

A Guide for First-Time Divorcees

Going through a divorce is one of life's most-challenging experiences. It can be a time of raw emotions and stress. Even when the divorce is an amicable one, there are a lot of details and paperwork to manage, and it can feel overwhelming. It helps if you have an understanding of the entire divorce process before you begin; this can control costs and reduce stress and harm to you, your spouse, and any children you have.

If you live in Tennessee, there are three ways to legally end a marriage. In order from the typically least expensive, complicated, and contentious to the most, they are as follows:

- Agreement
- Settlement
- Trial

Trials are actually relatively rare nowadays, and one reason for that is couples usually have to try mediation first.

Before you can get to the settlement or trial stage, though, you have to undertake the divorce process. Following is an explanation of how that works from beginning to end.

Basic Requirements

Tennessee divorce laws stipulate that either the spouse filing for divorce (plaintiff) or the one receiving divorce papers (defendant) has been a resident of Tennessee for at least six months. If neither meets that requirement, then you must delay initiating the divorce process until one of you does.

After that, the plaintiff and defendant must decide whether to pursue an agreed divorce, a no-fault divorce, or a fault-grounds divorce. Let's look at what those are.

Agreed Divorce

This is the simplest kind of divorce. If the spouses meet a set of specific requirements, they can go online to fill out their forms, and then they can go through the steps of obtaining an agreed divorce.

What are those requirements?

Both spouses must have lived in Tennessee for at least 6 months. Both spouses have to want to end the marriage, they cannot be expecting a child, and there cannot be any children they had together who are disabled, under 18, or still in high school. Also, there cannot be any retirement benefits, businesses, buildings, or lands that they co-own. Finally, the two people must agree on alimony and division of property.

No-Fault Divorce

When a married couple does not meet all the requirements for an agreed divorce but still wants to avoid a contentious divorce, there is the option for a no-fault divorce. Here, the plaintiff does not have to prove that the defendant engaged in misconduct that rendered the marriage unworkable. This is the type of divorce where people commonly cite incompatibility or irreconcilable differences as the reason for splitting up.

Fault-Grounds Divorce

In this type of divorce, which is the one most likely to go to trial and consume the most amount of time and money, the plaintiff does seek to prove misconduct by the defendant that has created grounds for divorce. Abuse, abandonment, and adultery are among the most common types of alleged misconduct.

Note that after someone files for this type of divorce, the law requires issue of an automatic injunction prohibiting both parties from liquidating assets, threatening each other with harassment or harm, and other actions with negative impacts on the proceedings to come.

Since proving fault can be so complicated, it's important to consult with a family law attorney before proceeding.

Starting the Divorce Process

There are a lot of details involved, but initiating the process has two basic steps: filing and responding.

Filing a Complaint for Divorce

To begin the process, the person seeking a divorce (who becomes the plaintiff) has to file a "Complaint" often referred to as a Petition for Divorce. When you do that, the forms you file will have to contain information such as the full names, social security numbers, and birthdates of you and your spouse. You'll also need to list current addresses and all minor children.

Once you've completed all this paperwork, you'll need to formally file the complaint with the Clerk of Court. If everything is correct, then the Clerk will issue a Summons. Then both the Complaint and the Summons have to be delivered ("serving papers") to the other spouse (who will become the defendant).

In the filing stage, you'll be responsible for the filing fees and perhaps serving fees as well.

Good divorce lawyers are a great resource during the filing phase. They will make sure you meet all the requirements and avoid having your Petition rejected, and they can also help you control costs, especially if unexpected complications arise.

Spousal Response

Most of the time, this part is pretty simple: the spouse responds (agrees to start the process) and then you shift to a formal settling of details.

Sometimes, though, the served spouse will come back with a countersuit or Counter-Complaint. In essence, it is a Complaint/Petition against you. Often, the Counter-Complaint denies the allegations in the original Complaint and asks for dismissal of the original Complaint and a ruling in the defendant's favor.

The issues in dispute commonly involve division of assets, alimony, custody of children, and/or child support.

Up until this point, it might have been manageable if not advisable to go without the services of a good divorce lawyer. Now, though, you're beyond any chance of an agreed divorce and most likely a no-fault divorce. You're looking at the possibility of a very contentious divorce with maybe a trial as well if you just can't come to terms through remediation or attorneys. It's imperative to hire an experienced attorney specializing in divorce and family law.

The Final Divorce Hearing

Once you've settled on terms, it's time for scheduling a Final Divorce Hearing. You have to wait at least 60 days from the initial divorce filing, and in the case of an agreed divorce, you have to hold it no more than 180 days from the date the last person signed the Divorce Agreement.

When the day of the hearing comes, arrive on schedule and have copies of all your papers. In Tennessee, only the plaintiff has to show up, but it's best if both spouses appear in case there are paperwork issues or any other last-minute concerns. There is also a chance that a defendant who does not appear will have a default divorce entered against him or her.

During the hearing, the judge will ask you questions about the marriage, your separation, and other information contained in your forms. Then, assuming all is in order, the judge will issue a Final Divorce Order. If the defendant is not present, the spouse will have to mail him or her a copy of the Order.

After that, Tennessee law allows both parties up to 30 days to file an appeal of the order.

Hunter Fowler Law Can Guide You Through This and Protect Your Interests

If you are going through a divorce or preparing to file for one, Hunter Fowler, an experienced divorce attorney, can help you through every step of this difficult process and will represent you with protecting your interests first and foremost. To schedule a consultation, just use the contact information here, and we'll be in touch to see how we can help you get the settlement you deserve and reduce your stress and costs at the same time.

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