Divorce and Separation

A divorce is a lawsuit the end goal of which is the entry of a Judgment changing the marital status of the client from married to single. Incidental to the request for a change in marital status the Court will also decide issues relating to the parties children (if any), their property and income.

An action for a legal separation is a lawsuit the end goal of which is not a change in marital status, but which requests the Court to order the parties to live separately and to also decide issues regarding the parties: children (if any), their property and income.

Children

During a divorce or legal separation, in which minor children are involved, the parties or the Court must resolve issues regarding: legal custody, physical custody, child support, parenting time (for the non-custodian), medical insurance, coverage payment of uninsured medical expenses incurred for the children and income tax deductions.

Property

When parties are divorcing or seeking a legal separation, the Court is obligated to fairly and equitably divide their marital property between them. The Court will first determine whether or not all of the parties property is marital or whether some is separate property. Marital property is to be divided congruently. Separate property is typically left with the separate property owner, but there are exceptions to that rule. Marital property is all property acquired by the parties during the marriage through their work or through their efforts. Separate property is property which may have been owned by one of the parties before the marriage or which came to one of the parties during the marriage through gift or devise.

The Court will need detailed information from the parties which reveals their real and personal property, the source of that property, the value of that property and its proposed distribution.

Income

The Court will determine whether or not the income of the parties should be apportioned between them as spousal support payable by one to the other. There are a number of factors which the Court will consider in determining whether or not spousal support should be awarded and in what amount and for how long. The more important factors are: the ability of one party to pay spousal support, the need of the recipient, the size of the disparity in their respective incomes, the length of the marriage and the past behavior and conduct of the parties.

Role of the Attorney

The attorney will assist the client in the resolution of the issues (regarding children, property and income) most favorably to the client. The client and the attorney work together to present to the other party and the Court facts and arguments which will result in a favorable resolution of any disputed issues.

Time

A divorce (or action for legal separation) in Michigan, where the parties have minor children,
may not be concluded (by the entry of a Judgment of Divorce), until at least six (6) months have elapsed from the date of filing of the Complaint.

Where the parties do not have minor children the action may be concluded after two months have elapsed from the date of filing of the Complaint.

Costs & Fees

Because the attorney cannot know how many of the various issues presented will be amicably
resolved and how many will be the subject of a contest it is not possible to quote a single fee. The more the parties disagree, the more the attorney is required to work to resolve those disputed issues. The more the attorney works, the greater the fee. Clients are advised to carefully consider whether or not a particular dispute is worth the emotional and financial cost of that dispute.

The current Court filing fee for a divorce/legal separation in Michigan is $230.00 for cases involving children. The filing fee for divorce/legal separation without children is $150.00.

Summary

A divorce is not an event. It is a process which takes careful consideration and time to complete. We will advise you through each step of the process and work hard to obtain the result you want.