

FAQS

DO I NEED AN ATTORNEY?

It is generally a good idea to have an attorney to ensure that you are protected during the divorce. If children are involved, an attorney is really the only way to make sure that all parties involved are protected and provided for throughout the process. If you do not have a child and/or have few assets, you may still want to hire an attorney to protect your interests and to ensure that no irreversible problems are created.

WILL I HAVE TO GO TO COURT?

In most cases, you will go to court for at least one hearing. Depending on the county, you may need to attend at least one court hearing. Some counties require status conferences to keep the judge updated on the progress of your case.

WHAT IS THE DIFFERENCE BETWEEN CONTESTED AND UNCONTESTED DIVORCE?

An uncontested divorce is one in which there is no opposition to the terms of the settlement or to the petition set forth and both parties are in full agreement. This allows both parties to move on with their lives as soon as possible. A contested divorce usually takes much longer due to disagreements which result in mediation and litigation proceedings. Issues that can cause contested divorce beyond spousal disagreement are high financial stakes, child custody arrangements and support, or other complex issues. This can be very lengthy and is hard on both parties as well as the children.

AM I ENTITLED TO ALIMONY?

This is determined by the specific nature of your marriage. Courts tend to steer clear of alimony that allows one party to never work again, except in special circumstances. Alimony is based on the payee's need, the payer's ability to pay, and the income of both parties, their lifestyles, length of the marriage, and their contribution to the marriage.

HOW LONG WILL IT TAKE FOR MY DIVORCE TO BE FINALIZED?

The length of time is highly determined by the parties involved. They must come to an agreement regarding property division, alimony, child support, custody, and visitation. For an uncontested divorce, it can take between two and three months from the date both parties submit their paperwork. However, the length of time for contested divorces varies greatly and depends on the complexity of the issues and on the willingness of both parties to reach an agreement.

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MY SPOUSE OWNS A BUSINESS. HOW DO I DETERMINE HIS OR HER INCOME?

There are a lot of factors that come into play, but there are several ways to determine your spouse's income. Factors such as the type of business, how much cash is handled, the legal form of the business, and the amount of money used for personal expenses are all considered. We'll often use forensic accountants to determine income when making decisions regarding division of assets, business interests, alimony, and child support.

HOW IS CHILD CUSTODY DETERMINED?

There are a lot of factors considered when determining who gets custody of the child(ren) but it all comes down to what is the best interest of the child. A few of the many factors considered are the love and bond between the child and parent, between the child and other siblings they live with, the ability of the parent to provide for the child's needs, and the knowledge of the parent about the child's needs. In highly contested cases, a Guardian ad Litem may be an option in helping to determine the best interest of the child(ren).

HOW IS CHILD SUPPORT DETERMINED?

This is determined by a standardized Child Support Worksheet that will be prepared by your attorney during your case. It considers both parents income, health insurance premiums, day care expenses, school expenses, extra-curricular activities and any other costs spent for the benefit of the child(ren). Then a decision is made based on the payee's income by the judge.

CAN MY EX-SPOUSE PREVENT ME FROM SEEING THE CHILDREN?

No, not unless the courts have declared as such. Courts begin with the assumption that frequent contact with both parents is good for the child. In circumstances of neglect or abuse, courts may allow limited contact before ordering all contact be cut off.

WHAT IS MEDIATION?

You, your spouse, and your lawyers agree upon a neutral third party certified mediator to act as a facilitator in an effort to discuss and resolve issues in your divorce without going to court. Our attorneys put great care in choosing the most experienced mediators to act in this capacity.

