



STAGES OF YOUR DIVORCE

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Every divorce is unique and has its own special set of facts and circumstances, which include the interests of the children. Each client deserves the right to have an attorney who has the skill, knowledge, and experience for their case, and selecting the right attorney is your first important step. At the **Law Office of Ronald L. Hendrix, P.C.**, we make a point of getting to know our clients, their interests and concerns, and especially the interests of their children.

PETITION FOR DISSOLUTION OF MARRIAGE

The divorce begins when a Petition for Dissolution of Marriage is filed with the county Circuit Court Clerk. The Petition will identify the parties to the divorce and any children of the parties. It will also contain factual information, and the party filing for the divorce will state a reason as part of the Petition. Grounds for divorce no longer exist in Illinois, so the reason set forth is “irreconcilable differences”.

APPEARANCE AND RESPONSE

Usually, the Petition is served along with a Summons by an Officer of the county’s Sheriff’s Department or licensed process server in order to acquire jurisdiction over the other party. Or, the Petition may be sent directly to the other party, requesting that party or party’s attorney to voluntarily file an Appearance, and avoid being served. The Appearance is a form whereby a party acknowledges the Petition for Dissolution of Marriage has been filed, and the party submits to the jurisdiction of the court. The party receiving the Petition also has the opportunity to file a Response to the issues in the Petition that are disputed, as well as set forth that party’s position on certain issues.

TEMPORARY ORDERS

During the pendency of your case, the judge may issue temporary orders that set forth specific actions that must be followed until the order is modified or the final divorce judgment is entered. Temporary orders may include child support, spousal support, or certain conditions to be followed.

DISCOVERY / DISCLOSURES

Discovery is the procedure for gathering information about a party to the divorce. Discovery requires a party to disclose his or her income, assets, debts and property. This will initially require each party to complete a Financial Affidavit for the county in which the divorce is filed. Discovery may also include written questions (matrimonial Interrogatories), a Request to Produce documents, Custody Interrogatories, or your testimony through a deposition.

FINAL PARENTING PLAN & JUDGEMENT

If you have children, you will need to complete a parenting agreement. The parenting plan or agreement is the most important document that parents will create. It is a comprehensive document that addresses the many issues involved in parenting, including the allocation of parenting time and responsibilities between the parties. This agreement does not contain any financial matters.

MARITAL SETTLEMENT AGREEMENT

Property division in a divorce means that the couple must find a fair and equitable way to divide the assets and debts that were accumulated or incurred during the marriage. In most marriages, the assets fall into three areas: the equity in the family home, checking and savings accounts, and retirement accounts. A couple's settlement is set forth in a Marital Settlement Agreement, and this agreement will also address child support and other children's expense as well as numerous other issues resulting from the divorce.

PRE-TRIAL CONFERENCE

If the parties are unable to reach a settlement, a trial date will be set. Prior to the trial, both attorneys will have the opportunity to meet with the Judge, and present their case in an informal conference. Each attorney will prepare a Pre-Trial Memorandum setting forth the facts of the case, resolved matters, unresolved (contested) matters, and their recommendations on how the case should be settled. In the conference with the Judge, the attorneys will further present their case, respond to questions from the judge, and respond to counter-arguments from the opposing attorney. The judge will then normally make recommendations for settlement, which gives the attorneys and indication of how the judge is likely to rule in a trial. Following a Pre-Trial conference, many cases are settled by the parties.

TRIAL

If no agreement can be reached, the case will proceed to trial. During the trial, both parties have the chance to present their case to the judge. The judge will hear the testimony of the parties, examine all the evidence and make a decision based on what he/she feels would be fair and equitable settlement for the parties.

PROVE-UP AND ENTRY OF JUDGMENT

Once the judge has made a decision, the parties to the divorce will sign the final decree of divorce. The divorce decree will include a Judgment, the Marital Settlement Agreement, and the Final Parenting

Plan and Judgment. While both parties may appear, the party filing (Petitioner) will appear the judge and testify to the particulars of the case and settlement set forth in the Agreements.

ALTERNATIVE DISPUTE RESOLUTION (ADR) APPROACHES INCLUDE:

(The following approaches may be used by couples in resolving their Final Parenting Plan and Judgment, and Marital Settlement Agreement.)

MEDIATION

For couples that are amicable, mediation offers an Alternative Dispute Resolution approach. Family and divorce mediation is the process that assists a couple in working together to make decisions needed to get a divorce and, if appropriate, establish a parenting plan or parenting agreement for the future needs of their child (ren). The mediator's role is to get both parties in conflict to take careful look at the issues, options for resolution, and work together to construct an agreement that is fair to both parties and makes sense for the parties and child(ren).

4-WAY CONFERENCE

The 4-way conference is another form of Alternative Dispute Resolution. This ADR form is a conference wherein the parties and their attorneys meet to discuss resolution to the unresolved issues in the Parenting Agreement of the Marital Settlement Agreement. These meetings are conducted professionally and respectfully, with both parties cooperatively working toward a resolution of the issues of the case. This ADR approach is much less expensive than litigation and allows clients to meet face-to-face and resolve issues expediently with the assistance of their attorneys. A 4-way conference allows immediate response and discussion to clarify issues, and in turn, resolve matters efficiently by receiving immediate feedback on perspectives on matters.