



## **I AM GETTING A DIVORCE**

**Unfortunately, marriages do not always work out the way that spouses intend. There are various factors that may initiate the demise of a relationship. Remaining in an adverse marriage may have detrimental effects on both partners.**

In order to address this, a legal procedure has been developed in order to release individuals from a marriage. Divorce is the process by which a marriage is dissolved. Once a couple is divorced, they no longer maintain any responsibility for their spouse. Their assets will be divided, and each partner will be permitted to begin a new life, separate from his/her previous spouse. This means that an individual will be able to remarry after a divorce is completed. However, divorce may be physically and emotionally draining for all parties that are involved, and it may result in psychological damage to both spouses, as well as to any children that are affected by the situation.

### **Causes of Divorce**

When a couple enters into marriage, they generally expect to lead a happy life together. However, unforeseen circumstances often lead to turmoil within the relationship, and this may cause one or both partners to seek a divorce. It is common for people to change over time. As individual ages, they invariably adopt new morals, ideals, and beliefs, based on their respective life experiences. When a married couple has remained together for numerous years, it is possible for an individual to feel that their spouse is not the same person whom they had married initially.

This may cause an individual to seek a divorce from their partner. Violent tendencies may also cause an individual to leave on the grounds of an abusive relationship. It is sometimes difficult for people understand why an individual would choose to end their marriage.

### **Making the Decision**

Oftentimes, the most difficult part of divorce is making the decision to end a marriage. In many cases, a couple has spent a great deal of their lives together. They have developed many happy memories, and they have settled down in a home. They may have had children together, and an individual may be concerned about how divorce will affect his/her children. It is common for an individual to fear the negative repercussions that are often associated with divorce. However, something about the relationship has caused an individual to want it dissolved.

There are many different factors that may cause an individual to seek a divorce. However, this decision should not be made lightly. It is essential for an individual to really consider the consequences of divorce. If his /her reasons are legitimate and if he/she truly believes that obtaining a divorce will improve his/her happiness, than he/she should begin the process of divorce.

### **Divorce Checklist**

Divorce is a detailed and often complex legal procedure. There are various steps of this process that an individual must complete in order to ensure that his/her rights are upheld. Creating a divorce checklist will help to ensure that all of the necessary aspects of this processes are addressed. If an individual fails to complete all of the recommended steps of this legal process, than he/she may find themselves with few assets left to his/her name, without child custody, or without a home to reside in. Addressing the basic concerns that are associated with divorce is necessary to guarantee a successful and fair separation. Therefore, an individual that is considering divorce should make a checklist, displaying all essential activities. At the very least, this checklist should include contacting a lawyer, addressing financial assets, and establishing child custody. However, the procedure associated with divorce will vary on a case to case basis.

### **Preparations**

Marriage statistics indicate that over half of the marriages in the United States end in divorce. Because of this, it is essential for couples to make preparations that will govern a separation in the event of divorce. Some couples choose to arrange preparations before they are married. This will help to guarantee that if their marriage fails, a couple's assets will be divided in a manner that both spouses agree with. On the other hand, it is also common for a couple to partake in this behavior once they are married. Even if the couple has no intention of experiencing divorce, they may still choose to develop an agreed upon arrangement to adhere to in the event that they separate.

In most cases, couples fail to properly address the possibility of divorce, and they do not establish any type of preparations. These situations often end in arguments over financial resources, personal property, and child custody. It is important for an individual to arrange preparations, so that his/her assets are protected upon the dissolution of a marriage.

### **10 factors that you should know**

#### **1 Emotions**

When going through a divorce, you will feel stressed, angry, and upset. Seeking divorce advice through a therapist may help to ease the emotions that you are feeling. It is important to remember that a divorce can be a quick process if both parties act accordingly.

#### **2 Choosing a Divorce Attorney**

During a divorce, help will come directly from your attorney. Therefore it is important to choose an attorney that you feel a sense of comfort and trust in. Look for an attorney who can offer both divorce

advice, as well as has a history in divorce court cases. Divorce attorneys can be found online or through word of reference.

### 3 Children

If you are going through a divorce and there are children involved, it is important to keep them in both parties' best interest. Child custody can be a confusing element for parents to deal with, as well as for children to understand. Talking to your lawyer about child custody cases will help better understand the process.

### 4 Marital History

A divorce attorney will help you prepare a detailed list of the relationship. This can be a time consuming task to complete, however it can be used to help address the final outcomes of the divorce.

### 5 Marital Lifestyle

After completing the marital history, a divorce attorney may then assist you in generating a list of how the couple lived their life together. This list will include information about real estates, savings accounts, automobiles, children's expenses, and jewelry. This information will be used to determine any matrimonial disputes regarding finances. It is important to consult you attorney about this.

### 6 Identify Desires

After summarizing the marital history and marital lifestyle, you will then have to declare what you wish to be the outcomes of the divorce; such as how much child support you would like to receive per month.

### 7 Collect Documents

While undergoing a divorce, important documents will be required to show to the court. Some of these documents include: tax returns, business records, bank statements, insurance policies, wills, and property appraisals.

### 8 Prepare For the Equitable Distribution

Your attorney will help you generate a list of properties that will be divided between the couple. The list should take into consideration, real estate, vehicles, personal property, credit cards, mortgages, and stock options.

### 9 Create a List of Personal Education and Employment History

This list will help you when you are settling on an alimony agreement or on a child support agreement. It is important to include past employment and education, current schooling and employment, and future employment or education plans.

### 10 Understand Discovery

It is important to understand the reason for a discovery, as well as plan for your own discovery. Your attorney should provide divorce advice on how to prepare for a discovery as well as what the discovery may consist of. More divorce help which can be used during a discovery can be generated through private investigators and recordings of a conversation between you and your spouse.

### **No Fault Benefits**

There are many benefits of no-fault divorce law. In fact, couples will find that it can be a rather simple way to achieve a legal dissolution of marriage. In general, no-fault divorce laws allow couples to be granted a divorce in a more speedy fashion. While some states require that couples live a part for some time before they will be granted a divorce, many do not.

In fact, some states grant a divorce very fast when the no-fault divorce law is applied. In addition, no-fault divorce laws allow couples to save a lot of money due to the decrease in money spent on legal battles. No-fault divorce law also allows couples to be spared the emotional and psychological discomfort of extended legal battles. In fact, many couples that goes through contested divorces, spent extensive time, energy and money on the divorce. In addition, those individuals often have a harder time remaining friendly due to the intensity of court proceedings.

No-fault divorce laws allow either spouse to file for divorce in the absence of making harsh accusations. Many times, those accusations are false anyway. It is difficult for couples to remain on good terms when they are forced to place blame in order to be granted a divorce. No-fault divorce laws allow spouses to avoid the pain of being blamed for the end of a marriage. In fact, spouses both feel a sense of relief when neither is forced to take full responsibility for the divorce. In the past, both women and men would feel trapped in marriages that did not work out.

Although they were not happy in their marriage, they still did not wish to harm the other person's reputation by making false accusations so that the courts would find a spouse at fault. Now, no-fault divorce laws allow couples the opportunity to divorce in the absence of undue harm to either individual's reputation. In addition, no-fault divorce law spares the psychological health of both spouses because they are not forced to make accusations, or defend themselves against accusations.

In either case, spouses can suffer irreparable harm to their over all health and well being. No-fault divorce law also allows couples to save a lot of money. In contested divorces, individuals are forced to spend more time with separate lawyers and are also required to spend more time in court proceedings in order to achieve a resolution. However, no-fault divorce law helps couples to avoid such intense legal battles.

Couples that can resolve their divorce in the absence of blame, often find the process to be much more beneficial to all involved parties. For one thing, couples that utilize no-fault divorce law, are often able to remain on good terms. In addition, couples are generally reach a settlement much quicker, eliminating the stress of waiting. Oftentimes, couples that utilize no-fault divorce law find that the process is much less damaging to their over all well being than other types of divorce.

### **Uncontested Divorce**

There are many types of; an uncontested divorce is the most common type. By taking part in an uncontested divorce, couples strive to reach agreements on all aspects of a divorce with the absence of. If individuals choose to have for an uncontested divorce, they may only represent one spouse; a divorce lawyer may neither represent nor offer advice to both spouses.

However, it is not necessary for both parties to have legal representation, unless they cannot come to an agreement or are unable to negotiate all of the details in their divorce agreement. In fact, neither spouse has to have a lawyer if they can come to an agreement by working together. However, it never hurts to have a lawyer review the documents before they are presented to the judge for approval. Lawyers may think of things that the couple could have left out of their divorce agreement inadvertently.

Uncontested divorces can be finalized at a more rapid rate than contested divorces. Primarily, there exists no need for the couples to take part in any court proceedings. In addition, couples can save

money if they do not require legal representation. However, some couples may have a family law service help them fill out all paperwork and write their divorce agreement. In some cases, family law services are legal professionals, but not lawyers.

In either case, uncontested divorces tend to be much cheaper than; there is much less time spent on a no contest divorce. In addition to avoiding court proceedings, the couple can generally avoid battles between lawyers because they have agreed to attempt resolution on their own. In fact, a no contest divorce offers spouses the chance to maintain a relationship with low conflict. Whereas contested divorces often involve large levels of conflict, often aggravated by court proceedings and the stress associated with it.

A no contest divorce can offer couples the opportunity to work together to come to a resolution that benefits both parties. In addition, couples in a no contest divorce can also work together to make decisions that will benefit any children. In fact, parents that maintain low conflict levels through an uncontested divorce will be more likely to work in tandem to raise their children in the best manner possible.

Couples should remember what effect their conflict can have on their children. Ideally, benefit from no contest divorce settlements; this spares them from both parents continuing to fight over all of the small details in a divorce agreement. In the end, that reduction in stress and conflict can help ensure a better outcome for all members of the family, and the family as a whole.

### **Collaborative Family Law**

In uncontested divorce proceedings, couples agree on distribution of property, assets and issues that relate to children. In contrast, contested divorce proceedings result from a lack of agreement between a couple that is getting divorced. In some contested divorce proceedings, only one spouse is seeking a divorce. In a contested divorce, spouses are unable to agree on all, or some of the issues generally involved in a divorce.

Oftentimes, spouses with children are unable to agree on the terms for child support, child custody and child visitation. In addition, some couples cannot decide on an equitable distribution of marital property and debt. Contested divorces generally take a long time, require a lot of money and involve undue stress for spouses and any children involved. In fact, contested divorces can take years to reach a resolution.

In contested divorces, one spouse is required to file a petition for divorce and serve the petition to the other spouse in a legally acceptable manner. In most states, a spouse that fails to respond to the petition is found in default, and a judge will grant a default settlement of divorce. However, most contested divorces end up with the spouses battling for assets and other marital issues present in divorce proceedings. In contested divorces, divorce proceedings can be very time consuming, and dissolution of marriage often takes quite a long time. In fact, contested divorce proceedings often take years to resolve. Divorce proceedings that take that much time can cause vast amounts of stress for spouses and their families.

In addition, couples involved in contested divorce proceedings often end up spending greater amounts of money than were involved in the original dispute. In fact, contested divorce proceedings involve many billable hours for both spouse's attorneys, which can end up costing the couple a fortune. However, a larger issue in contested divorces is parental rights regarding any children that resulted from the marriage.

Generally, spouses have disputes about custody, visitation and decision making ability in regards to the children's upbringing. In fact, cases involving children are generally the divorce proceedings that

require the most time and attention. Disputes regarding child support are often decided as a separate issue by the court.

Contested divorces can end up costing couples more money than the inherent value of their respective assets. In addition, children become resentful and often feel abandoned while their parents take the time to battle in court. Children do much better when their parents work together to reach a resolution. In addition, the over all health of spouses involved in contested divorces is generally put in jeopardy because of the stress and constant disagreement.

It is also difficult for parents to work toward a joint effort in raising their children in the best manner possible when they were unable to come to agreements during the divorce. Battles that result from divorce often carry over into their lives once the divorce has been granted. Contested divorces often cause resentment for families that are already struggling with their new lives; couples that can take part in uncontested divorces, fair much better long term than couples who cannot reach a resolution on their own.

### **Step By Step Guide to the Divorce Process**

A divorce will prove to be among the most complex and trying legal matters to deal with on various levels. Aside from the emotional, mental, and at times, physical toll that undergoing a divorce process may entail, the legal aspect of a divorce can be just as taxing as well.

A divorce is the legal means by which a legal marital union is canceled, properly and legally terminating any legal responsibilities by the involved parties under the eyes of the law. Though it is not necessary in order to the divorce process per se, it is strongly recommended that a knowledgeable and skilled divorce attorney be consulted before beginning the divorce process.

### **Separation**

The most commonly taken first step in the divorce process is undergoing a separation period from the other spouse, often times also referred to as a trial separation. This will usually entail one spouse physically moving out of the shared residence.

However, a separation such as this will not be legally recognized, which means that all duties and responsibilities of the married couple remain intact during the separation period. Any incurred debts and jointly-owned assets will still be considered to be owned by both spouses in accordance to marriage laws. Some states will often have a legal separation requirement as part of the divorce, though it is not necessarily legally required by all states.

### **Filing the Divorce Petition**

In the United States, issues revolving around marriage and divorce will be controlled by the states, which means that each particular state will have its own regulations and statutes regarding the divorce process.

Furthermore, a divorce petition can only be filed in the state where the couple lives. If a divorce is deemed as the best possible and last resort in regards to a marriage, one must file a "Complaint for Dissolution of Marriage," which involves the completion and submission of court documents to be filed with the local district court that has jurisdiction.

The petition will require for certain types of information to be addressed, such as grounds for divorce and a list of all assets, possessions, and incurred debts during the marriage.

### **Notification of the Spouse**

Upon filing the proper and necessary court documents, the other spouse will be notified that a divorce petition was filed. The notified spouse must then respond to the court notification of the complaint, either by signing a Voluntary Appearance document or submitting a formal response regarding the grounds included in the divorce petition. This response must be made typically within 30 days of being notified. Upon receiving a response, the court will then set a hearing date.

### **Temporary Hearing**

In many cases, the actual date of the trial may be set for a much later date. In such a case, a temporary hearing is held to address certain issues that have important time restraints, such as child support and temporary child custody concerns. Other issues often addressed will be request for certain actions, such as exclusive use of a particular motor vehicle or residence, award for attorney fees, and request for alimony.

### **Divorce Agreement**

Often times the most difficult aspect of the divorce process is coming to terms in the proper division of assets, property, and debt. Also, during a divorce agreement, the parameters for other issues, particularly child custody and alimony, are addressed, which can be hard to reach a mutual agreement due to the inherent issues regarding the divorce.

Often times, these agreements can be reached without the courts interfering. However, it is not uncommon for the courts to get involved in order to provide for the necessary agreement to be made and finalized.

### **Trial**

In many cases, a divorce process will be brought to the courts in order for the spouses to obtain the provisions of divorce agreement and be enforced by the courts of law. Trial will only usually occur in the case that both parties cannot achieve any particular agreement or settlement, and thus, necessitating the courts to interfere to resolve the matter. Issues that most commonly are discussed in a divorce trial will be child custody, child support, and alimony.

Divorce proceedings will prove to be a trying period for all parties involved. A divorce is a serious legal action that should only be considered in the case where there is no other option. Divorce is not only a means to end a marital relationship, but also incurs various legal consequences, which makes the decision to get a divorce the best and last possible option in regards to a marriage.

### **Before going divorce court, there are certain steps that one should consider**

These steps will not only help during the legal procedures in divorce courts, but can also help reduce the mental and emotional stress of a divorce. Four things that one should consider before going to divorce court may include the following:

**MAKE AN INVENTORY** - As it will prove to be general knowledge, going to the divorce courts will often times involve the division of assets as a result of the divorce. Therefore, it is important to make an inventory of all of the marital assets and debts and liability. Making a list of all that is owned is crucial in determining the overall value of assets, and thus, taking careful inventory will provide for a more accurate assessment.

Furthermore, all things that gained during a marriage will be considered as marital property, which will also include all debts incurred during the marriage. Determining which debts apply to which spouse is important in order to properly divide the liability equally and appropriately.

CONSIDER THE CURRENT LIVING SITUATION - A divorce is bound to cause a certain amount of stress between spouses, which can be further heightened due to living arrangements. In many cases, both spouses can live together without much incident and not result in significant altercations. However, many will often decide to make different living arrangements before going to divorce court in order to avoid any unwanted confrontations or situations.

It is recommended to consult a lawyer before deciding to move out of the home due to possible legal ramifications. If the couple must remain living together due to economic reasons, it is important that both spouses communicate as best as possible in order to establish the least possible stressful environment.

KNOW THE APPLICABLE DIVORCE LAWS - Because divorce procedures are under the jurisdiction of each individual state, divorce laws will differ from one state to another. Knowing how particular laws or statutes apply to the specific situation can help make the issue less stressful.

Knowing the rights and obligations of a divorce before going to divorce court can also help the individual be more aware of the legal processes and possible consequences that may derive from the divorce court decisions. Divorce laws can prove to be complex and often times confusing, and thus, it is strongly recommended that legal counsel be employed in order to have the best representation in divorce courts.

DIVORCE SHOULD BE THE LAST POSSIBLE OPTION - Going to divorce court should only occur in the situation the marriage has no possible remedy, and that the relationship between spouses is not possible to be maintained. Divorce can be emotionally charged, though one should do his/her best to keep emotions out of the procedures.

It is almost always recommended that before a couple goes to the divorce courts that marriage counseling be sought. A couple can often times resolve the marital problems and issues with the help of counseling, and thus, help avoid bringing such disputes to divorce courts that could have been resolved through alternate means.

### **Age of Divorcees Factor on Alimony**

Of all the alimony amount of time permanent alimony Divorcees that break up after years of marriage are likely to be older. They may have grown children, thus eliminating any possible child support payments. An older person is less likely to be able to earn a substantial income, especially if either of the divorcees decided to forgo a career to stay home and raise a family.

The longer that one has been out of the workplace, the less likely it is that they will be able financially to support themselves. Because of this, a judge will use the age of the divorcees when determining whether to award alimony payments.

Other divorce factors involving age, include whether an individual is retired or coming to the end of their career. Divorcees may need alimony payments to live on if they are no longer steadily employed. If the spouse is unlikely ever to work again due to age, then it is likely that they will receive some form of alimony.

Permanent alimony payments are more likely to be rewarded to older divorcees, due to the limited earning capacity they may have. The chances of older divorcees developing new careers are much smaller than younger divorcees. Attending college or a job training program may not affect the fact that although qualified, an older person may have a harder time finding a job.

While younger divorcees may be awarded temporary or rehabilitative alimony payments, older divorcees may receive permanent alimony payments due to their age alone, without taking into account the length of their marriage. While it is true that any divorcees who were married for a long period of time have a better chance of being awarded alimony payments, an older spouse married for a short period of time may also be entitled.

This is because the length of the marriage does not change the fact that an older person will find it much more difficult to find work, especially if they do not have a good amount of work experience. The age of divorcees may also lead to other divorce factors to be considered. If the ex-spouse is older, their age alone may lead to an oncoming illness.

### **Hiring an Attorney**

Alimony attorneys are likely to handle other family cases. Alimony attorneys will know the state laws regarding alimony and divorce. This is especially important since the laws change from state to state, and they are difficult to define. There are certain steps one should take when they are looking to hire an alimony attorney. Consulting with an alimony attorney will give an individual an idea of the likelihood of being awarded alimony, as well as the likelihood of being forced to pay it.

It may be a good idea to meet with several alimony attorneys before deciding on one. Many alimony attorneys will offer a free consultation to hear one's particular situation and discuss the steps that would be taken in family court. Since there are so many ways that an alimony request can end, a good alimony attorney should discuss many some of the many possibilities with their potential client.

Having an alimony attorney is especially important if the relationship between the spouses is hostile and there is a large amount of money or assets at stake, although property division is not considered to be a part of alimony. An aggressive alimony attorney can work hard to try to obtain or avoid alimony payments for the client.

There are certain questions that should be asked when an individual is consulting with an alimony attorney. Asking how much experience an alimony attorney has is important. Alimony attorneys without a lot of experience will probably not be as good as ones that have extensive experience, although this is not always the case. Finding out the outcome of past cases that the alimony attorney handled is also a good idea.

When speaking with an alimony attorney, one should find out an estimate of the time and expense that would be involved. Some alimony attorneys will charge on a sliding scale, others might charge a flat fee for every billable hour. If an alimony attorney charges a large amount of money for each billable hour, finding out how an estimate of how long the case should take is very important.

An individual should hire an alimony attorney if they can afford it. They also should hire one if receiving or avoiding alimony payments are very important to them. Many people choose to hire family lawyers even if they do not expect to be suing for alimony. A family lawyer should still answer any questions that one has about alimony.