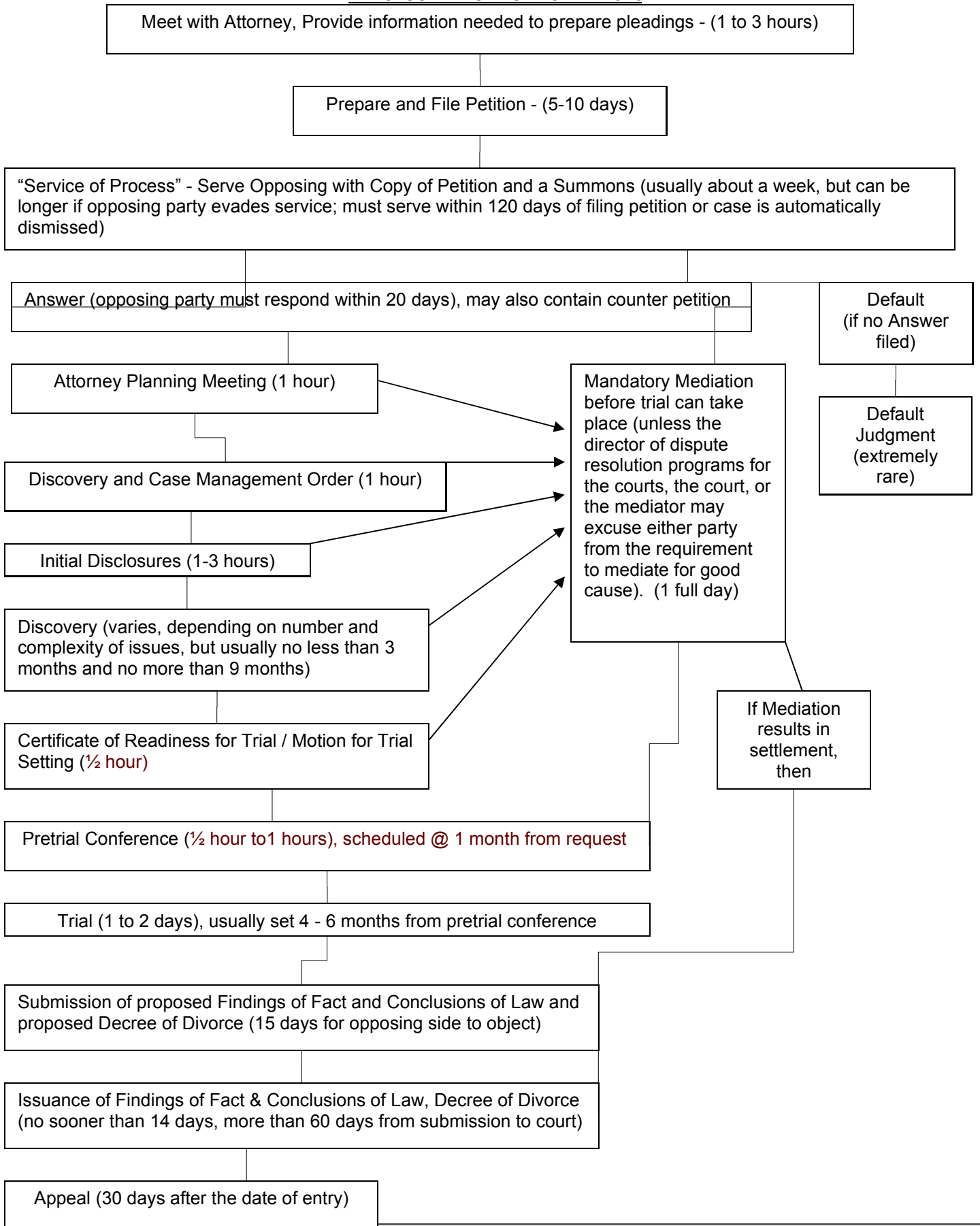


Divorce Timeline Flow Chart



Divorce Glossary of Terms by Eric K. Johnson, Attorney at Law

Petition (also sometimes entitled "Petition") - This is the first document filed by the Petitioner to start the lawsuit. It is a brief statement of the Petitioner's claims against the Respondent.

Service of Petition - Once the Petition is filed the Petitioner must serve the Summons and Petition upon the Respondent. This gives the Respondent notice that a lawsuit has been filed and informs the Respondent what must be done to respond to the lawsuit.

Answer - This is the pleading filed by the Respondent that responds to the claims made by the Petitioner in the Petition. The Respondent may also counter petition for divorce and usually files the counter petition at the same time as and as part of the same pleading containing the Respondent's Answer.

Default - If a Respondent does not file an Answer or Rule 12 Motion after having been served with a Petition, the Respondent is "in default" for failure to file a responsive pleading within the time allowed, and Petitioner may proceed to obtain a judgment by default. Default and default judgments are extremely rare occurrences.

Motion - A formal request made to a court for an order or judgment during the pendency of a lawsuit. Motions can be made and typically are made in court throughout the lawsuit for many purposes: temporary child custody, child support, possession of marital home and other assets, temporary alimony, for a judgment, for dismissal of the opposing party's case, for sanctions (payment of the moving party's costs or attorney's fees, jail, etc.), to continue (postpone) a trial to a later date, to get a modification of an order, or for other purposes too numerous to list here. Most motions require a written request for relief (the motion itself), a written brief of legal reasons for granting the motion (often called "memorandum of points and authorities"), written notice to the attorney for the opposing party as to whether a hearing has been set, and a hearing before a judge or commissioner. However, during a trial or a hearing, an oral motion may also be permitted.

Disclosure and Discovery - This is the process by which the parties learn from each other what the case is about, the facts of the case, what the disputed issues are and aren't, and the position each party is taking with respect to each issue in the case. There are a number of duties and procedures that govern the exchange of this information between the parties.

Where custody of minor children is an issue, often a **child custody evaluation and/or parent-time evaluation** is conducted during the discovery phase. An evaluator is appointed by the court to conduct an impartial, objective assessment and submit a written report to the court. The purpose of the custody evaluation will be to provide the court with information it can use to make decisions regarding custody and parenting time arrangements in the child's best interest by assessing the prospective custodians' capacity to parent, the developmental, emotional, and physical needs of the child, and the fit between each prospective custodian and child.

Motion for Trial Setting / Certificate of Readiness - Once an Answer has been filed, any party may file a Motion to Set for Trial / Certificate of Readiness. This document informs the Court that discovery has been completed, that there are no outstanding motions, and that the case can be set for a trial. Certain information is required so the Court can determine when to set the trial date.

Trial Notice - If a case is set for trial, the Court will issue a trial notice that informs the parties whether the case is set for trial before a jury or the Court, the date of the trial, and the number of days the trial will take. Other information is included in the trial notice regarding practice and procedures before the Court.

Pretrial Conference - In any action, the court in its discretion or upon motion of a party, may direct the attorneys for the parties and any unrepresented parties to appear before it for a conference or conferences before trial for such purposes as: 1) expediting the disposition of the action; 2) establishing early and continuing control so that the case will not be protracted for lack of management; 3) discouraging wasteful pretrial activities; 4) improving the quality of the trial through more thorough preparation; 5) facilitating the settlement of the case; and 6) considering all matters as may aid in the disposition of the case. This allows for the timely and orderly preparation of the case for trial.

The time frames described above set forth the *general* sequence of a simple and typical civil action. There are many special circumstances, rules, or situation that may alter the time frames or steps shown above. This chart is not all inclusive of all cases and is for illustrative purposes.