

**ESCAMBIA COUNTY ALABAMA**  
**DIVORCE FILING PROCEDURES**  
**Domestic Relations department**

These simplified procedural instructions are a courtesy of this county’s Circuit Clerk. Domestic Relations is a division of the Circuit Court in which divorces are filed. By law, the Circuit Clerk’s Office is not permitted to give any legal advice, so it is recommended that you consult an attorney before filing court documents. If you decide to file a divorce on your own (Pro-se), we will not refuse your filing, but we cannot advise you on how to complete your documents. It is important to understand the implications of self-representation. By doing so you are acting as your own lawyer and **You are accepting full responsibility** in seeing that your Divorce documents are successfully presented at each stage of the procedure until it is concluded.

**Instructions for Filing an Uncontested or Contested Divorce**

The following is a general list of documents required for a Pro-se Divorce. The state supplies some of the documents. Where a form number is indicated the state offers a form which may accommodate your Divorce. These may be found at the State website <https://eforms.alacourt.gov> . The state does not offer “fill-in-the-blank” forms for all of the documents required, and as Pro-se it is your responsibility to find the forms. For any legal assistance you may go to websites established by the Alabama State Bar Association, such as [www.AlabamaLegalHelp.org](http://www.AlabamaLegalHelp.org) , or [www.AlabamaATJ.org](http://www.AlabamaATJ.org) .

Uncontested (a/k/a Answer/Waiver) means both parties have signed, and are in full agreement, whereas Contested means one party has not signed and legal service is required.

All forms regarding Child Support \* are mandatory whether there are children involved or not.

**Uncontested : (Answer/Waiver)**

- Complaint (Form PS-08)
- Answer & Waiver
- Agreement
- Testimony of Plaintiff (Form PS-09)
- Separation Agreement
- Divorce Decree (Proposed Order)
- Child Support Information Sheet \*(Form CS-47)
- Certificate of Divorce (<https://eforms.alacourt.gov>)

**Contested :**

- Complaint (Form PS-08)
- Summons
- Agreement
- Testimony of Plaintiff (Form PS-09)
- Separation Agreement
- Divorce Decree (Proposed Order)
- Child Support Information Sheet \*(Form CS-47)
- Certificate of Divorce (<https://eforms.alacourt.gov>)

The base **filing fee is \$ 222.00** which is due upon filing of any divorce case, however additional fees may be incurred if service is required. (see next page for Fee Chart)

**ESCAMBIA COUNTY ALABAMA**  
**DIVORCE FILING PROCEDURES,** (continued)  
**Domestic Relations department**

## Fee Chart

Fee Description	Fee Amount
Domestic Relations Docket Fee	\$222.00*
*Service Fee (via Personal Service -or- via Certified Mail)	\$30.00 -or- \$CM cost
Motion for judgment, default judgment ( <i>PS-10</i> ) or summary judgment	\$50.00
Income Withholding Order/Notice for Support ( <i>CS-01</i> )	\$28.00*

\* plus service fees if/when required. When the defendant's address provided is a post office box, or is out of state, the documents must be served by certified mail. *Certified Mail costs change frequently, please call for quote.*

**The Docketing fee must be paid at the time of the filing by  
Money Order, Cashier's Check, or Cash.**

**\*\* *personal checks and/or Credit Cards are not accepted.* \*\***

**For Parties Who Have Minor Children, the Following Is Also Required:**

Child Support Obligation Income Statement/Affidavit (*Form CS-41*) from BOTH parties  
Child Support Guideline Form (*Form CS-42*)  
Child Support Guideline Notice of Compliance (*Form CS-43*)

**If Child Support is requested and Ordered:**

The following forms must be completed and filed for an Income Withholding Order (IWO) to be executed. When an order of Child Support is entered, the IWO is to be served immediately, unless the parties have reached an alternate agreement and the judge approves of the agreement.

Income Withholding Order/Notice For Support (*Form CS-01*)  
Notice To Defendant Withholding For Support (*Form CS-33*)  
Answer to Order of Withholding (*Form CS-35*)

Upon the filing of your documents with the appropriate filing fee, the Clerk will assign your Divorce a case number, supply you with a file-stamped copy, and a receipt.

IF YOU ARE UNCERTAIN AS TO HOW TO FILE THE APPROPRIATE FORMS BEYOND THESE INSTRUCTIONS, YOU SHOULD CONSULT A LAWYER FOR ADVICE. THE CLERK AND OTHER COURT PERSONNEL ARE PROHIBITED BY LAW TO GIVE YOU LEGAL ADVICE. (per Section 34-3-6 of The Code of Alabama 1975)

effective 01/2023

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_, ALABAMA  
(Circuit or District) (Name of County)

\_\_\_\_\_  
Plaintiff v. \_\_\_\_\_  
Defendant

Information Concerning the Parties:

Plaintiff  Mother,  Father,  Other \_\_\_\_\_) or  
Other party (Specify) (\_\_\_\_\_)

Defendant ( Mother,  Father,  Other \_\_\_\_\_) or  
Other party (Specify) (\_\_\_\_\_)

Address (including city, state, and zip code):  
\_\_\_\_\_  
\_\_\_\_\_

Address (including city, state, and zip code):  
\_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Cell Phone #: \_\_\_\_\_

Cell Phone #: \_\_\_\_\_

Cell Phone Service Provider: \_\_\_\_\_

Cell Phone Service Provider: \_\_\_\_\_

Last four numbers of Social Security No.: Date of Birth:  
\*\*\*\_\*\*\_ \_\_\_\_\_

Last four numbers of Social Security No.: Date of Birth:  
\*\*\*\_\*\*\_ \_\_\_\_\_

Sex: \_\_\_\_\_

Sex: \_\_\_\_\_

Place of Employment (if applicable) and Address of  
Employer (including city, state, and zip code):  
\_\_\_\_\_  
\_\_\_\_\_

Place of Employment (if applicable) and Address of  
Employer (including city, state, and zip code):  
\_\_\_\_\_  
\_\_\_\_\_

Work Telephone No: \_\_\_\_\_

Work Telephone No: \_\_\_\_\_

Are there minor children under the age of 19 who are subject to this action?  Yes  No

**If you marked yes, you must complete the following information.**

Name(s)	Address(es)	Sex(es)	Date(s) of Birth	Last four numbers of Social Security Number(s)
_____	_____	_____	_____	***_**_
_____	_____	_____	_____	***_**_
_____	_____	_____	_____	***_**_
_____	_____	_____	_____	***_**_

THE CHILD SUPPORT REFORM ACT OF 1997, CODIFIED AT § 30-3-190 ET SEQ., ALA.CODE 1975, REQUIRES THAT THE DEPARTMENT OF HUMAN RESOURCES MAINTAIN THE ABOVE INFORMATION IN THE RECORD FOR ALL PARTIES IN DOMESTIC RELATIONS, SUPPORT, OR PATERNITY ACTIONS. THIS INCLUDES GRANDPARENTS OR OTHERS WHO MAY EITHER INITIATE AN ACTION OR INTERVENE IN AN EXISTING ACTION.

Completed By \_\_\_\_\_ Date Completed: \_\_\_\_\_

(Print Name)

Daytime Phone No.: \_\_\_\_\_

# ALABAMA CERTIFICATE OF DIVORCE

TYPE IN PERMANENT  
DARK INK

State File Number **101**

Petitioner's Representative must file this form with the Circuit Court at the time the petition is filed.						1. COUNTY OF DECREE
SPOUSE 1	2. SPOUSE 1 NAME First Middle Last (Print last name all capitals) Suffix (Sr, Jr, etc.)		3. LAST NAME PRIOR TO FIRST MARRIAGE			
	4. DATE OF BIRTH (Month, Day, Year)		5. SEX (Male or Female)		6. RACE (Specify American Indian, Black, White, etc.)	
	7. USUAL RESIDENCE - STATE		8. COUNTY		9. CITY - TOWN OR LOCATION	
	10. ADDRESS - Street and Number or RFD Number		Zip Code	Inside City Limits Yes <input type="checkbox"/> No <input type="checkbox"/>	11. NUMBER OF THIS MARRIAGE (First, Second, etc.)	
SPOUSE 2	12. SPOUSE 2 NAME First Middle Last (Print last name all capitals) Suffix (Sr, Jr, etc.)		13. LAST NAME PRIOR TO FIRST MARRIAGE			
	14. DATE OF BIRTH (Month, Day, Year)		15. SEX (Male or Female)		16. RACE (Specify American Indian, Black, White, etc.)	
	17. USUAL RESIDENCE - STATE		18. COUNTY		19. CITY - TOWN OR LOCATION	
	20. ADDRESS - Street and Number or RFD Number		Zip Code	Inside City Limits Yes <input type="checkbox"/> No <input type="checkbox"/>	21. NUMBER OF THIS MARRIAGE (First, Second, etc.)	
MARRIAGE	22. Give the total number of children for whom custody was determined and indicate the number awarded to each party. Enter a "0" for the total if the custody of the children under 18 was subject to this action.				23. NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF THE DATE IN ITEM 24 (Enter "0" if no children)	
	___ Spouse 1 ___ Joint ___ Spouse 2 ___ Other ___ Total Children/Custody was Determined				24. DATE COUPLE SEPARATED (Month, Day, Year)	
	25. PLACE OF THIS MARRIAGE (City, County, State)		26. DATE OF THIS MARRIAGE (Month, Day, Year)		27. PETITIONER <input type="checkbox"/> Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> Both <input type="checkbox"/> Other, Specify _____	
28. PETITIONER'S ATTORNEY OR REPRESENTATIVE (Type)			29. ADDRESS (Street and Number or RFD Number, City, State, Zip Code)			
DECREE	30. TYPE OF DECREE (Specify Divorce, Annulment, etc.)		31. DATE OF FINAL DECREE (Month, Day, Year)		32. DECREE AWARDED TO <input type="checkbox"/> Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> Both	
					33. TITLE OF COURT <b>CIRCUIT</b>	
OFFICIAL	35. SIGNATURE OF OFFICIAL		38. TITLE OF OFFICIAL		37. TRIAL DOCKET NUMBER	

CIRCUIT CLERK MUST MAIL THIS REPORT BY THE FIFTH (5TH) OF EACH MONTH TO: CENTER FOR HEALTH STATISTICS, P.O. BOX 5618, MONTGOMERY, AL 36103 - 5618

ADPH- HS-88 / Rev. 04-08-20

### INFORMATION BELOW WILL NOT APPEAR ON CERTIFIED COPIES

36. SPOUSE 1 SOCIAL SECURITY NUMBER	39. EDUCATION (Specify ONLY highest grade completed)	
_____	Elementary or High School (0 - 12)	College (1 - 4 or 8+)

40. SPOUSE 2 SOCIAL SECURITY NUMBER	41. EDUCATION (Specify ONLY highest grade completed)	
_____	Elementary or High School (0 - 12)	College (1 - 4 or 8+)



TO FIND LEGAL FORMS TO FILE WITHIN  
THE STATE OF ALABAMA PLEASE VISIT,

<http://eforms.alacourt.gov/>

THESE FORMS MAY BE COMPLETED ON  
SCREEN AND PRINTED AS YOU NEED THEM.

# AlabamaLegalHelp.org

**You may qualify for free legal help**

**Call Legal Services Alabama**

**Toll Free 1-866-456-4995**



Legal Services Alabama is an independent, non-profit organization that provides qualifying low-income families with legal aid and assistance in civil matters. LSA is a statewide program serving all 67 counties in Alabama.

LSA was founded in 2004 with the merger of the **Legal Services Corporation of Alabama, Legal Services of North-Central Alabama and Legal Services of Metro Birmingham.**

LSA provides a full range of services, including:

Counsel and advice

Mediation

Administrative representation

Representation in court

Appeals in appropriate cases

Legal self-help materials and forms

It is our goal to help people, families as well as individuals, move toward self-sufficiency through assisting them with their legal needs.

## **More Information**

For further information about AlabamaLegalHelp.org, please contact [info@alsp.org](mailto:info@alsp.org)

## **PLEASE NOTE:**

**Due to limited resources, we CANNOT answer Email requests for individual legal advice.** For legal assistance, please contact one of the offices listed on the site or call the Alabama State Bar Lawyer Referral Service Toll-Free at 1-800-392-5660.