

# DIVORCE

## What to Expect From The Divorce Process?

By Jessica L. Singer, Esq.,



**W**hen contemplating divorce, in the emotional rush to “just get out of the marriage,” many women may not consider what a grueling, lengthy, and oftentimes confusing process it can be. With divorce affecting over 50% of the United States population, there’s a lot of first-hand “advice.” Sorting through all of

the advice to find what you can really expect from the process can be a daunting task. Hopefully, this article will provide you with a basic overview of the steps involved in a New Hampshire divorce.

The first step is the filing of the Petition. The person who files the Petition is thereafter known as the “Petitioner” and the person who is served the Petition is referred to as the “Respondent.”

Once the Respondent is served with the Petition for Divorce, he or she may respond, and may file an “Answer” and a “Cross Petition.” It is the Petition and the Answer, or Cross Petition (if filed), that generally set the tone for the rest of the divorce proceedings as these documents let the parties and the Judge know the cause of the breakdown of the marriage (whether there are fault grounds to the divorce, i.e. adultery, cruel and inhuman treatment, etc., or if it is a “no fault” divorce). The Petition and Answer also indicate the kind of relief the other party will be seeking, i.e., spousal support/alimony, child support, or distribution of marital assets.

If one has been requested, the Court will then schedule a Temporary Hearing. The resulting Temporary Order (either agreed upon by the parties or decided by the judge or master) outlines each party’s responsibilities during the pendency of the divorce (financial, parental, residential, etc.). If minor children are involved, the Court requires attendance by both parties at a “First Appearance” hearing and Child Impact Seminar, which are designed to help the divorcing parties shield their children from the impact of the divorce and to educate them on the process.

Between the Temporary Hearing and the Trial, there may be various conferences at which deadlines and time

limits prior to the trial are set. Discovery will also likely occur, wherein the parties exchange information and documents and ask written questions which the other party is required to answer under oath.

The court may require, or the parties may elect mediation. Mediation is a process in which the parties engage a qualified marital mediator who is a neutral third party (usually another attorney or professional mediator) to assist them in reaching their own agreement.

If the divorce is not resolved through mediation, it is likely that the parties will be negotiating and trying to come to a resolution all the way up until the trial date. The judge or marital master often tries to assist the parties in this endeavor, and most divorce cases settle rather than go to trial. However, if a divorce does go to trial, you can expect a long and expensive process.

The entire process may take anywhere from six months to a year or more, depending on the complexities of the situation and how far apart the parties start. A qualified family law attorney can best protect your interests and intelligently advise you of the law based on the facts of your specific case.

The next article in this series will review the New Hampshire standards for child support and spousal support (alimony). Stay tuned!

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