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The following material is intended to answer some general questions about divorce proceedings. It is not intended to answer specific questions since each case is different.

### GROUND FOR DIVORCE

Michigan is a "no fault" divorce state; however, the words "no fault" may be misleading. If the parties reach a settlement, fault is not a factor. If there is a dispute, fault of a party may become a consideration in resolving the issues.

### DIVORCE PROCEDURE

The initial filing of a divorce case may include the following documents:

1. **Summons.** This notifies your spouse suit has been started.
2. **Complaint.** This document gives information about the parties and the grounds for divorce.
3. **Affidavit of Service and Return of Service.** This is filed when service is made.
4. **Affidavit of Previous Suit.** This informs the court as to whether the parties have filed for divorce before.
5. **Statement to the Friend of the Court.** This informs the Friend of the Court of the essential facts (unnecessary in cases where Friend of the Court services are not required).
6. **Affidavit.** Lists the child's or children's residences during the past five years and states that no custody action is pending (only needed when minor children are involved).
7. **Record of Divorce.** A statistical record required by the Michigan Department of Health.
8. **Injunction.** Only sought as needed to restrain certain acts of the other party (eg, hiding assets, assaults).
9. **Ex Parte Orders.** These may be obtained for temporary custody, support, etc.
10. **Affidavit for Ex Parte Order.** This is a sworn statement of a party affirming facts stated to obtain the ex parte order.
11. **Circuit Court Filing Fee.** The Circuit Court charges for serving papers and for services, such as the cost of

appraisers, actuaries, accountants, depositions, etc. There may also be Friend of the Court and judgment fees.

12. **Notice of Hearing, Praecipe, Motions, and \$20 Filing Fee.** These are required for any motion that requires a hearing. A motion is a request to the court for some type of relief.
13. **Judgment of Divorce.** This is the final document that grants the divorce and states the terms of the divorce.

#### **Procedure:**

A divorce cannot be granted in less than 60 days. When there are minor children, the parties must wait six months. However, the six-month period may be waived by the judge under certain circumstances.

Temporary orders for custody, child and spousal support, mortgage payments, medical payments, parenting time, injunctions, and other relief may be requested at any time before judgment.

#### WHILE YOUR DIVORCE IS PENDING

This period is usually spent in defining the issues and trying to resolve them. If settlement is reached, the parties will be asked to sign a property settlement form. The parties may be required to approve the settlement in court.

#### JUDGMENT

The judgment of divorce is the most important document you will receive. It will also contain clauses dealing with such issues as spousal support, custody, child support, parenting time, insurance, dower rights, property settlement, and other miscellaneous clauses.

#### SPOUSAL SUPPORT

Spousal support, or alimony, is a sum usually paid by one spouse to the other for support and maintenance of the spouse. There are many applicable tax consequences and restrictions.

#### CHILD SUPPORT

The custodial parent is entitled to claim the minor children as dependents for all tax purposes. Child support is modifiable

Child support is based mainly on the child's needs (in conformity with the lifestyle of the parties) and the ability of a parent to pay.

#### CHILD CUSTODY

This is the most emotional and traumatic issue of most divorce cases. The basis for determining child custody is "the best interests of the child."

#### PARENTING TIME

Parenting time is generally granted to noncustodial parents. Orders may be modified by showing a change in circumstances.

#### PROPERTY

The parties usually arrive at a settlement of property rights. If settlement is not reached, the matter will be decided by the court. Generally, property is divided 50-50.

#### ATTORNEY FEES

Attorney fees are governed by the Michigan Rules of Professional Conduct. Attorney fees are based on a number of factors including the amount and nature of the services rendered.

#### CONCLUSION

This document should merely be viewed as a helpful guide and overview of divorce law and procedures.

We have had substantial experience and expertise in the field of family law. We are aware of the pressures and the personal difficulties faced by a person involved in the divorce process. We will attempt to ease these pressures and work toward eliminating the cause and effect of these problems. If you have any questions, please do not hesitate to call or arrange for an appointment.

Thank you for the opportunity to serve.