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Insights

Thinking You're Headed Toward Divorce? Here's What You Need To Know

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Derren K. Ciaglia

Your marriage is in question and you are contemplating divorce. Before you go down the path, here are a few things to consider:

Q. I'm overwhelmed, where do I even start?

A. The divorce process can be foreign and overwhelming to many individuals; you are not alone. A good place to start is by consulting a divorce attorney. A lot of people think that this means that you are filing for divorce or that you have to file for divorce. This is not true. A consultation with an attorney can provide you with a better understanding of the divorce process, it gives you an opportunity to discuss any questions or concerns you may have regarding your specific situation (whether it be financial concerns or parenting concerns) and it helps gauge your expectations. Many individuals leave consultations with a better understanding of the divorce process and what steps they need to take in the future should they choose to proceed with a divorce.

Q. Can I do anything to prepare for a divorce?

A. You can begin compiling a list of assets and liabilities, gathering all financial documents (for example; tax returns, pay stubs, bank/investment account statements, deeds to real property, mortgage statements, etc.) and educating yourself on your family's finances. It helps to have an understanding of your assets and liabilities prior to beginning the divorce process, especially if you are not the spouse who controls and manages your family's finances. Part of the divorce process involves equitable distribution, which is the division of all marital assets and liabilities. Having a sense of what your assets and liabilities are prior to starting the process allows you to better understand how they may be distributed.

Q. Are there ways to resolve issues in a divorce without going to court and having a judge decide?

A. In Florida, you can attend mediation, which is an informal, nonadversarial process where a neutral, impartial third party helps to facilitate the resolution of issues and helps the parties reach a mutually

acceptable agreement. In many counties, mediation is required prior to proceeding to court on contested issues. Mediation can be a very successful process and in many cases, parties are able to resolve all issues related to their divorce (financial and parenting) through this process and never appear in front of a judge.

Q. I have minor children, how is child support determined?

A. In Florida, child support is calculated based on a statutory formula, which takes into consideration both parties' incomes as well as other factors, some of which include health insurance, daycare, and time-sharing. A Child Support Guidelines Worksheet is completed and filed in cases involving minor children.

Q. I am concerned about co-parenting and what is best for my children. Can my spouse and I decide how we share time with our children?

A. As part of the divorce process, you and your spouse can enter into an agreement regarding parenting. This is called a Parenting Plan and it often includes a detailed time-sharing schedule outlining which days and holidays your children will spend with you and with your spouse. The Parenting Plan factors how major decisions regarding your children are made (education, health etc.), and can be tailored to the specific needs of your children and your family. In many cases, parties are able to finalize a Parenting Plan through an agreement or through mediation rather than having a judge decide.