

STEPS IN A CHILD CUSTODY MODIFICATION

DRAFT THE PLEADINGS

- We will draft an Original Petition or, if you were served, an Original Answer and Counterpetition.
- We will also draft a Temporary Restraining Order (TRO). A TRO is effective for 14 days and can be extended for another 14 days. The judge must sign the TRO before the other side can be served.
- Once drafted, we will file the pleadings with the court and pay the court fees from your retainer.

SERVICE BY PROCESS SERVER

Our process server will serve the opposing party with the required documents. We will pay the process server's fee from your retainer.

AGREED TEMPORARY ORDERS

We will confer with your spouse's attorney to negotiate temporary orders and draft an agreed order for the judge to sign.

MEDIATION FOR TEMPORARY ORDERS

Mediation may be necessary so an agreement can be worked out if the issues of temporary child support & possession are contested. Most courts require mediation before a hearing.

TEMPORARY ORDERS HEARING

If no agreement is reached, we will present your case at a hearing and the judge will decide on the appropriate orders.

DISCOVERY

Discovery requests are legal tools used to obtain information from the other party or outside witnesses that can be used in negotiations or at trial. Discoverable evidence includes financial documents, phone records, and psychiatric or psychological records. Discovery may not be necessary in cases where the parties come to a mutual agreement.

AGREED FINAL ORDERS

We will confer with your spouse's attorney to negotiate the child support and possession schedule that you want and draft the final orders for the judge to sign.

MEDIATION FOR FINAL ORDERS

Mediation may be necessary so an agreement can be worked out concerning custody, child support, and possession for final orders. Mediation is typically more cost effective than trial.

TRIAL

If an agreement is not reached, we will present your case to a judge or jury. The judge or jury will decide on the appropriate final orders.

FINAL ORDERS

The judge will sign the final orders, the orders will be entered, and the divorce will be finalized.

Temporary Restraining Order (TRO) = Orders that immediately protect you and your property by imposing temporary injunctions on behaviors your spouse cannot engage in for the first 14 to 28 days

Temporary Orders = Orders effective during the length of the divorce proceeding regarding temporary management/possession of property, custody of children, child support, and spousal support

