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Steps for Dissolution of Marriage

Dissolving a marriage (getting a divorce), can be an emotional and financial challenge. It is even more of a challenge where children are involved. We prepared this Guide to help inform you of the steps and information that will be necessary to dissolve your marriage.

A. Divorces are resolved in one of three ways:

1. Marital Settlement Agreement (MSA) - For an Uncontested Divorce, prior to the filing, or after the filing but before the trial date is set, the parties come to an agreement on how to resolve all the issues. This is done through an MSA.
NOTE: Even if there is an MSA, the parties still need to complete the paperwork identified in C.
2. Mediation - After the filing but before the trial date, the parties are ordered to attend mediation. The parties pay an independent, neutral, Mediator to help resolve any issues where there are disagreements between the parties. The parties still need to complete the documents identified in C.
3. Trial - If the parties fail to resolve ALL of their issues either on their own or at Mediation, then the case is set for Trial and the Judge determines how the issues will be resolved.

B. Issues to be Resolved Prior to Dissolution of Marriage

1. Division of Debts
2. Division of Assets
3. Alimony
4. Payment of legal fees and costs

If there are Minor Children involved, the court will also REQUIRE:

5. Parenting Plan/Time Sharing
6. Child Support

C. Required Paperwork

1. Proof of residency in Florida for at least six-months prior to filing. This is usually established with a Florida Driver's License; a Florida Identification Card or a Voter's Registration issued six-months **prior** to filing of the Petition)
2. Notice of Social Security Numbers for parties and minor children
3. Financial Affidavit for each party

If there are Minor Children involved, you must also provide:

4. Parenting Plan
5. Child Support Guidelines
6. Uniform Child Custody and Jurisdiction Enforcement Act Affidavit (UCCJEA)
7. Certificate of Completion for Divorce from a Child's Point of View

D. If Uncontested: Dissolution of Marriage Process Steps and Paperwork

1. Petition for Dissolution of Marriage
2. Marital Settlement Agreement
3. Answer & Waiver
4. Waiver of Mandatory Disclosure or Certificate of Compliance with Mandatory Disclosure
5. All the required paperwork listed in C. above

E. If Contested: Dissolution of Marriage Process Steps and Paperwork

1. Petition for Dissolution of Marriage
2. All the Required Paperwork listed in C. above
3. If you are not the one filing for divorce, the Answer to Petition must be filed within 20-days after you are served the Petition for Dissolution
4. Mandatory Disclosure (maybe waived if BOTH parties consent). Due 45-days after service of initial pleadings
5. The parties will be **REQUIRED** to go to Mediation and privately pay for the mediator. Having a prior understanding of your requirements and points of flexibility on the issues identified in B above will be helpful in making it a meaningful mediation.
3. If the parties cannot agree at Mediation on the issues that must be resolved prior to Dissolution of Marriage, then the Mediation is an **IMPASSE** and the parties will go back to court to set trial dates.

F. **Discovery**

Once the opposing party is served, then there can be “discovery” throughout the case. Discovery could include:

1. Request to Produce Information
2. Subpoena’s to non-parties
3. Depositions of Parties
4. Depositions of Witnesses to be called to support the person who filed for the divorce.

G. **Trial**

Once it is established that the parties cannot resolve the required issues, then the parties will proceed to trial and at the trial the parties will present their evidence to prove their portion of the case. The judge will listen to both sides and make a ruling based on which side has sufficiently proved its case. The issues the judge can decide are the following:

1. How will the debts and assets be divided?
2. Does one party owe the other party permanent; temporary; durational or rehabilitative alimony?
3. How will the time sharing of children be established?
4. Is one party required to pay the other party’s legal fees or other costs?
5. How much the parties would owe toward child support?
6. Is there unpaid support that should be added to existing support amount?
7. Should the child support continue past the child’s 18th birthday?

Summary

This document provides a general overview of steps and paperwork this will be necessary to dissolve your marriage. This is an emotional, very personal endeavor and what is best for you and your family will depend on your unique situation. If you wish to discuss the options further, please call 727-584-2110 to schedule an appointment with one of our attorneys. The paperwork required to begin a divorce includes:

1. A completed financial affidavit for each spouse
2. Valid Driver’s license or photo ID
3. Average of what is paid for health, dental and vision co-pays
4. Current address of non-filing spouse
5. Social Security Number
6. Cost of an individual health insurance policy

If minor children are involved:

7. 3 to 6 months of pay stubs if we are to prepare the Affidavit for Child Support
8. Amount paid for health insurance to cover the children

9. Social security numbers for any children
10. Cost of child care, and paid by whom
11. Average of what is paid for extracurricular activities / school supplies
12. Certificate of completion of Divorce from Child's point-of-view
13. Payment of Filing Fee