

GENERAL PROCESS OF DIVORCE LITIGATION

All cases are unique and may present variations in the process, however, this is generally how a case proceeds.

1. Prepare and file divorce complaint, which will likely include preparing a proposed co-parenting plan if there are children of the marriage. (Court filing fee \$318)
2. Serve the other party with the Divorce Complaint and Summons (the other party has 21 days to Answer the Complaint and file their Counterclaim), the cost to serve the other party is usually between \$50 and \$75.
3. If a Counterclaim is filed, we have 21 days to Answer it.
4. Fourteen (14) days after the Answer is filed your Initial Disclosures will be due, this includes:
 - a. Complete Financial Declaration ([link](#))
 - b. List of people you may call as witnesses, including their full names, addresses and telephone numbers
 - c. Copies of the following documents:
 - i. For two years before the Divorce Complaint was filed, complete federal and state income tax returns, including Form W-2, Form 1099, and Form K-1, and supporting tax schedules and attachments filed by you and by any entity in which you have a majority or controlling interest.
 - ii. Pay stubs and other evidence of all earned and un-earned income for the 12 months before the Divorce Complaint was filed.
 - iii. All loan applications and financial statements prepared or used to complete the financial declaration within the 12 months before the Divorce Complaint was filed.

- iv. Documents verifying the value of all real estate in which you have an interest, including the most recent appraisal, tax valuation and refinance documents.
- v. All statements for the 3 months before the Divorce Complaint in this case was filed for all financial accounts, including checking, savings, money market funds, certificates of deposit, brokerage, investment, and retirement.

d. If any of the documents are not reasonably available or are in the possession of the other party, then estimate the amounts entered on this Financial Declaration, and complete Paragraph (13) explaining the basis for the estimation and why the documents are not available.

5. If there are children of the marriage, you will be required to take the divorce orientation class and divorcing parents class <http://www.divorce.usu.edu/> the cost for these classes total \$65 and can be taken online.

6. After you take the mandatory classes and provide your Initial Disclosures, we can either ask the Court for Temporary Orders or we wait for the other party's Initial Disclosures which will be due 42 days after they file their Answer and proceed to mediation. We will decide which avenue is best for you.

7. When we attend mediation, there is a chance that we will be able to resolve all or some of the issues in your divorce. If all issues are resolved, we will reduce the agreement to writing and final documents will be prepared and submitted to the Court to finalize the divorce.

Mediation is mandatory (unless an Agreement can be reached without mediation). There are many benefits to engaging in mediation early in the process. The costs for the mediator vary from \$150 per hour to \$400 per hour and are shared equally between the parties. The attorneys in the case generally decide together which mediator to use.

8. If an agreement is not reached in mediation, we may need to gather additional evidence or if we are satisfied that we have all of the information

necessary to proceed to trial, we can move forward with a pretrial conference and ultimately a trial date.

9. If custody of children is an issue, it may be necessary to ask the Court to Appoint a Custody Evaluator. Since custody evaluations are very expensive, time consuming, and emotionally draining; we will decide whether a custody evaluation is necessary after lengthy discussion.