

Overview of DIVORCE Process

File A Complaint for Divorce Separately

If the spouses do not agree on the terms of the divorce, one person can file a Complaint for Divorce.

Defendant has to be served within 120 days.

File a Joint Petition for Divorce Together

If both spouses agree to all the terms of the divorce, they can file for divorce together. The spouses fill out a Joint Petition for Divorce, and sign the document in front of a notary.

The spouses fill out a few other court forms, and turn in a Decree of Divorce to the judge for approval. Usually, no hearing is needed. Once approved, the parties are divorced.

Serve The Defendant

Plaintiff must arrange to have someone over 18 who is not involved in the case serve Defendant with the Complaint and Summons. Defendant has 20 days to file a response.

Publication

If Defendant cannot be found, Plaintiff can ask the Court's permission to serve by publishing a notice in a newspaper.

If Defendant Files An Answer:

The Court will set a "Case Management Conference" within 90 days. Both parties must attend the hearing. At the hearing, the judge will find out what the parties agree and disagree on.

If Defendant Does Nothing:

Plaintiff can ask the Court to issue a "default" against the Defendant. If a default is issued, Plaintiff can submit a final divorce decree to the judge without the Defendant's signature.

Motion for Temporary Orders

Either party can set a court date by filing a motion for temporary orders pending the final divorce.

Family Mediation Center

If parents have minor children and can't agree on custody, the Court refers them to FMC to try to work out a parenting plan with a mediator.

Settlement Conferences

A judge may have the parties meet with a senior judge or a private mediator to try and reach an agreement.

If the parties settle:

They can submit a Divorce Decree with all the final agreed terms to the judge for approval. When signed by the judge and filed with the Court, the parties are divorced.

If the parties do not settle:

The judge will set a trial date. At trial, the parties present witnesses and evidence so the judge can decide any issues that the parties are not able to resolve. The divorce is then final.