

# Divorce Procedure Generally in Florida

by All Family Law Group, P.A.

[www.familymaritallaw.com](http://www.familymaritallaw.com)



1.

## Free initial consultation.

At your no-charge initial consultation we meet with you to determine the legal issues involved in your case and advise you of the options available to you based upon your circumstances.



2.

## Divorce Petition

If you initiate divorce, you must file a divorce petition with the Court asking in general terms for what you want in the divorce.



3.

## Service of Divorce Petition

Personally serve your spouse with the petition by process server. Once served, he or she has 20 days to respond to you or your attorney and the Court.



4.

## Answer and Counter Petition

If your spouse initiates divorce, you must respond with an answer to him or her by mail or email and the Court within 20 days of being personally served with the petition. You can also file a counter petition asking for what you want in the divorce if different than he or she is requesting.



5.

## Case Management Conference

A mandatory status conference called a Case Management Conference is scheduled by the Clerk 90 days from the date the case is filed.

The conference is held in front of a judge, and the parties are required to have filed certain pleadings including a Financial Affidavit, completion of financial disclosure and if minor children, completion of a parenting class and a child support guidelines worksheet. This is simply a case status conference and there is no testimony by the parties.



6.

## Financial Disclosure

After the petition, answer and counter petition for divorce are filed, then financial disclosure occurs. This is where the parties obtain and provide copies of financial information from and to each other as to their income, assets and debts, if necessary. A Financial Affidavit is required to be filed and may need to provide opposing party with answers to Interrogatories.



7.

## Children

If there are children, timesharing (visitation) must be determined as well as child support, if any is due to one of the parents. A Florida Child Support Guidelines Worksheet, as well as a Parenting Plan must be filed if there are children.



8.

## Mediation

If the parties cannot agree to the terms of their divorce and enter into a Marital Settlement Agreement, then after financial disclosure is completed, mediation is held either through the County or privately depending on the complexity of your case. In Hillsborough County, Mediation is mandatory before any temporary relief or final hearing is held, except in emergency situations.



9.

## Temporary Relief Hearing

If the parties cannot agree at mediation, then a Pretrial Conference and Final Hearing must be scheduled. If necessary, a temporary relief hearing can be scheduled for temporary child support, timesharing or visitation schedule, alimony and attorney fees. Whether to have one depends on how long you must wait to attend the Final Hearing.



10.

## Pretrial Conference and Final Hearing

A Pretrial Conference is mandatory and the hearing is generally scheduled one month prior to the contested final hearing; however, it does depend on the judge's calendar. The primary purpose of the pretrial conference is to determine what issues will be heard at the final hearing or trial.



11.

## Final Hearing

A contested final hearing or trial is the final step in the Tampa divorce process. The issues are brought before the judge by testimony of the parties and evidence supporting each party's position. We will be thoroughly prepared to represent you and your position and to skillfully present thoroughly researched evidence to support your case.



12.

## Final Judgment - ask for rehearing or appeal

After the final hearing, either the judge will prepare a Final Judgment or one of the attorneys will prepare it with the approval of the opposing party's attorney. If there is disagreement as to the Final Judgment when it is signed by the judge, the party's may request in writing a rehearing which generally must be within 10 days of the date the Final Judgment is signed by the judge. Or it generally must be appealed within 30 days of the date it is signed.



13.

## Comply with Final Judgment

If there are no objections within the time periods above by the parties, then they are ordered to comply with the Final Judgment.