

10 Most Common Divorce Questions



Pitler Family Law
and Mediation, P.C.

Introduction

Making the decision to divorce is difficult, but sometimes you have tried everything and it's just not working. Pitler Family Law & Mediation has perfected an 'amicable divorce' process that will help you complete the process in a way that is fair to both of you, in the best interest of your children, is expedient and, most importantly, keeps you out of court.

1. Where do I start?

Most of our clients have never been through a divorce; we are happy to speak to you by phone and answer any initial questions. At that time, we will schedule an initial in person consultation, where we will walk you through the entire divorce process, obtain the information we need and answer additional questions. We recommend starting to get your paperwork in order right away - pay stubs, tax returns and current statements of assets/debts, but it is not yet necessary to bring those documents with you. At Pitler Family Law, we avoid the intake forms you may be required to complete at other firms. We believe it is more productive to discuss your case in person.

2. How do we figure out how to divide the assets?

In Michigan, divorce laws state the court is supposed to divide your assets "fairly and equitably." Therefore, most courts will divide all assets and debt acquired during the marriage 50/50. This does not mean they will divide each individual account equally, but will try to make sure the entire 'pie' is divided equally. If you resolve your divorce out of court, you have the freedom to divide your assets and debt in any manner you and your spouse believe is fair and equitable.

The court will try to force you into a one-size fits all solution, which probably won't work for you. By staying out of the courts, you and your spouse can craft a win-win settlement. We will help guide you through the process of evaluating your assets, exploring options, developing budgets and help you reach a fair settlement.

3. Do we have to go to court?

At the very end of your divorce, you will have to go to court for the Judge to finalize your divorce. Otherwise, one of the many advantages of an amicable divorce process is that you avoid the cost and inconvenience of court appearances for both of you.

4. Will some Judge make all the decisions about my case?

Our job is to keep your divorce out of the courts. Most divorce cases settle before trial. Some will be settled in our offices, others at the kitchen table and some at mediation. We want to keep your divorce out of the courthouse and avoid a trial in which a Judge will make the decisions about your assets and your children. You should hire Pitler Family Law. We will prepare you and guide you toward a fair settlement.

5. How long does a divorce take?

Divorces with no minor children require a minimum of 60 days from the date the divorce is filed until you enter the Judgment of Divorce (divorce decree). In divorces with children who are under the age of 18, the legal period is 180 days. However, the statute gives the Judge power to waive the 180-day waiting period under certain circumstances. Pitler Family Law typically completes most divorces in less than 100 days, another advantage to working with our team.

6. How much does an amicable divorce cost?

The cost depends on the process you choose. We handle Uncontested/One Lawyer Divorces for a flat fee, which includes all work from beginning to end. A Collaborative Divorce is generally handled on an hourly fee basis. Since all steps in a Collaborative Divorce take place out of court, it is more efficient than you and your spouse paying two attorneys to fight in court. In a Collaborative Divorce, you only pay us for the time we spend working on your case, not for sitting in a courtroom.

7. What if my spouse doesn't want a divorce?

With no-fault divorce, the court will grant a divorce upon the request of only one party. In our experience, cases get more emotional and litigious when one party

does not want the divorce. We will use our experience to help manage the process in a way that allows the other party to “catch up” emotionally and to help keep the case amicable.

8. What if my spouse doesn't want a “One Lawyer” divorce?

Everyone has the right to legal representation, and you may not be able to persuade your spouse that this is the fast and fair way to dissolve the marriage. We do recommend that the Defendant (your spouse - if you are the one filing for divorce) retain an attorney to review the divorce decree before signing it. This provides the Defendant with appropriate legal protection if they are uncomfortable, but still saves the cost of hiring two attorneys to fully represent each of you from beginning to end.

9. My spouse and I have already discussed our problems, but not divorce. How do I initiate that conversation?

The first conversation you have with your spouse is critical. It can set the tone for the entire divorce and you want to make sure it goes well. We will discuss the best way to initiate the conversation and provide you with materials to present to your spouse to help keep the case amicable. If necessary, we have relationships with a number of therapists who can help you with this difficult step.

10. I believe that my spouse is planning to leave me. What should I do?

Many lawyers will advise you to run to the courthouse and file first. We find that this “shot across the bow” increases animosity and starts the case in the wrong direction. We will use our experience to find ways to bring your spouse to the table amicably, but also protect your interests.



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