

# Request for Waiver of 90-Day Waiting Period

## Instructions for Packet 1F

These instructions explain how to ask the court to waive the 90-day waiting period between service (delivery of petition to respondent) and final hearing or judgment in a divorce case. Either spouse may use this packet.

### REQUIRED CIRCUMSTANCES

You should not apply for a waiver of the 90-day waiting period unless your situation meets one of the following criteria:

- There is an emergency or situation of necessity. If these conditions exist, complete the forms described below. *You must provide facts that satisfy the court that immediate action is warranted to protect your or another person's rights or interests in your proceeding.*
- You and your spouse have signed a stipulated judgment agreeing on all terms of your dissolution (divorce). The stipulated judgment should be filed with the Motion and Affidavit described below. State in the Affidavit that you and your spouse have signed a stipulated judgment. No other grounds of emergency or necessity need be stated.

### STEP 1

- Fill out the Motion for Waiver of 90-Day Waiting Period (MOTION), Affidavit in Support of Motion for Waiver of 90-Day Waiting Period (AFFIDAVIT) and the Order Regarding Request for Waiver of 90-day Waiting Period (ORDER).
- Make two copies of the MOTION, AFFIDAVIT, AND ORDER. One is for your records, and the other is to send to your spouse (unless your spouse has defaulted). Sign the copies for your spouse where it says "I certify this is a true copy."

### STEP 2

- Send the copies of the MOTION, AFFIDAVIT, and ORDER to your spouse by mail (unless your spouse has defaulted). Fill out the Certificate of Mailing form.
- File the original MOTION, AFFIDAVIT, ORDER and Certificate of Mailing with the court along with the final documents for your case.

### STEP 3

- If the request was granted, the judge will sign the judgment before the expiration of the 90-day waiting period. If the request was denied, the clerk will return the final papers, and you must wait until 90 days has passed from the date of service before resubmitting them.