



Going through a divorce is an emotionally difficult experience in the best of circumstances. But the uncertainty that most people have regarding the divorce process can make it even worse. In an attempt to de-mystify the process and give you an idea of what to expect, we've create a brief overview here.

The following are the key steps in the divorce process. Please contact us today if you'd like more information!

### **First Steps: File, Serve, Respond**

While divorces truly begin months or years in advance, the first step from a legal standpoint is going to be filing a document titled, "Original Petition for Divorce." This document must be filed with the courts in which at least one of the spouses resides. The person filing the petition is called the "petitioner", and the other person (i.e., the person responding) is the "respondent".

Once filed, the petitioner must give notice and notify the respondent that they have filed the lawsuit for divorce. Notice can be given several ways, including: (1) delivering the petition to the respondent and having them sign a Waiver of Service, (2) having a sheriff or process server deliver the petition to the respondent at home, work, or wherever they may be found (i.e., service), or (3) by posting (in situations where the respondent cannot be found). Once notified, the respondent has approximately 20 days to respond. The respondent may respond with a basic Answer, his or her own petition of requests (i.e., Counterpetition), or other motions.

### **What Needs to be Resolved**

When getting a divorce, there are many things that need to be resolved before the final order can be issued. These things can be resolved through mutual agreements, or by a judge's order. These agreements and orders may be temporary in nature while the case is pending, or may be

negotiated during the divorce for final outcome. Using these methods, each of the following areas must be addressed:

- **Division of Property** – All your property must be divided up. This includes real estate, financial assets, vehicles, and anything else you own. If you own property in other states or countries, that will have to be addressed as well. The goal in dividing up these assets is to split them fairly, and in a way that will help position both parties for stability and success after the divorce. Keep in mind that what may be fair to you may not be fair to your spouse or under the law.
- **Child Custody** – If there are children involved, physical and legal custody will have to be decided. In Texas, there are two aspects to custody - conservatorship (i.e., legal rights) and possession/access (i.e., visitation).
- **Child Support** – In most cases with children, one party will be required to make payments to the other party to help support the financial needs of the children. The exact amount of this support is based on a formula in Texas (“guidelines”, which can be found on the Texas Office of Attorney General’s website). However, parties and judges do have some flexibility in this area.
- **Spousal Support** – While not always available, spousal support (also known as alimony) may be an issue. Spousal support is typically paid for a set period of time to help a spouse who was not in the workforce to prepare for a life on their own. It can also be paid in situations where a spouse has been the victim of domestic violence, has special needs, or cares for a child of the marriage with special needs.

### Working toward Agreements



In most divorce cases, it is possible to avoid the delays and expenses associated with a courtroom battle by having both parties come to agreements regarding the division of debts and assets, child custody, child support, and all other points of contention. While this may seem like a daunting task, it’s made much easier when you work with a competent attorney. At Alexandra Geczi PLLC | Family Law, we work with our clients from the beginning to develop a strategy and action plan to simplify things for them.

Even when there are serious disagreements, there are ways to work things out without involving a judge. Using mediation services, for example, allows both parties to work through a professional mediator who has experience helping in these situations. Collaborative law is another effective option where a team of legal and other professionals are brought in to help

bring everyone together on the same page. While it may be challenging, it is good to remember that if you go in front of a judge, you take on risk and lose control over the results. Working toward mutually beneficial agreements is often a much better option.

### **Requesting Temporary Orders**

In cases where the two parties have trouble agreeing on anything, it can become necessary to have a temporary order put in place until all the final details can be worked out. Requesting temporary orders allows the court to make an order that covers items like where the children will stay, what type of parenting time each party gets, who can stay in the house, and much more.

These orders are only in place until the divorce is finalized, at which point the final orders will become active and replace the temporary orders. The final orders may or may not be the same. While temporary orders are not always necessary, they can be very helpful in providing a stable situation for everyone involved until the divorce process is completed.

### **Going to Court**



While coming to agreements outside of the courtroom is generally the best option, there are some cases where this just isn't realistic. If you are in a particularly contentious divorce, in a domestic/family violence situation, or there are issues that should be resolved by a judge, it will very likely become necessary at some point to go to court.

Going to court can be scary, since most people have never done it. At Alexandra Geczi PLLC | Family Law, we understand your concerns. We work with our clients to prepare them and make sure they can enter the courtroom with confidence.

Once in court, your attorney will present a case explaining what it is you want, and why that is the right course of action for you. The opposing attorney will present their arguments, and then the judge will make their decision. Of course, this can be a very time consuming process, but once it is done the judge will issue a decision, which will be binding on all parties involved.

### **Finalizing the Divorce**

Whether you come to an agreement with your ex or the judge had to issue an order, the next step is going to be to finalize the divorce. This is done when all the details of the agreement or judgment are written out by the attorneys of one or both parties into an order (i.e., the "Final Decree of Divorce"). One or both of the spouses attends a short hearing with his or her attorney and presents the order to the judge for signature. The court either hears arguments about



which version of the order to sign (in the event of disagreements), or accepts the agreed upon order, signing it and making it binding. At this point, you are considered legally divorced.

However, at Alexandra Geczi PLLC | Family Law, we know that just because you are legally divorced doesn't mean it's over. You shared an intimate part of your life with your ex, and there are still emotional, financial, and family effects that will take time to heal. Because we are aware of this, we make sure to offer resources to help our clients heal, and regularly follow up with them to see how they're doing.

### **Post-Divorce Disagreements**

Unfortunately, even though the divorce ends the marriage, it does not always end the legal battles. In some situations, especially when children are involved, there can be appeals, requests for modifications of child support and custody, or enforcements of court orders long into the future. Over time, however, things usually do settle into a fairly stable routine that all parties can live with.

If you'd like more information about divorce here in Texas, or you'd like to discuss your specific situation, please contact us now! We are here to help you plan a brighter future.

