

STEPS IN A CONTESTED DIVORCE

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 your spouse can be served.
- Once drafted, we will file the pleadings with the court and pay the court fees from your retainer.

SERVICE BY WAIVER

If your spouse knows about the divorce and is agreeable to signing a waiver to formal service of process, we can draft a waiver and meet with him/her in our office to sign the waiver.

SERVICE BY PROCESS SERVER

If your spouse will not sign a waiver or does not know about the divorce, our process server can serve him/her with the necessary documents. We will pay the service 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 temporary custody of the children or possession of property 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 final orders and then collaborate to draft a final decree for the judge to sign.

MEDIATION FOR FINAL ORDERS

Mediation may be necessary so an agreement can be worked out on complex issues like division of property, child custody, etc. Mediation is more cost effective than trial. It is required by most courts prior to a final 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 DECREE

The judge will sign the final decree, the decree 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



HUNT LAW FIRM, PLLC