Filing For A Quick Divorce Essay, Research Paper

Filing for divorce has become a simple and quick process with the release of self-help kits. In the past a simple divorce would cost an average of fifteen hundred to two thousand dollars and take about six months to complete. Now for a fraction of the cost and time you can file for a divorce without hiring an attorney. For thirty-five dollars you can purchase a self-help kit at the courthouse and begin the process of ending your marriage.

The kit breaks down the process into simple steps, it includes all the forms necessary for filing and one hour of legal advise from a public attorney. The first form is a questionnaire requesting information on both parties of the marriage. Then comes a Civil Cover Sheet, this form is used by the courthouse to assign a case number and a judge to the divorce. A Summons and a Petition for Dissolution of Marriage are prepared and served on the party not filing the divorce. A Summons is a form announcing the commencement of a legal proceeding in court. It contains instructions on how to answer the petition and who to contact.

The Petition for Dissolution of Marriage is a document that contains all the information on the marriage. When the marriage began, where it took place, etc. This document also includes information on the division of any properties, and if there are any children to the marriage. Attached to the Petition for Dissolution of Marriage is a Financial Affidavit. This document is a requirement of the court and both parties must fill one out. It is a detailed list of the expenses and earnings of each party in the marriage. The Financial Affidavit is the most tedious form to fill out.

Once these forms are completed you may take them to the Clerk of the Court for filing. This is the official commencement of a case, the clerk will assign a case number, a judge and forward the forms to a Sheriff. This process is called "filing" and it will cost you two hundred and fifty-one dollars and fifty cents. The Sheriff will go to the residence of the party not filing for divorce and personally hand him or her the papers, this is called serving. In case the person filing for divorce does not know where the other lives, then notice of the divorce must be done through publication. The Summons is published in a local newspaper for four weeks announcing the divorce. The Clerk will assist you in this process and it will cost you another thirty dollars.

Once filed the other party has twenty days from the date of service or from the first day of publication to prepare an Answer to the petition. If an Answer is not filed in a timely manner then the couple is divorced by default. An Answer is a document that states whether the other party agrees with the contents of the Petition. In the State of Florida it does not matter if the person agrees with the divorce. It is sufficient that one party to the marriage feels that it is irretrievably broken.

Once the Answer is filed, or the twenty days expire, which ever comes first, a final hearing is requested from the Clerk of the Court. At the hearing the Judge will ask each party to confirm their name and date of birth. He will also ask if the marriage is irretrievably broken and if so, he will announce that the Petition for Dissolution of Marriage is granted. The Judge will sign a Final Judgment and declare both parties officially divorced. The Final Judgment is a document signed by the Judge stating the date of the divorce and the distribution of any property. If the couple has minor children the Final Judgment would include details on custody, visitation and child support.

This simple approach to a divorce is best applicable to couples with no minor children and little or no property to divide. It is highly recommend to seek legal counsel when children and properties are involved. A divorce with minor children and properties can be extremely complicated and any mistake could be costly. Keep in mind that once a Final Judgment is signed by a judge and recorded it is very difficult to change.

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