

## **LAW OFFICE OF JANIS RICHARDSON HALL**

### **Two Step Family Court Process to Request a “Legal Separation” and Divorce**

**\*\*These steps would only apply when seeking relief from Family Court when there are no legal basis for divorce and the parties have NOT been separated for at least one year.\*\***

- **STEP ONE—Separate Order of Maintenance and Support** (“Legal Separation”)
  - **Initial consultation for Separate Order of Maintenance and Support**
    - Review of current situation
    - Quote fee, if requested, and sign contract of employment
  - **Pleadings prepared for Separate Order of Maintenance and Support**
    - A complaint is drafted and filed with Family Court for division of property and debt and/or child related issues if applicable.
    - A request for divorce cannot be made if no grounds exist.
  - **Pleadings filed with Family Court**
    - **\*\*Note:** Other motions may be filed with Summons and Complaint in order to obtain faster relief.
  - **Receipt of filed, stamped pleadings from Family Court**
    - Papers served on Defendant
    - Defendant has 30 calendar days to respond
  - **Attempt settlement**
  - **Parties attend mediation if there is no agreement**
    - This is **REQUIRED** by Family Court
  - **Final hearing is requested (AFTER mediation or when a settlement is reached)**
  - **Final hearing for Separate Order of Maintenance and Support**
    - 15 minutes if all issues are settled
    - Full day or more if issues are still contested
  - **Final Order prepared, filed, and signed by Judge**
  - **Once a Final Order is issued, our law office and family court will close the file per family court rules.**
- **STEP TWO—Final Divorce**
  - **REQUIRED Initial consultation**
    - Client must contact our office and schedule an appointment to initiate action.
    - Review of current situation—please bring your Separate Order of Maintenance and Support.
    - Quote fee, if requested, and sign contract of employment
  - **New Pleadings prepared and filed**
    - A new *Summons and Complaint* is drafted and filed. This is required to obtain a divorce.
    - The only issue is a Final Divorce—all other issues have been resolved in the Separate Order of Maintenance and Support
  - **Receipt of filed, stamped pleadings from Family Court**
    - Papers served on Defendant
    - Defendant has 30 calendar days to respond
  - **Final hearing is requested**
    - Scheduled 4-6 months from time of request
  - **Final hearing for Divorce**
    - 15 minutes
    - A witness is required to testify as to the one year separation, **NOT** the Plaintiff or Defendant
  - **Final Order prepared, filed, and signed by Judge**