self-Help Center.

Legal Research Materials

Legal research materials available in the Family Court Self-Help Center include statute books, local family court rules, access to online legal research, and directions to the County's law library.

Procedural Information

Checklists, Frequently Asked Questions, a Glossary of Family Law Terms, General Tips on Self-Representation, and other procedural resources are available in the Center and on the Family Court Self-Help website.

Community Resource Information

The Center and the Court Self-Help website provide a directory of community agencies and other information that may assist you in handling your family court matter. Information on agencies that offer alternatives to court action is also available.

Public Access to Computers

Located within the Self-Help Center are computers for use by the public. Online access is available to the Family Court Self-Help website, including links to court information and other law-related sites.

Family Court Self-Help Website

The Family Court Self-Help website, <http://courtsselfhelp.waukeshacounty.gov> provides remote access to information that will help you help yourself in family court, or help you find an attorney. The web site does **not provide legal advice**.





WELCOME TO INDIANA COURTS

THE COURT, INCLUDING THE JUDGE, THE CLERK, AND ALL COURT STAFF, MUST REMAIN IMPARTIAL. THEY DO NOT TAKE SIDES IN ANY MATTER COMING BEFORE THE COURT. THEY WILL GIVE THE SAME SORTS OF INFORMATION TO PERSONS ON BOTH SIDES OF A CASE.

CAN PROVIDE	CANNOT PROVIDE
<ul style="list-style-type: none">* We can provide you with a telephone number of local lawyer referral services.* We can explain and answer questions about how the court works.* We can provide you general information about court rules, procedures and practices.* We can provide you information from your case file.* We can provide a copy of the small claims manual and court forms that are available and instructions on how to complete them.* We can review your papers for completeness by checking for signatures, notarization, correct county name, and correct case number.	<ul style="list-style-type: none">* We cannot provide legal advice or legal interpretations. Only a lawyer can give you legal advice.* We cannot advise you whether or not you should bring your case to court or give you an opinion about what will happen if you bring your case to court.* We cannot advise you what to say in court.* We cannot let you talk to the judge outside court or talk to the judge for you about what will happen in your case.* We cannot fill out a form for you or tell you what words to use in your court papers.* We cannot sign an order or change an order signed by the judge.

REMEMBER: The Court and court staff do not know the answers to all questions about court rules, procedures and practices. They have been instructed not to answer questions if they do not know the correct answer. Information you provide to staff is not confidential.

THIS LIST WAS DEVELOPED FOR DISTRIBUTION
BY THE INDIANA SELF-SERVICE LEGAL CENTER

"Helping people help themselves."

<http://www.in.gov/judiciary/selfservice>

APPENDIX F

Appendix Three: Draft Statement of Information for the Public on Assistance Available from Court Personnel

Welcome to the Virginia Court System

We are happy to assist you if we can. However, we must remain impartial and fair to *all* individuals who use the court's services, so you may have questions we cannot answer.

This is a list of some things court staff *can* and *cannot* do for you. Please read it carefully before asking court staff for assistance.

- We *can* explain and answer questions about how the court works.
- We *can* provide you with the telephone numbers of the Virginia State Bar Lawyer Referral Service, available *pro bono* legal services, and legal aid programs.
- We *can* give you general information about court rules, procedures and practices.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms and approved instructions that are available.
- We *can* provide court schedules and information on how to get a case scheduled.
- We *can* usually answer questions about court deadlines and how to compute them.
- We *can* provide information about local law libraries and community service agencies.
- We *cannot* give you legal advice or recommend whether or not you should bring your case to court. Only your lawyer can give you legal advice.
- We *cannot* tell you what words you should use in your court papers.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* interpret text in statutes, rules, orders, cases and other legal materials for you.
- We *cannot* tell you what to say in court.
- We *cannot* talk to the judge for you.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Virginia Judicial System Mission Statement

To provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the United States and Virginia Constitutions.

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CALIFORNIA COURTS Self-Help Center



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Primary Authorities

Constitutions, Statutes, Codes, Rules, and Other Primary Authorities

- **U.S. Constitution:**
<http://www.law.cornell.edu/constitution/constitution.table.html>
- **California State Constitution:**
<http://www.leginfo.ca.gov/const.html>
- **California Codes:** <http://www.leginfo.ca.gov/calaw.html>
- **California Statutes:** <http://www.leginfo.ca.gov/statute.html>
- **California Supreme Court and Court of Appeal Opinions**
(<http://www.courtinfo.ca.gov/opinions>) — Opinions from California Supreme Court and Court of Appeal cases dating from January 2000 to the present are available on the California Courts site.
- **U.S. Supreme Court Collection**
(<http://supct.law.cornell.edu/supct/>) — Nearly all of the U.S. Supreme Court opinions issued since May 1990 are available from the Cornell Law School Legal Information Institute.
- **U.S. Supreme Court Decisions**
(<http://www.fedworld.gov/supcourt/index.htm>) — U.S. Supreme Court decisions from 1937 to 1975. Opinions may also be obtained at county law libraries and through various commercial services. Find your [county law library](#).
- **California Regulations** (<http://ccr.oal.ca.gov/>) — NOTE: This site does not post all regulations of the State of California. If you need a regulation that is not posted, your county law library may be able to help you find the regulation. Find your [county law library](#).
- **Local Codes and Charters**

(<http://www.igs.berkeley.edu:8880/library/calcodes.html>) — If your community's local code and charter are not included on this site, you may be able to find copies of your local laws at your county law library or local public library. Find your county law library and your local public library.

- **California Rules of Court:** <http://www.courtinfo.ca.gov/rules/>
- **Judicial Council Forms:** <http://www.courtinfo.ca.gov/forms/>
- **Local Court Rules**
(<http://www.courtinfo.ca.gov/otherwebsites.htm>) — If your court does not post local rules to its Web site, you can visit the court (or some county law libraries) to get a copy. Find your county law library.

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Self-Service Center

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Guide to Arizona Courts
Judge and Court Locations
Elder Law Hotline

Family Issues
Publications

Jury Duty
Filing Fees & Deferrals
(Including Forms)
Law for Kids Website

Self-Service Centers

Locations

Websites

Maricopa County Self-Service Center

Coconino County Law Library and Self-Help Center

Child Support

Agencies Providing Assistance

Child Support Guidelines

Child Support Calculator



Welcome to the Arizona Supreme Court's Self-Service Center Website

This site is designed to provide information and forms for persons who are representing themselves in court. The information contained on this website is intended to help you help yourself through the court system.

If you do not understand any of this information, or if you have trouble filling out any of the forms located here, see an attorney for help.

If you are representing yourself, and you download forms from this site, and prepare them yourself, it is still suggested that you have an attorney look over the papers to make sure they are correct.

Forms for the following types of cases are included in this website. These forms are currently accepted in every county in Arizona.

- Divorce
- Child Support Changes
- Family Crisis
- Landlord/Tenant
- Name Change
- Probate (Guardianship)
- Small Claims

Continue

Additional forms may be available through the **Maricopa County Self-Service Center** website.

02 April 2002

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INDIANA JUDICIAL SYSTEM

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LEGAL CENTER

SELF-SERVICE

INDIANA SUPREME COURT

Self-Service Legal Center

Helping people help themselves...

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Formularios
de la Corte**Mission Statement**

"To ensure access to the judicial system by providing basic resources to self-represented individuals by establishing the usage of self-help court forms and encouraging local courts to develop their own pro se assistance programs."

About Indiana Pro Se and the Self-Service Legal Project

Indiana courts and court clerks handle more than 1.5 million cases per year, ranging from capital murder cases and multi-million dollar corporate lawsuits, to divorces, minor traffic infractions and rental disputes. The cost and importance of these cases vary greatly from case to case depending on the circumstances and the people involved. More often than not, people utilize the services of an attorney to help them in these matters. However, the Indiana Supreme Court recognizes the fact that in some instances people involved in litigation choose not to utilize the services of an attorney.

15-member committee

In response, the Indiana Supreme Court has laid the groundwork for a statewide pro se assistance network to provide basic resources to self-represented litigants. The Supreme Court created the Indiana Pro Se Advisory Committee in response to the growing national phenomenon of people choosing to represent themselves without lawyers. The Advisory Committee was appointed to make recommendations to the Supreme Court on the issues of pro se litigation; to develop a comprehensive strategy plan for future pro se efforts; and to help trial courts respond to the growing numbers of the self-represented. The Committee also provides basic resources to pro se litigants including uniform, statewide pro se forms (**some forms are available in Spanish**); it encourages local courts to develop their own pro se assistance programs; and it works with the Pro Se Project Director. The Indiana Pro Se Advisory Committee is comprised of judicial officers, county clerks, Bar representatives, legal services providers, librarians, and other community members. The Division of State Court Administration houses and administers the Project with the help of David Remondini, Counsel to the Chief Justice.

The Role of this Web-site

This web-site has been designed to provide valuable information,

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court forms, and various resources to those persons wishing to represent themselves in court. It should be noted, however, that self-representation should not be taken lightly, and that there are many instances in which retaining an attorney is highly advisable. In fact, we suggest that even if you use the forms provided on this site that you still consult with an attorney prior to submitting them to a court.

The Self-Service Legal Center contains plenty of information to help you help yourself. You will find various court forms required by the courts and instructions on completing them; different ways to find an attorney to assist you with your case; an explanation of mediation and a list of certified mediators; suggestions on preparing for court; items that court staff can and cannot help you with; web-links to legal dictionaries and other legal materials; links to various courts in Indiana and the United States; and links to other self-service sites.

Contact the Project's Director

Questions, suggestions or comments about this project should be directed to Anthony Zapata at (317) 234-1872 or azapata@courts.state.in.us. If you have any questions about the forms contained herein, please consult an attorney for advice.

Thank you!

GUIDELINES AND INSTRUCTIONS FOR COURT EMPLOYEES WHO ASSIST PRO-SE LITIGANTS IN NEBRASKA'S COURTS

Table of contents

I. General Guidelines for assisting pro se litigants

- A. The primary goal for court employees – high quality service to court users**
- B. Absolute duty of impartiality**
- C. What kinds of information and assistance are court employees authorized to provide?**
- D. Court employees are prohibited from giving legal advice
What kind of information constitutes legal advice?**
- E. How to handle ex parte communications**
- F. Revealing confidential information**

II. Civil Cases

Filing a petition
Answering a petition
Bankruptcy
Enforcement of judgments
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 Executions
Landlord-tenant questions

III. Domestic Relations Cases

Protection Orders
Divorce, Support and Modification
 When is a divorce final?
 visitation
Name Change
Paternity cases

IV. Criminal and Traffic Cases

Guilty pleas
License suspensions
Driving records
Bonds
Charges and charging issues
Complaints about law enforcement
Department of motor vehicles

Warrants
Time payments
Court costs
Fines

V. Probate Cases

Access to wills before probate is filed
Demands for notice
Claims against estates
Inheritance tax
Do I have to file a probate?

VI. Small Claims

Small claims brochure
Filing a small claims
Bankruptcy
Collection of judgments
Interest calculations
Minors as parties in small claims
Corporations as parties in small claims
Attorneys in small claims
Satisfying and releasing judgments
Time limits for filing small claims

VII. Adoptions

Access to adoption files

VIII. Juvenile cases

What information in juvenile files is public record?

IX. Requests for Court Records

How to respond to requests for record checks
Confidential information in case files

X. Appeals

Time for filing appeals
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Requesting bill of exceptions

XI. Miscellaneous

Sealing records

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Complaints about lawyers

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XII. Phone Numbers and Referrals for pro se litigants

Legal Services

NSBA Volunteer Lawyers Project

Counsel for Discipline

Judicial Qualifications Commission

NSBA brochures

Judicial Branch website

CLERK'S QUESTIONNAIRE

Name: _____

County: _____

When completing this questionnaire, please feel free to continue on the back, or attach additional comments on a separate page.

1. How often do you and the members of your staff deal with *pro se* divorce petitioners filing pleadings with your office?

2. Describe the most common problems faced by you and your staff in dealing with the *pro se* divorce petitioner.

3. Describe the most common problems that a *pro se* divorce petitioner faces when filing in your office.

4. Do you have any knowledge where *pro se* petitioners have obtained the forms for preparing their own petitions? If so, what is the source?

5. What assistance do you feel you can give a pro se petitioner in a divorce matter? Can you explain the process for obtaining an *in forma pauperis* order? Can you explain how a respondent can be serviced? Can you explain how a praecipe is prepared? Can you explain how to schedule a hearing with the court?

6. What assistance or advice do *pro se* divorce petitioners need that you and your staff are unable to give? Why do you feel you are unable to give assistance in these areas?

7. What forms are used in your district court that a divorce petitioner must file that are different from those included in the divorce packet? What forms are required that are not in the packet? Please send a copy of these forms with your completed questionnaire

8. After reviewing the divorce packet instructions and forms, please comment on any deficiencies you see. Please note the problems on the forms and instructions if you prefer, and return them with the completed questionnaire.

9. Are you willing to participate in further discussion and/or review of *pro se* materials as they are developed?

September 4, 2002

Dear Judge :

I am writing to you as a member of the Forms subcommittee of the Nebraska Supreme Court Pro Se Committee. This committee has been working towards the development of possible *pro se* forms that can be used in discrete areas of law. We began with an effort to develop a packet of materials for a divorce where there are no children and no disputed property or debts. These materials were presented at the statewide judicial conference that took place in Hastings in July. From the suggestions of several district court judges, some changes have been made to the forms and the instructions.

Of course the experience of the subcommittee members is limited to the practice in a handful of counties. We understand that each county may handle the process differently, and we are striving to create a packet of information that can be used state wide, and that addresses these differences. It is our hope that we can develop a packet that meaningfully assists the *pro se* litigant and eliminates most, if not all, of the problems presented to the court and clerk's office personnel by the self-represented.

I have enclosed a copy of the packet for your review along with a short questionnaire that I would ask that you answer. I am sending the divorce packet and separate questionnaire to the District Court Clerk in each county. Your input is very important for our subcommittee. I would ask that you please take a few minutes to review the packet and respond to the questionnaire and return it to me by September 30th so that I can compile the responses before the State Bar Meeting in October.

If you have any questions about the packet, please feel free to give me a call.

Sincerely,

Catherine Mahern

JUDICIAL QUESTIONNAIRE

Name: _____

County: _____

When completing this questionnaire, please feel free to continue on the back, or attach additional comments on a separate page.

1. What information on income, assets and expenses do you require from a petitioner who wishes to proceed *in forma pauperis*? Do you have a form for this information that is used in your district? If so, please send us a copy with the returned questionnaire.

2. How is the *in forma pauperis* request presented to you (is it given to you by the clerk of the district court or by the petitioner)? Do you require a hearing on a petitioner's motion or application to proceed *in forma pauperis*? If so, how is that matter scheduled?

3. As part of obtaining a divorce (where there are no children) in your district is the petitioner required to file a financial affidavit or property statement? Where and when are these documents submitted? Are they submitted to the court or to the clerk? If you have a form or an example of any required financial affidavit or property statement, please return a copy of such with the completed questionnaire.

4. When a respondent in a divorce files an answer is there a requirement in your court that a Certificate of Readiness be filed before a final hearing can be set? If so, please return a copy of the form used or an example with the completed questionnaire.

5. How are final hearings scheduled in your court? What person or office would a petitioner contact to schedule a final hearing?

6. How much notice of the final hearing do you expect a petitioner to give to the respondent?

7. Do you expect to see a copy of the proposed decree of dissolution prior to the hearing? If so, how soon before the hearing do you expect to see it?

8. At the time of a final hearing with a *pro se* divorce petitioner what, if anything, are you able and/or willing to do to facilitate the process?

9. Other than a prepared proposed decree, are there any other documents that a petitioner should have prepared for the final hearing? If so, what documents? Please send a copy of any form used, or an appropriate example with your completed questionnaire.

10. In reviewing the *pro se* divorce packet did you find that it could be used in your court? Please review the instructions and forms and mark on them any suggestions and note any omissions that you find.

11. Are you willing to participate in further discussion and/or review of *pro se* materials as they are developed?

Pro Se Assistance In Simple Divorce

Instructions and Forms

Proposal Drafted by the
Nebraska Supreme Court Committee
on Pro Se Litigation

Presented at the
Trial Judges' Summer Meeting
June 2002

Revised as of Oct, 2002

FILING FOR DIVORCE IN NEBRASKA (NO CHILDREN NO DISPUTED PROPERTY)

A divorce can be complicated. It is up to you to decide whether and how you use a lawyer in your divorce. The law allows you to conduct your divorce by yourself, also known as proceeding *pro se*. This packet of forms and instructions is intended for divorce cases where there are no children and all property has already been divided and the parties will each pay the debts that they have incurred

Facts About Filing for a Divorce in Nebraska

- In Nebraska, you or your spouse must be a resident of Nebraska for at least one year before filing your Petition for Dissolution with the court. The one exception is when you have been married less than one year, but have lived in Nebraska for the entire time of the marriage.
- You start the legal process by filing a Petition for Dissolution of Marriage with the Clerk of the District or County Court in the county where you or your spouse resides.
- The cost of filing a Petition for Dissolution is \$83.00. Once you file you will be given a docket and page number for your case. This number must be on all documents filed with the court.
- If you are filing for divorce without an attorney you must complete all the forms necessary. The clerk of the court cannot assist you in preparing any legal documents, or advise you of the process.

Forms and Filing

- This packet contains the following forms: Petition for Dissolution of Marriage, Vital Statistics Certificate of Dissolution of Marriage, Voluntary Appearance, Praecipe for Summons, Notice of Hearing, and Decree of Dissolution of Marriage.
- The first document you must give the court is the Petition for Dissolution of Marriage. This is only the beginning, and you will not be divorced until a judge signs a decree of dissolution of marriage. You must pay a filing fee at the time of filing your Petition. The filing fee for a divorce is currently \$83.00. If you are unable to pay the filing fee and you have a low income, you may obtain permission from the court to have the fees waived. See the packet entitled Proceeding without Payment of Fees.
- When you file your Petition for Dissolution of Marriage with the Clerk of the Court, you must also file the Vital Statistics Certificate of Dissolution of Marriage or Annulment. If there is information requested on this form for which you do not know the answer, put "unknown" in that box on the form.

- At the time of filing you will be given your docket and page number, and usually the name of the judge who will be hearing your case.
- **After filing the Petition for Dissolution of Marriage, you must give your spouse formal notice, often called "service," that you are asking for a divorce, and must prove to the court that you have done so. You can do that in one of the following ways:**
 - Your spouse may accept service by signing a Voluntary Appearance, the original of which must then be filed with the court.
 - You may file a Praecipe for Summons with the court and have the Sheriff in the county where your spouse lives serve the Summons and copy of the Petition for Dissolution on your spouse (If you are filing *In Forma Pauperis*, you should also attach a copy of the Order to Proceed *In Forma Pauperis* with your Praecipe so that the county will be billed for this service).
 - If your spouse is living or working in the county where the divorce is filed, the sheriff will pick up the summons and Petition and serve it upon your spouse at the address given on the Praecipe.
 - If your spouse lives in another county, or in another state, you are expected to return to the clerk and pick up the summons and Petition and send it to the sheriff in the county where your spouse is to be served. Generally the clerk will provide you with the name and address of the sheriff's department in that county. You will need to call that sheriff's department to discuss with them the payment of the cost of the service, as most expect payment up front. Once the sheriff serves your spouse, or determines that your spouse cannot be served, the sheriff will return the documents to you with what is known as a return of service. This return of service will indicate whether or not your spouse has been served. You must then file that paperwork with the clerk so that the court has a record of whether or not your spouse was served.
 - If you cannot obtain a Voluntary Appearance from your spouse nor have your spouse served by the sheriff, you may obtain permission from the court to have your spouse served by publication, which you accomplish by a motion for Alternative Service. See packet entitled Substitute Service.
- Your spouse has 30 days to file a response with the court from the time your spouse was served.
- You must wait at least 60 days from the time your spouse is served before you can have a hearing before the judge on your Petition for Dissolution of Marriage. If you have any question about the date your spouse was heard, you should contact the clerk to find that date.
- You must contact the bailiff for the judge assigned to your case to schedule your hearing.

- Once you have been given a final hearing date you must prepare a Notice of Hearing and file the original with the court and send a copy to your spouse (unless your spouse was served by publication, in which case you need not do anything).
- You must attend the hearing and testify under oath about the issues raised in the Petition for Dissolution of Marriage. You must also prepare a Decree of Dissolution of Marriage and bring it and copy to the hearing. A sample of the testimony to be given is included in this packet and entitled "Your Divorce Hearing."
- Once you attend the hearing and testify the court will determine if you will be granted a divorce and if the Decree of Dissolution of Marriage that you prepared is sufficient. If the judge signs the decree, the divorce will not be final for 30 days, and you may not marry any one anywhere in the world for six month from the signing of the decree.

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____,

Petitioner,

vs.

Respondent.

)
)
)
)
)
)
)
)
)
)

DOC. _____ NO. _____

**PETITION FOR
DISSOLUTION OF MARRIAGE**
(No Children)

I, _____, without assistance of an attorney, ask this Court
(Print your name here)
for a Dissolution of Marriage. In support of my Petition, I state that the following items
are true:

1. I live at _____, in _____,
(Your address) (City of residence) (County of residence)
County, Nebraska.

2. I have been a resident of the State of Nebraska for more than one year
prior to the filing of this Petition with a bona fide intention of making this state my
permanent home.

3. My spouse's address is _____ in _____.
(Spouses address) (City and State where spouse resides)

4. We were lawfully married on _____, in _____.
(date of marriage) (City and State of marriage)

5. Neither my spouse nor I is a party to any other pending actions for
divorce, separation or dissolution of marriage in this state or in any other state.

6. Neither my spouse nor I is a member of the Armed Forces of the United
States or its allies, nor has either of us been ordered for induction into the same.

7. A breakdown in the marital relationship exists to the extent that the
marriage is irretrievably broken; efforts made at reconciliation have wholly failed; further
attempts at reconciliation would be fruitless and no reasonable likelihood remains that
the marriage can be preserved.

8. No child or children were born to or adopted by my spouse and I and none are expected, or all of our children are 19 or older.

9. During the course of the marriage, my spouse and I have accumulated certain items of property, which should be equitably divided between us.

10. My spouse and I have incurred certain debts and obligations during the marriage, and the liability for payment of these debts and obligations should be equitably divided between us.

11. I wish my former name, _____, to be restored to me.
(Print former or maiden name)

WHEREFORE, Petitioner prays that the court:

- A. Order the dissolution of the marriage;
- B. Divide equitably the parties' property and our debts and obligations; and,
- C. Restore my former name to _____.
(Print former or maiden name)

Petitioner

Signature

Address

City

Phone Number

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____	)	DOC. _____ NO. _____
)		
Petitioner,)	
)		
vs.	)	VOLUNTARY APPEARANCE
)		
_____)	
)		
Respondent.)	

COMES NOW Respondent and states:

1. I enter my Voluntary Appearance in the above-entitled action;
2. I acknowledge receipt of a copy of the Petition for Dissolution of Marriage as filed herein by Petitioner;
3. I waive the issuance and service of summons and I submit to the jurisdiction of the court as fully and completely as if such summons had been issued and served upon me;
4. I reserve the statutory right to demur, answer or further plead;
5. I have read this Voluntary Appearance, understands the same and execute it as my voluntary act and deed.
6. I am not a member of the Armed Forces of the United States nor have I been ordered for induction into the same.

Dated this ____ day of _____, 200__.

Signature

Address

City, State

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____	)	DOC. _____ NO. _____
)	
Petitioner,)	
)	
vs.	)	PRAECIPE
)	
_____)	
)	
Respondent.)	

TO THE CLERK OF SAID COURT:

Please issue summons and serve along with a copy of the Petition for Dissolution of Marriage upon:

(Name of Spouse)

(Address where spouse to be served)

(City and State where spouse to be served)

DESIGNATED MODE OF SERVICE:

PERSONAL SERVICE BY SHERIFF

Petitioner

Address

City, State

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____	)	DOC. _____ NO. _____
)	
Petitioner,)	
)	
vs.	)	PRAECIPE
)	
_____)	
)	
Respondent.)	

TO THE CLERK OF SAID COURT:

Please issue summons and serve along with a copy of the Petition for Dissolution of Marriage upon:

(Name of Spouse)

(Address where spouse to be served)

(City and State where spouse to be served)

DESIGNATED MODE OF SERVICE:

RESIDENCE SERVICE

Petitioner

Address

City, State

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____	)	DOC. _____ NO. _____
)	
Petitioner,)	
)	
vs.	)	NOTICE OF HEARING
)	
_____)	
)	
Respondent.)	

You are hereby notified that the Final Hearing for Dissolution of Marriage will be heard before the Honorable _____, Judge of the District Court of _____ County, Courtroom No. ____ on the ____ Floor of the _____
(County where case filed) (County where case filed)
County Courthouse, _____, Nebraska, on the ____
(Address and City where Courthouse located)
day of _____, 200__ at _____ m., or as soon thereafter as the same
(time)
may be heard.

Petitioner,

Signature

Address

City, State

Phone Number

CERTIFICATE OF SERVICE

I hereby certified that on the ____ day of _____ 200__, a true copy of the foregoing Notice of Hearing was sent by first-class mail, postage prepaid, to my spouse at _____
(spouse's address, including City and State)

Signature

YOUR DIVORCE HEARING

Try to arrive at your hearing at least 15 minutes before it is scheduled. Once you arrive at the courtroom for your hearing you should notify court personnel that you are there for your divorce hearing.

The court may ask to review your Decree for Dissolution of Marriage before the hearing, so have that document prepared, along with one copy.

When the court calls your case, you will be asked if you are ready to proceed. You must tell the court that you are ready and would like to testify.

You will be asked to take the stand, and you will be administered an oath to tell the truth, and asked to proceed with your case.

You must testify to the following and you can prepare notes in advance and take them to the witness stand with you.:

1. My name is _____, and I reside at _____,
(Your current address)
in _____, and I am the Petitioner in this case.
(City and State where currently living)
2. I lived in Nebraska for at least one year prior to the filing of the
Petition.
3. I lived in _____ County, Nebraska at the time I filed my Petition.
4. I married my spouse on _____, in _____,
(Date of marriage) (City where marriage took place)

(State where marriage took place)
5. My marriage is completely broken, and cannot be repaired.

Describe why you feel the marriage is broken. Here are some examples:

- He was abusing alcohol and drugs, and wouldn't get help.
- She was seeing someone else, and not coming home.
- He was physically abusive, and he wouldn't stop.
- She has been gone for years, and I don't know where she is.

6. I attempted to fix the marriage.

Describe what efforts you made to repair the marriage. Here are some examples:

- I asked him to go to counseling, but he refused.

- I asked her to come home to work things out, but she refused.
- I tried talking to him, but he wouldn't talk to me, there was a breakdown in communications.
- We separated and got back together several times, but the same problems were there.

7. *Nothing worked and now I feel that the marriage is completely broken and that any further efforts to save the marriage would not work.*
8. *I wish this court to grant me a dissolution of my marriage.*
9. *My spouse and I have no children, and none are expected.*
10. *I am asking the court to award me all of the property that is in my possession, and that it award my spouse all of the property in my spouse's possession.*
11. *I am asking the court to order that the debts incurred by my spouse be paid by my spouse, and that I will pay the debts that I incurred.*
12. *My spouse is not a member of the Armed Forces.*
13. *There are no other actions pending for divorce or separation here or in any other court.*
14. (if applicable) *I wish my former name of _____ be restored to me.*
(Name you wish restored)
15. *I am not requesting alimony, and I understand that by not asking for alimony now, I can never receive alimony from my spouse in the future.*
16. *I understand that if this court grants me a decree of dissolution of marriage, that the decree is not final for 30 days, and that I cannot marry anywhere in the world for six months, unless my spouse dies.*
17. *I have nothing further your Honor.*

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____	)	DOC. _____ NO. _____
)	
Petitioner,)	
	)	DECREE OF DISSOLUTION
vs.	)	OF MARRIAGE
)	
_____)	
)	
Respondent.)	

This matter came on for hearing this _____ day of _____, 200____,
upon the Petition for Dissolution of Marriage filed by Petitioner, _____.
Petitioner appeared in person, without counsel. Respondent appeared / did not appear,
and did / did not answered. Petitioner adduced evidence, and the court, having fully
reviewed the evidence, finds as follows:

I.

This court has full and complete jurisdiction of the parties hereto and the subject
matter hereof.

II.

At the time of the filing of the petition herein, Petitioner was a resident of
_____ County, Nebraska, and has resided in the State of Nebraska for
(county where you reside)
more than one year prior to the filing of the petition with a bona fide intention of making
this state his / her permanent home.

III.

Petitioner and Respondent were united in marriage on _____,
(date of your marriage)
in _____ and no children were born of this marriage that are
(City and State where marriage took place)

affected by this proceeding.

IV.

Neither Petitioner nor Respondent is a party to any other pending action for divorce, separation or dissolution of marriage either in this state or elsewhere.

V.

Neither Petitioner nor Respondent is a member of the Armed Forces of the United States or its allies.

VI.

More than sixty (60) days have passed since Respondent filed a Voluntary Appearance / received service of summons / received service by publication.

VII.

During the course of the marital union the parties encountered marital difficulties. Efforts have been made to work those difficulties out; however, those efforts have proven unsuccessful, and the marriage between the Petitioner and Respondent is irretrievably broken and should be dissolved.

VIII.

The debts and property of the parties should be equitably divided.

IX.

Petitioner's former name of _____ should be restored to her.
(Print former or maiden name here)

X.

Petitioner waives the right to alimony.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

A. The marriage between _____ Petitioner, and
(your name)
_____, Respondent, is hereby dissolved. Except for
(your spouses name)
purposes of review on appeal, remarriage and continuation of health insurance
coverage, this Decree shall become final and operative thirty (30) days after this Decree
is rendered or on the date of death of one of the parties, whichever occurs first. For
purposes of remarriage, neither Petitioner nor Respondent may remarry anyone at any
place for six months after this Decree is rendered, each of them being under a disability
to do so.

B. Each party shall keep the property in each party's possession and shall be
responsible for the debts each has incurred.

C. Petitioner's former name of _____ is restored to her.
(Print former or maiden name here)

D. Each party shall be responsible for his or her court costs.

E. Neither party is awarded alimony.

F. The complete record is waived.

Dated this _____ day of _____, 200__.

BY THE COURT:

District Court Judge

SUBSTITUTE SERVICE

In a Divorce proceeding, it is necessary to have your spouse served with a summons and a copy of the Petition for Dissolution of Marriage. In the event that the sheriff cannot personally serve your spouse, the law allows you to serve your spouse by substitute service using one of two alternate methods. This can be done two different ways, both of which require permission of the court. You can serve your spouse by having the sheriff leave the summons at the last known residence of your spouse along with sending a copy by first class mail, or by publishing a notice of the divorce in a newspaper of general circulation, commonly called service by publication.

Before requesting that the court allow alternative service on your spouse, you must make every reasonable effort to determine where your spouse is residing or working, and that any previous effort to have your spouse served at his or her home or job as has failed. If these things are true, then you must be the matter of alternative service to the attention of the court, as described in the next paragraph.

To bring the issue of alternative service before the court you must file a motion and affidavit for alternative service. The affidavit attached to the motion must be signed before a **notary public**. You must take the motion, along with two copies of the prepared order and ask to see the judge, or leave the paperwork with the judge's bailiff (See attached motion for Alternative Service and the Order for Alternative Service). If you leave the motion and order with the bailiff, you must return and pick up your copy of the order from the bailiff.

RESIDENCE SERVICE: If the judge has signed the order granting residence service, you must prepare a praecipe (see attached Praecipe) and attach to the praecipe two copies of your Petition for Dissolution of Marriage, and file this with the clerk of the court. The clerk will prepare a summons and attach one to each of the two copies of the Petition for Dissolution of Marriage.

THE FIRST COPY: If your spouse's last known residence is in the same county as where the case is filed, the sheriff will pick up one copy of the summons and Petition for Dissolution of Marriage, and will serve your spouse by leaving it at the last known residence. You must determine the sheriff's charges prior to filing your praecipe with the clerk and attach a check or money order to the praecipe, unless you are proceeding in forma pauperis. Once the service has been completed, the sheriff will file with the clerk's office proof that service was completed, which is known as the sheriff's "return."

If your spouse does not reside in the same county, you must pick up both copies of the summons and Petition for Dissolution of Marriage from the clerk's office, and mail one to the sheriff in the county where your spouse resides, along with a check or money order for the sheriff's charges. Once your spouse is served, the sheriff will return the paperwork to you that indicates that service was completed. **As soon as you receive this paperwork back from the sheriff You must take it to the clerk of the court and**

ask that it be filed. Your failure file the sheriff's return will prevent you from getting your divorce.

THE SECOND COPY: You must send the second copy to your spouse at the last known address by first-class mail. After you have mailed it, you must file proof of mailing with the clerk (See form Proof of Mailing), and must send your spouse a copy of the Proof of Mailing.

When this type of service is used, your spouse is not considered served until the sheriff has left the summons at your spouse's last known address and you have sent the second copy to your spouse as outlined above and the Proof of Mailing has been filed with the clerk. When all of these steps are completed, the 60-day waiting period before you can actually go to court and get your divorce begins.

SERVICE BY PUBLICATION: If you have no idea where your spouse is located and you know that the last known residence is not where your spouse lives, the court will most likely order alternative service by publication. If you have been given an order for service by publication, a Notice of the Divorce Proceedings (see attached) must be published once a week for four consecutive weeks in a newspaper printed in the county where the divorce is filed. You must contact the newspaper to determine the cost for publication and provide that amount, along with the notice. Your 60-day waiting period does not begin to run until the last date of publication.

If you are a low-income person, and cannot afford the costs of service by the sheriff or of the cost of publication, you may file a request with the court that you be allowed to proceed without the payment of costs, also known as *In Forma Pauperis* (see enclosed packet on Proceeding Without Payment of Costs). If you are granted the right to proceed without costs, the county is required to pay for your costs, including publication. If you have obtained an order from the court allowing you to proceed without the payment of costs you should talk to the clerk about obtaining payment for these costs.

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____	)	DOC. _____ NO. _____
Petitioner,)	
vs.)	
_____	)	MOTION FOR SUBSTITUTE SERVICE
Respondent.)	

COMES NOW Petitioner _____ and moves this court
(Your name)
for an order allowing substitute service on the Respondent for the reason that service
cannot be made with reasonable diligence by personal service. Petitioner submits the
attached Affidavit in support of this Motion and incorporates it herein as if fully set forth.

WHEREFORE, Petitioner moves this court for an order for alternative service
and further relief as the court may deem suitable and just.

Petitioner,

(Your Signature)

(Your Address)

(City and State)

(Your Phone Number)

_____,
Petitioner,
vs.
_____,
Respondent.

) DOC. _____ NO. _____
)
)
)
) **AFFIDAVIT IN SUPPORT OF**
) **MOTION FOR SUBSTITUTE SERVICE**
)
)
)
)

I, _____, being duly sworn under oath, deposes and
(Your Name)
says:

1. I am the Petitioner in a Petition for Dissolution of Marriage that has been filed in this court.
2. I am unable to serve my spouse with a summons and Petition for Dissolution of Marriage because my spouse cannot be located at his or her last known residence for receiving a summons in this case.
3. I believe that my spouse is avoiding service in this case, and that my spouse's last known address of _____ in _____
(Your spouse's address) (Spouse's city and state)
is not a good address for service.
3. I have no idea where my spouse can be located. I have tried to contact my spouse's family and or friends, but have been unable to locate my spouse.
4. I know of no other way to locate my spouse, but wish to proceed on my

Petition for Dissolution of Marriage.

(Your signature)

(Your printed name)

(Your address)

(City and State)

Subscribed and sworn to before me this _____ day of _____, 200__.

Notary Public

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____,

Petitioner,

vs.

Respondent.

) DOC. _____ NO. _____
)
)
)
)

) **ORDER FOR SUBSTITUTE SERVICE**
)
)
)
)

This matter having come before the court on Petitioner's Motion for Substitute Service, the court finds that Petitioner is entitled to the relief sought by Petitioner's motion.

IT IS THEREFORE ORDERED that the notice of the pendency of this action shall be given by:

Leaving the summons along with a copy of the Petition for Dissolution of Marriage at Respondent's last known address and by mailing a copy of the same to Respondent's last known address by first-class mail

Publishing notice in a newspaper of general circulation in this county for the time period required by statute.

Date: _____

District Court Judge

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____,)
)
 Petitioner,)
)
 vs.)
)
 _____,)
)
 Respondent.)

DOC. ____ NO. ____

PROOF OF MAILING

I, _____, Petitioner in the above-entitled cause of action
(Your name)
state that I have mailed a copy of the summons and the Petition for Dissolution of
Marriage to my spouse _____, at the following address
(Your spouse's name)
_____ in _____ on the
(Your spouse's address) (Your spouse's City and State)
_____ day of _____, 200____, postage prepaid by United States Mail.

Petitioner,

(Your Signature)

(Your Address)

(City and State)

(Your Phone Number)

CERTIFICATE OF SERVICE

I, Petitioner in the above cause of action, certify that I sent a true copy of the foregoing Proof of Mailing to my spouse at the address listed above on the ____ day of _____, 200__.

(Your Signatur)

NOTICE OF DIVORCE PROCEEDINGS

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

TO: _____, whose whereabouts are unknown upon whom personal
(Your spouse's name)
service of summons cannot be had, and who is the Respondent in said proceedings:

You are notified that on the _____, 200__, Petitioner
(Date you filed your petition)

_____ filed a Petition against you in the District Court of _____
(Your Name) (County where case filed)

County, Nebraska at Docket _____ Page _____, the object of which is to obtain a
(divorce case file number given by clerk)

dissolution of marriage on the grounds that the marriage is irretrievably broken and for an
equitable division of the property, among other things.

You are required to answer said Petition on or before _____,
(to be filled in by publisher)
200__, or said Petition against you will be taken as true.

(Your printed name)

(Your address)

(City and State)

PROCEEDING WITHOUT PAYMENT OF FEES

This packet contains the following two forms:

**AFFIDAVIT AND APPLICATION TO PROCEED IN FORMA PAUPERIS
IN FORMA PAUPERIS ORDER**

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____	)	DOC. _____ NO. _____
)	
Petitioner,)	
)	
vs.	)	AFFIDAVIT AND APPLICATION TO
	)	PROCEED IN FORMA PAUPERIS
_____	)	(Request to Proceed w/o Payment of Fees)
)	
Respondent.)	

STATE OF NEBRASKA)
) ss:
COUNTY OF _____)

The undersigned, being first duly sworn on oath, deposes and says that:

2. I am the Petitioner in an action for Dissolution of Marriage, and I am of lawful age.
3. I bring this action in good faith; and I am entitled to redress;
5. I am unable to pay the costs of litigation, including the cost of publication, and am unable to provide security;
6. I have a net income of only \$ _____ per month, derived from _____, and I support a household of ____ people.
(i.e. employment, public benefits, Social Security, etc.)
7. My living expenses wholly absorb my income; and I have no assets that can be liquidated.

WHEREFORE, pursuant to Neb. Rev. Stat. § 25-2301 to 25-2310 (Reissue 1995), I requests that the Court authorize me to proceed *in forma pauperis* and direct _____ County, Nebraska, to pay my costs, including such fees and other
(Name of county where filing)
expenses which are taxed as costs in this action and to waive provision of security.

Signature

20____. SUBSCRIBED AND SWORN TO before me this ____ day of _____,

Notary Public

IN THE DISTRICT COURT OF _____ COUNTY, NEBRASKA

_____,

Petitioner,

vs.

_____,

Respondent.

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DOC. _____ NO. _____

IN FORMA PAUPERIS ORDER

THIS MATTER came before the Court upon Petitioner's Affidavit and Application for an Order permitting Petitioner to commence the above-captioned action without prepayment of fees, costs and expenses, or provision of security, and for an Order directing _____ County, Nebraska, to pay Petitioner's costs, fees and other expenses related to this action.
(Name of county where case filed)

The Court, being fully advised in the premises, finds and orders as follows:

1. Petitioner brings this action for dissolution of marriage in good faith.
2. Petitioner cannot commence the above-captioned action if required to prepay fees, costs and expenses, or provide security.
3. Petitioner is without adequate income or resources to pay such costs, fees and expenses, or to provide security.
4. Pursuant to Neb. Rev. Stat. § 25-2301 to 25-2310 (Reissue 1995 and R.S. Supp., 2000), such costs, fees and expenses may be paid by the County in which the action is filed.
5. The Clerk of the District Court of _____ County, Nebraska,
(Name of county where case filed)
shall permit Petitioner's action without prepayment of fees, costs and expenses, or

provision of security.

6. The responsible officer of the Court shall issue and serve all writs, process and proceedings without cost to Petitioner.

7. _____ County, Nebraska, shall initially pay costs, including
(Name of county where case filed)
the cost of service, including if done by publication, and such other expenses taxed as costs in this action.

DATED this _____ day of _____, 200__.

BY THE COURT:

District Court Judge