

DIVORCE PROCESS & TIMELINE

The divorce process is long, delayed, and unpredictable. This will provide you with a *general* overview and timeline. Your case may take more or less time based on many factors, including the accuracy of documents, failure of either spouse to follow the rules, the amount of discovery required, the issues presented in the case, and the availability of the judge.

1. Initial Filing and Service: Average time 1 to 3 weeks; Can take up to 3 months.

The initial pleading (typically a Petition for Dissolution of Marriage) is filed with the court and served on the other party. This process depends on how quickly the court assigns a case number and issues a summons, and how easy it is to locate the other party to have him or her served.

2. Answer: 20 to 60 days after filing.

After the other party receives the Petition, they have 20 days to 60 days to file an answer, depending on how they received the Petition.

3. Financial Disclosure: 90 days after filing.

Every case requires the exchange of specific financial documents. These documents are due 45 days after the other party is served, but in general, the financial disclosure process takes about 2 months.

4. Mediation: 6 months after filing.

Florida requires mediation in all family law cases. Most cases settle at mediation. When a case settles at mediation, the time to get a case resolved is significantly shortened. Mediation can be done through the courthouse or through a private mediator. A successful mediated agreement is normally filed with the court immediately after the mediation. After that, the parties must arrange for and attend a brief final hearing.

5. Trials and Preparation.

Trial is the last stage of a case. The scheduling of your trial is dependent on the calendar and availability of the judge. Your case may not conclude immediately at trial. Sometimes judges require lawyers to submit competing orders, and the court may take several weeks to make a final ruling. The final trial in a family law case can last anywhere between 4 hours and 2 weeks. The preparation and lead-in to a trial can take up to a year.

There are many processes which occur throughout the divorce case, particularly discovery – Request for production of documents, written interrogatories, requests to admit or deny facts, and depositions of parties and witnesses. Discovery can take months, even years, particularly if experts such as CPAs or Parenting Evaluators are involved.