

Contested Divorce Roadmap

(Your experience will differ, as all divorce cases are unique)

- 1 - **Initial Consultation** ~ This is where you and Mr. Casey met and discussed your case in general terms. Mr. Casey explained the Divorce process to you and his process in preparing your case for filing. You also discussed fees and costs and payment arraignments.
- 2 - **Information & Fees** ~ This is where you share additional information, as needed, with our office so that we can prepare necessary documents for your divorce. Also, you will need to have paid the required fees so that Mr.
- 3 - **Document Preparation** ~ Once Mr. Casey has all the information and fees, he will prepare the various documents needed for your divorce.
- 4 - **Drafts & Review** ~ Once the documents are prepared, we will forward those documents to you for your review. Please review these documents carefully and let us know of any changes, additions or corrections. We will revise the drafts and resend them to you. We will repeat this process until the documents are satisfactory to you under the law.
- 5 - **Filing** ~ Once we have received all the properly executed (signed) documents and we have received all the necessary fees we will file your Divorce and get the Temporary Hearing Date, if it has not already been
- 6 - **Rule Nisi (or Temporary Hearing)** ~ This is where the Judge will decide certain important issues on a temporary basis. These issues are usually who get custody, visitation, child support, who stays in the home, who get which vehicle, and who pays for what.
- 7 - **Answer** ~ After your spouse is served with the Petition for Divorce, they are supposed to file an Answer. Yet, under domestic law, they do not need to file an Answer. The Answer helps with regard to strategy and technical, but the case may continue without an Answer being filed.
- 8 - **Discovery** ~ This is the formal process whereby both sides investigate each other. This will help each side discover the financial information, health, loyalty and so forth of each side so that we may resolve this matter by settlement or a trial.
 - a - This Discovery period will begin as soon as the case is filed and is given six months after the Answer is filed to get completed. Certain types of discovery can be done after the six months.

- b - Discovery usually consists of written questions that must be answered, (Interrogatories), copies of documents ("Request for Production"), and testimony taken out of court ("Depositions"). This discovery can be made upon the parties and upon others (i.e. employers).
- 10 - **Motions & Additional Hearings** ~ It is not uncommon that a number of motions (where a party seek to have an issue(s), not the whole case, decided in advance) and the requirement of attending additional hearings are had. Many times these items are worthless and a waste of time, other times they have substantial merit. These may or may not develop in your case.
- 11 - **Minor Children** ~ If there are minor children (under 18) involved with your Divorce then there is more documents, involvement and expense.
- A - **Guardian ad Litem (GAL)** ~ If custody is an issue, a GAL will be appointed. This is an independent lawyer that looks towards the "Best Interest of the Children", it is not what they want. This will be more money that you must pay for the GAL's fee. The GAL will conduct an investigation and make a recommendation to the judge as to custody and visitation.
 - B - **Additional Documents** ~ There are several other documents that MUST be completed, they are as follows:
 - i - **Child Support Worksheet** ~ This is a document that designates the amount of Child Support that is to be paid. These amounts are calculated by the parties incomes and amounts dictated by the State.
 - ii - **Parenting Plan** ~ This is essentially what Visitation will be regarding the children. There is a Standard Visitation (every other weekend, alternating holidays and a few weeks during the summer, and any other time the parties can work out) that is the base, and it can vary from that depending on your particular circumstances.
- 12 - **Disposition** ~ At some point in time there will be a disposition of your case. That disposition will take one of three forms. A - You two get back together; B - a settlement agreement is reached; or C - a Trial is had.
- A - **You Get Back Together** ~ This does occasionally happen and this would end the case.

- B - **A Settlement is Reached** ~ This is where ALL the issues of your divorce are settled and it is reduced to a writing, called a "Settlement

Agreement". A Settlement Agreement allows both sides to control the outcome of the case. Usually nobody wins big, but nobody loses big either. If a Settlement Agreement is reached, then there will be no trial.

C - **Trial** ~ This is where we are unable to agree and the Judge (or jury) decides everything. The parties only have control on what evidence they present, the decision of who gets what is solely with the Judge/jury. This trial can be over everything or, if some agreements have previously been made, on only some of the issues.

13 - **Post Final** ~ Once the Final has been taken, either by Settlement or Trial, it then needs to be enforced. Documents need to be signed, titles transferred and so forth. In addition, monies need to be paid. Just because there is a Settlement or the Judge has Ordered it does not mean your spouse will comply. Your spouse may legitimately not be able to comply or just may be obstinate. If your spouse does not comply, you will need to make a decision, those options include:

A - **Do Nothing** ~ Just let it all go and be done with the problem. There is value to this option in that you do not have to face your spouse and the continuing arguments.

B - **Out of Court Resolution** ~ Attempt to resolve the issues with each other in some manner that you do not have to get lawyers and the Courts involved.

C - **Contempt Action** ~ This is where you bring a formal action into the Court due to the non-compliance of your former spouse. This is a new action and is not part of the Divorce. As such, simplistically, the process starts all over and all new fees are required.

i - Over the many years it has been noticed that the Divorces that end in Settlement Agreements have the best likelihood of compliance by the parties. This is due to each party having control over the outcome. Because of this, expense and control over the outcome, most lawyers encourage Settlement Agreements rather than trials.