

THE DIVORCE PROCESS

Month 1



Petitioning the Court & Financial Disclosures

During this stage, we petition the court with your requests related to dividing assets and debts, child custody, and support. We will also file a response to any requests filed by your spouse that we do not agree with. Each side is required to file financial disclosures and proposed parenting plans that we will assist you in completing.



Information Gathering & Decision Making

Fill out and return your forms. It takes approximately one week to draft and prepare them for your review. If necessary, we will provide you with a list of documents that you will be required to gather. Once you review and approve the forms, you will need to sign the documents in front of a notary. You can do that by coming by the office, or you can mail, email, or fax the signed documents to our office.



Potential Delays

The court sets deadlines for parties to file documents and attend a parenting class. However, the court does not take any action to enforce these deadlines until your case has been pending for over six months without any action. If one side or the other does not file their documents the case may be delayed.



Consider a Temporary Order

If necessary, you can ask the Court to make temporary decisions regarding spousal support, child support, visitation, custody, joint expenses, attorney fees, and any other matters that might come up while your case is pending.

Months 2-6



Settlement Negotiations, Mediation, and/or Information Gathering

If your case is settled, you can submit the settlement to the judge to finalize 30 days after your case has been on file. If it appears that your case will not settle or if we need more information to decide, we may need to gather information and documents from your spouse using discovery. If you have an issue regarding custody, many courts will require you to attend mediation before your case can be set for trial. You can voluntarily attend mediation on any issue.

★ **POSSIBLY FINALIZED** (in best case scenario)

Months 6-12

Settlement Conference, Trial Prep & Trial

It can take a long time to gather all of the information necessary for trial and to obtain a date from the court. Some courts require that you attend a settlement conference a few weeks before your trial to present your information to a neutral judge and to receive recommendation on settlement terms.

POSSIBLY FINALIZED ★



Months 12+



In a worst-case scenario, it may take over a year for the court to reach your trial date. Even then, your case may not be over after trial. Cases are rarely decided the same day go to court. Cases are taken "under advisement" so the judge can think about it and then decide. The judge has no set time upon which he or she must decide. After the decision, if either side believes that the judge was wrong, you may spend time dealing with motions to change the judge's decision, appealing the decision to a higher court, or defending the decision in a higher court. If the higher court finds that the judge made a mistake, the case may go back to the original judge to correct the mistake or have another trial.

FINALIZED!

Some cases are long and difficult. If you end up in this situation, do not fear. We will help you reach the end, so you can move on to better and brighter days.



BENNER LAW

Divorce Lawyer & Family Attorney
in Columbia, MO

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Table of Contents Online Book Divorce Missouri Process Rights Expect

1. Understanding the eBook Online Book Divorce Missouri Process Rights Expect
 - The Rise of Digital Reading Online Book Divorce Missouri Process Rights Expect
 - Advantages of eBooks Over Traditional Books
2. Identifying Online Book Divorce Missouri Process Rights Expect
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Online Book Divorce Missouri Process Rights Expect
 - User-Friendly Interface
4. Exploring eBook Recommendations from Online Book Divorce Missouri Process Rights Expect
 - Personalized Recommendations
 - Online Book Divorce Missouri Process Rights Expect User Reviews and Ratings

- Online Book Divorce Missouri Process Rights Expect and Bestseller Lists
- 5. Accessing Online Book Divorce Missouri Process Rights Expect Free and Paid eBooks
 - Online Book Divorce Missouri Process Rights Expect Public Domain eBooks
 - Online Book Divorce Missouri Process Rights Expect eBook Subscription Services
 - Online Book Divorce Missouri Process Rights Expect Budget-Friendly Options
- 6. Navigating Online Book Divorce Missouri Process Rights Expect eBook Formats
 - ePub, PDF, MOBI, and More
 - Online Book Divorce Missouri Process Rights Expect Compatibility with Devices
 - Online Book Divorce Missouri Process Rights Expect Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Online Book Divorce Missouri Process Rights Expect
 - Highlighting and Note-Taking Online Book Divorce Missouri Process Rights Expect
 - Interactive Elements Online Book Divorce Missouri Process Rights Expect
- 8. Staying Engaged with Online Book Divorce Missouri Process Rights Expect
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Online Book Divorce Missouri Process Rights Expect
- 9. Balancing eBooks and Physical Books Online Book Divorce Missouri Process Rights Expect
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Online Book Divorce Missouri Process Rights Expect
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Online Book Divorce Missouri Process Rights Expect
 - Setting Reading Goals Online Book Divorce Missouri Process Rights Expect
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Online Book Divorce Missouri Process Rights Expect
 - Fact-Checking eBook Content of Online Book Divorce Missouri Process Rights Expect
 - Distinguishing Credible Sources

13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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