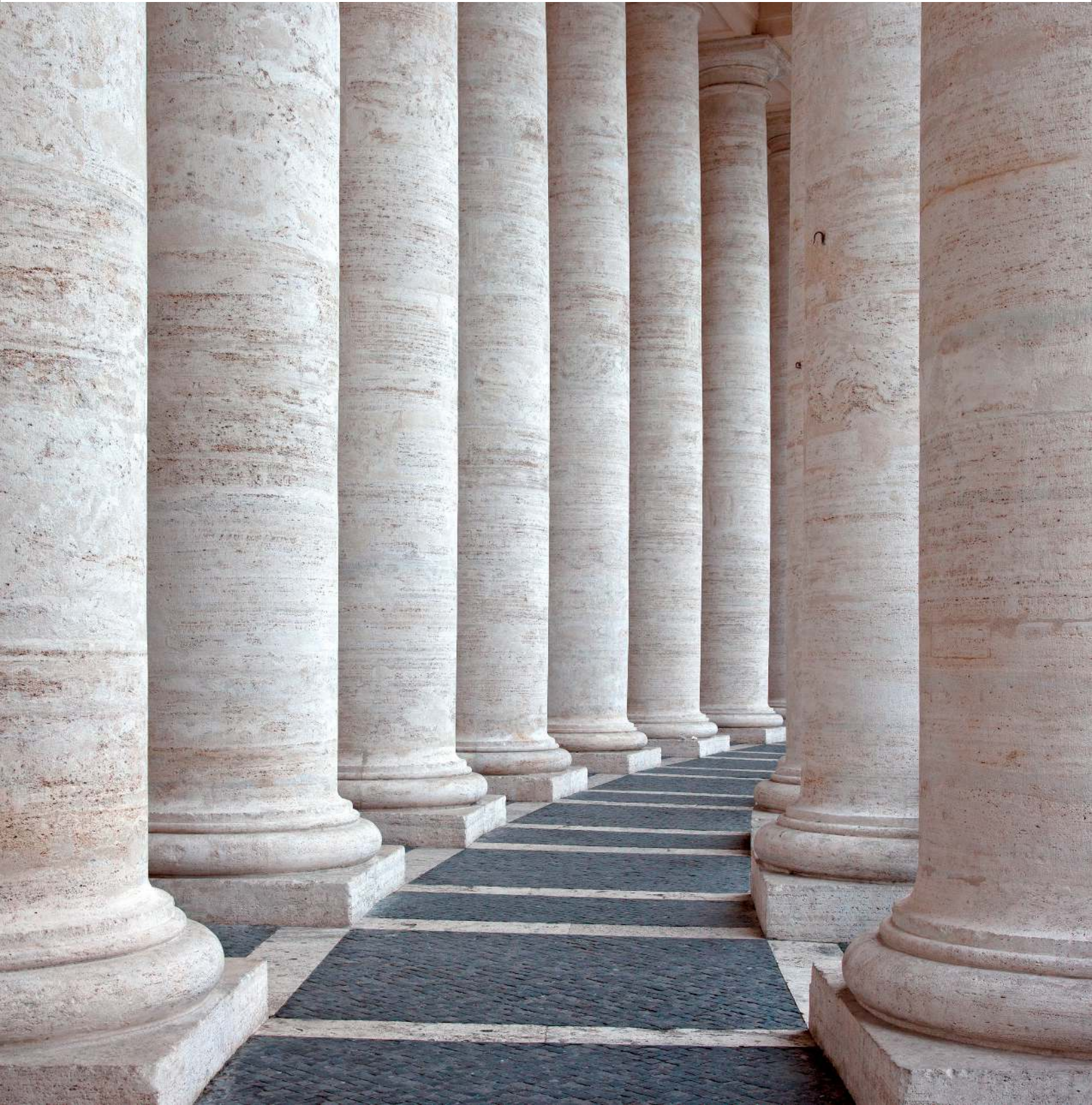


# Guide to Georgia Divorce

MERIWETHER & THARP<sup>LLC</sup>  
— THE ATLANTA DIVORCE TEAM —





# Table of Contents

<b>Overview .....</b>	<b>3</b>
<b>Is Divorce Right for Me? .....</b>	<b>4</b>
Working on Your Marriage Together .....	5
Marital Counseling .....	6
Trial Separation.....	7
<b>Where do I Start? .....</b>	<b>8</b>
Planning an Exit Strategy .....	8
Gathering Information.....	9
<b>Divorce: The Four Main Issues in a Divorce.....</b>	<b>10</b>
Child Custody.....	11
Child Support.....	12
Alimony .....	13
Asset Division/Equitable Division .....	14
Who gets the House? .....	15
<b>How does the Divorce Process Work?.....</b>	<b>16</b>
Filing the Complaint .....	17
Filing an Answer to the Complaint .....	18
Discovery .....	18
Alternatives to trial.....	19
Trial.....	19
Post Divorce.....	20
<b>What Resources are Available to Help Me? .....</b>	<b>21</b>
Hiring an Attorney .....	21
<b>Why Meriwether &amp; Tharp? .....</b>	<b>23</b>
Philosophy .....	23



## Overview

Getting a divorce or going through other family law issues can be an overwhelming process both emotionally and physically. But remember, you don't have to do this alone. Meriwether & Tharp created this brief Guide to Georgia Divorce to help clarify the mystery behind the divorce process and give you a clear place to start. We will answer commonly asked questions and arm you with the knowledge you need to get through this difficult time. In addition to this guide, feel free to read over the detailed content on our website at [www.mtlawoffice.com](http://www.mtlawoffice.com) to help clarify the divorce process further. You may also want to read our blog at [www.mtlawoffice.com/blog/](http://www.mtlawoffice.com/blog/) to help keep you updated on the latest tips.

You may be at a point where you are not sure if divorce is the answer. For some, divorce may initiate a positive fresh start that will help them move on with their life and ultimately find happiness. Others may not need divorce, marital counseling, support from friends and family or making a concerted effort using marriage tips to improve your relationship may be the answer. Whether a divorce is appropriate depends on each individual's unique situation.

Remember it's important to understand what your rights are, what the law requires and what things you can do to make this process as quick, cost effective and painless as possible. **Divorce hurts, but it doesn't have to be nasty.** Meriwether & Tharp is here to help you through this difficult time.

Meriwether & Tharp is your source for Georgia Divorce.

Each individual person's case has unique facts and circumstances. Therefore, the information provided in Meriwether & Tharp, LLC's Guide to Georgia Divorce is general information and is not a substitute for legal advice from an attorney. The information contained in this Guide does not constitute legal advice nor is it intended to be legal advice. If you have a need for legal advice, please consult with an attorney.



## Is Divorce Right for Me?

The answer to this question will depend on the unique circumstances of each individual person. Marriage is hard work and most couples experience trials and tribulations during their marriage that at times may appear insurmountable. These difficulties often lead couples to consider the prospect of divorce. However, divorce is not always the answer. Divorce is the last step, not the first.

Obtaining a divorce is a serious and life altering decision. It is important to consider your decision carefully. Relationship issues may stem from a variety of sources, and it is important to determine what they really are before giving up on the relationship and seeking a divorce, especially if love, affection, friendship and/or trust are still present in the relationship.

Consider the following as a guideline for the steps to take if necessary:

- 1. Working on your marriage together**
- 2. Marital counseling**
- 3. Trial Separation**
- 4. Divorce**

Nevertheless, to make an informed decision it is important to consider all your options and alternatives. For more information on considering divorce please visit the “Considering Divorce” section on our website at <http://mtlawoffice.com/considering-divorce>



### Working on Your Marriage Together

There are several issues that lead couples to become dissatisfied with their marriage. Common marital issues include: disagreements, lack of intimacy, disrespect, and resentment. If these issues continue unaddressed, they may bring about the end of the marriage. Listed below are five steps that you and your spouse may take in order to minimize, or even eliminate, these common marital difficulties.



## **1) Communicate**

This is likely the most important, yet most overlooked, part of any relationship. Communication is more than just talking to your spouse. Communication is a two-step process. It includes both articulating your message and listening respectfully to your spouse's response. Actively listening to your spouse and clearly delivering your message is extremely important and will assist in preventing disagreements and arguments caused by simple misunderstandings.

## **2) Be Realistic**

Your spouse is not perfect and neither are you. You are not mind readers. It is important to be realistic and honest with your spouse about your expectations of him or her and of the marriage. It is best to do this either before or early on in the marriage; however, it is never too late to communicate your hopes and solicit their anticipated needs. It is impossible to live up to a standard of which you are unaware. Sharing your expectations with each other will help you operate in ways that are more conducive to the success of your relationship.

## **3) Spend Time Together**

You and your spouse may live together, but how much quality time do you actually share? Between work, caring for your children and any hobbies or other activities you may participate in, the time left to enjoy with your spouse may be minimal. To foster a healthy relationship, it is essential that you ensure that you and your spouse spend quality time together. This time may come in two forms: state of the marriage meetings and date nights. State of the marriage meetings are times that you choose to privately discuss practical issues that concern your marriage, such as financial or child rearing issues. Date nights are the opposite. Date nights elicit romance and emotional connection. You may find that increasing the time you spend with your spouse, even slightly, will increase the communication and emotional bond that is shared.

## **4) Be Romantic**

Intimacy is another important aspect to any relationship. Communicate to your spouse your desires regarding intimacy and request that your spouse express their wishes to you as well. Openly communicating with your spouse regarding your love life will ensure you remain emotionally and physically satisfied and will lead to richer and more fulfilling romantic experiences.

## **5) Be Appreciative**

It is often easy to take your spouse for granted. This is a practice, however, that may lead to growing resentment within the relationship. Take time to regularly compliment your spouse and tell them how much you appreciate them. Even though giving a compliment may seem like a menial task, it will show your spouse that you appreciate them and that you are considerate of their contributions to the relationship.

Counseling via religious leaders, therapists, or psychologists may be a wonderful way to initiate or specifically tailor these recommendations to your relationship so that you and your spouse may begin the path to fostering a stronger and more fulfilling marriage.



## Marital Counseling

Marriage counseling, or couples counseling, is a type of therapy that focuses on helping couples build and maintain a strong and healthy marriage. Additionally, if a couple has experienced a distressing event in their marriage, such as infidelity or separation, counseling may help the couple repair their relationship by facilitating positive communication between the spouses, focusing the couple on what may be the true issues of contention in their relationship, if latent, and providing the couple with the emotional tools necessary to work toward repairing the problems plaguing in their relationship. Qualified therapists or counselors may help spouses work through issues such as infidelity and emotional affairs, mid-life crises and other major personality changes, empty nest syndrome, and the waning of emotional or physical intimacy between the couple. Not only may a marriage counselor guide spouses through their marital discord in an effort to save their marriage, but if a couple has already come to the conclusion that divorce is the path they wish to take, a counselor may also be able to help the couple acquire the skills necessary to move forward in a positive direction and begin to develop their relationship as co-parents.

Although marriage counseling may be the ideal route for some couples to take prior to seeking a divorce, it may be the case that only one spouse desires to undergo marriage counseling, while the other is staunchly against it. In this situation, it may be beneficial for the spouse who desires counseling to initially seek counseling individually. Individual counseling can be beneficial by helping a spouse cope with the current circumstances of the marriage, uncover how that spouse may be contributing to the marital discord, explore future options other than divorce, improve communication skills and provide the spouse with an independent source of emotional support.

If you have considered divorce, but wish to seek counseling in an effort to save your marriage or reconcile with your spouse, you may find a qualified Georgia marriage or divorce counselor via Theravive or The National Registry of Marriage Friendly Therapists. Both Theravive and The National Registry are online services designed to help individuals, spouses and families seeking qualified counseling services identify the counselor best suited for them. Be sure to seek out a counselor who has been appropriately trained and licensed. Look for a counselor who is a Marriage, Family and Child Counselor (MFCC) or a Licensed Marriage and Family Therapist (LMFT).



## Trial Separation

If counseling is not enough, another option to consider is entering into a temporary period of separation. Although there are legal options that could be pursued in this scenario (such as separate maintenance), they are not always necessary or even required. Often, upon the relocation of one spouse, it may be easier for both spouses to clearly consider their options and seek counseling or other aid in rebuilding the relationship. Although it is not talked about often with friends, often a short trial separation can help mend and even repair marital problems.

Each individual person's case has unique facts and circumstances. Therefore, the information provided in Meriwether & Tharp, LLC's Guide to Georgia Divorce is general information and is not a substitute for legal advice from an attorney. The information contained in this Guide does not constitute legal advice nor is it intended to be legal advice. If you have a need for legal advice, please consult with an attorney.

For more information please visit [www.mtlawoffice.com](http://www.mtlawoffice.com) | Meriwether & Tharp - Your Atlanta Divorce Team





## Where do I Start?

After all other aspects have been considered, seeking a divorce maybe the best and most appropriate solution to your marital discord. If that is the case, it is best to learn as much as possible about the process and potential outcomes you may face with a divorce. Often, it is this lack of knowledge (or worse the misinformed knowledge passed from others) that makes cases more contentious than they need to be and serve merely to further harm your relationship with each other while incurring exponential growth of litigation fees. This is why it is important to **plan an exit strategy, gather information** and start thinking about the four main issues that must be resolved in a divorce: **1) Child Support; 2) Child Custody; 3) Alimony; and 4) Asset Division/ Equitable Division.**



### Planning an Exit Strategy

It is advisable to have a plan before you begin the divorce process. Here is a checklist which may be helpful for you when starting the process of divorce:

- Collect and maintain copies or records of important information, like financial, personal, and insurance related information.
- Do not alter, transfer, assign, or make a gift of any marital assets that are titled in both you and your spouse's name. Seek the advice of a divorce attorney before taking any steps that may concern the separate property of your spouse.
- Make a projected budget! Being able to quickly ascertain the amount of your monthly income and expenses will be critical in completing the documents required for a divorce in Georgia.
- Try to avoid accumulating any new or additional debt.
- Stay active in the lives of your children. Maintaining an active presence in the lives of your children will not only make the transition easier for them, but it will also place you in a better position regarding custody and child support matters.
- Plan for the future. Research ways to support yourself if you are not already gainfully employed. If you are employed, stay employed. It is vital to ensure that you are able to support yourself and maintain assets like your home or car during what could be a



prolonged process. Additionally, it is important to begin thinking about where you and your spouse will live during your separation. It is common for couples to live separately during the pendency of a divorce. So it is best to determine if you will stay in the marital home or relocate.

- Talk about the divorce with your spouse - Once you have prepared yourself, it is time to begin the process of preparing your spouse for the eventuality of the divorce. Although the thought of announcing to your spouse your intentions for divorce may seem daunting, it is necessary. It is best to ensure that the initial conversation with your spouse about divorce is as pleasant as possible. This may seem counterintuitive; however, the initial conversations with your spouse will set the tone for the proceeding divorce litigation and post-divorce life. Remaining positive and calm will help with settlement negotiations, and it will also help establish the tone for your post-divorce relationship with your spouse. Divorce is a difficult process and mitigating the emotional trauma throughout the process reduces the likelihood of permanent bitterness between spouses.
- Obtain legal advice from an attorney licensed to practice in your state. An experienced divorce attorney may be able to provide you with more specific and personalized advice on what more you should do in order to prepare for your divorce.



## Gathering Information

Knowledge is power. Gathering information before and in the early stages of divorce is often critical. A contested divorce can be a long and complex matter. It is helpful to have an understanding of your current financial situation and potential custody issues.

Make sure the gather your financial information, tax returns, paystub for yourself and spouse, recent statement(s) of all checking accounts - both jointly and individually held, recent statement(s) for all investment accounts - including but not limited to IRA, 401K, Pension, recent credit card statement for

all accounts - both jointly and individually held, insurance statements and your most recent mortgage statements.

Always remember to gather important information regarding your child, a compilation of school records including but not limited to academic reports and disciplinary records, records indicated monthly child care expenses, and any journals evidencing potential custody issues; i.e. travel calendar, non-exercised visitation if you have already separated, involvement/non-involvement in extracurricular activities, and any and all health and medical records for your children.

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## Divorce: The Four Main Issues in a Divorce

Your divorce cannot be final until you have resolved and worked out the details of the four main issues of divorce: 1) [Child Custody](#); 2) [Child Support](#); 3) [Alimony](#); and 4) [Asset Division/Equitable Division](#). Each divorce is different with unique facts and circumstances. For some divorces, you may not have children so you can cross off Child Custody and Child Support since this will not be necessary to consider. It is helpful to start thinking about what you want regarding these issues and how you propose to resolve them going forward. Below, we have included a brief overview of these issues without all the legalese and legal jargon that tends to muddy the waters. For more detailed information on the four main issues in a divorce, please visit the “Divorce” section on our website at <http://mtlawoffice.com/divorce-information>.

Child  
Custody

Alimony

Child  
Support

Asset/  
Equitable  
Divion





## Child Custody

Broadly speaking, child custody is broken up into two major categories, [physical custody](#) and [legal custody](#), (in other words: time and say so).

**Physical custody** deals with which parent the child will reside with primarily. There are four types of physical custody:

### Primary Custody

In common practice and without reference to any laws in Georgia, primary custody refers to the arrangement where one parent has the majority of time with a child.

### Joint Custody

Refers to the arrangement where the parties split parenting time roughly equally.

### Sole or “Full” Custody

Refers to the arrangement where one parent has nearly all of the time with the child.

### Split Custody

Refers to a situation where one child spends the majority of his or her time with one parent and the other child spends the majority of time with the other parent.

**Legal custody** addresses which parent will have final say so or decision making on various matters related to a child’s upbringing such as health and non-emergency medical decisions, extracurricular activities, religion and education.

The parents may agree to custody and a visitation schedule or the judge, not a jury, may decide this issue by considering the best interests of the child. It is most common for one parent to have primary physical custody with the other parent having secondary physical custody and visitation. Remember that holidays, school breaks and summers will also have to be worked out.

When considering a proposed visitation schedule, it is important to consider the special circumstances in the lives of your children and your co-parent, such as:

1. **Work commitments** – Do you or does your spouse travel during the week? Do you or does your spouse work late during the week? If so, weeknight visitation or overnight visitation during the week may not work.
2. **Children’s extracurricular activities** – Do your children participate in extracurricular activities? Is it appropriate for parents to attend and watch the activity? Will you and your spouse both attend these activities or will you alternate? How will your parenting plan impact the ability to maintain these various activities?

For a look at some common visitation schedules take a look at our website at:

<http://mtlawoffice.com/common-standard-visitation-pla>

If parents cannot agree on custody, the court will determine child custody by considering what would be in the best interest of the child or children involved. The factors a court may consider include but are not limited to: the parent’s ability to provide a loving and stable home environment for the child, the pre-existing relationship between parent and child, which parent has been the primary caretaker of the child, the parenting abilities of each parent and whether either parent has a history of child abuse or neglect.



## Child Support

[Child support](#) consists of payments made by the non-custodial parent to the custodial parent on behalf of their children. The Custodial Parent is typically the parent that physically has custody of the children more than 50% of the time. If both parents have equal (50/50) time with the children, the Custodial Parent is the parent with the lower child support obligation as laid out in the child support worksheet. Typically, this refers to the parent that has a lower monthly income. Normally, child support is paid in monthly or bi-monthly installments until the child reaches the age of majority. Although child support payments are paid to the custodial parent, child support is the right of the child involved and is to be used solely for the benefit of the child or children involved.



### How is child support calculated?

In Georgia, child support is based upon the income of both parents, along with several other factors that affect the child's needs and the ability of both parents to meet those needs. Georgia's child support worksheets provide the guidelines that are the minimum basis for determining the amount of child support that is most appropriate for a particular case. [The child support worksheet](#) itself is a document used to enter the financial information of both parents to calculate the amount of child support according to Georgia's child support guidelines.

In order to correctly complete a child support worksheet, you must first ascertain your gross income as well as the gross income of the other parent. Once you have both parents' gross income amounts, next determine what the additional expenses both you and the other parent incur for health care and work related child care expenses. When reviewing these items, please keep in mind there are mandatory deviations and non-mandatory deviations associated with each item. A deviation is variation upward or downward from the presumptive child support amount as laid out by the child support worksheet.

The child support worksheet creates a presumptive amount of monthly child support. This amount is only a recommendation to the court and it does not prevent the court from using its discretion in determining support obligations. Additionally, parents who wish to come to an agreement concerning the amount of child support may use the child support worksheet in order to determine the proper amount of support. The presumptive amount is rebuttable, and it may be deviated or modified upward or downward based on certain factors.





## Alimony

Alimony is a legal obligation for one spouse to provide financial support to their spouse/ex-spouse during or after the divorce. Essentially, an award of alimony is based on balancing one spouse's ability to pay with the other spouse's need for support. When determining alimony the court will consider a list of 8 factors that include but are not limited to: the duration or length of the marriage, the financial resources of each party, and any other factor the court deems equitable or proper. Generally speaking, if a court does award alimony, the longer the marriage, the longer a spouse will pay alimony. However, keep in mind that regardless of the duration of the marriage, if a court determines that a spouse is not in need of alimony or that the other spouse has no ability to pay, even the demise of a 30 year marriage can result in no alimony award. It is also important to consider the tax effects of alimony. Usually, alimony is treated as income to the recipient and as a deduction from the income of the person paying alimony.

You don't have to wait until after the divorce to start getting alimony. Temporary alimony may be ordered from the time the parties are separated until the time the final decree of divorce is entered. It is designed to meet the needs of the recipient spouse during the divorce case. Also, temporary alimony may include attorney's fees and expenses of litigation.

Sometimes alimony may end early prior to the time the Court ordered for it to end when:

1. Either spouse, the one paying or the one receiving passes away
2. The recipient spouse remarries
3. The cohabitation of the recipient spouse with a romantic partner

Unlike child support, which cannot be validly waived by either parent since child support is a right that belongs to the minor child or children involved in the action, alimony may be waived by one or both parties to a divorce. The parties may agree to an amount and duration of alimony. If the parties are able to come to a consensus concerning alimony, such an agreement must be reviewed and approved by the court presiding over the divorce. If the presiding court approves the agreement, it will be incorporated into the final judgment and decree of divorce and enforced as any other order of the court would be.



## Asset Division/Equitable Division

In almost every divorce in Georgia, one of the main issues will be which spouse gets certain assets and/or debts accumulated during the marriage. In Georgia, each spouse is entitled to a fair share of all [marital property](#) acquired during the marriage upon divorce. Unlike community property states like California, Arizona or Idaho, **marital property in Georgia is not necessarily divided equally between the spouses but is divided equitably or fairly as determined by a judge, jury, or by the agreement of the spouses.** Equitable division also refers to the distribution or division of the couple's marital debts and obligations upon divorce.

Only marital property is subject to equitable division/asset division. **Marital property** is essentially property acquired by the parties during the marriage. Thus, any income earned by either spouse during the marriage is considered marital property. Additionally, the marital home, furniture, vehicles and any other property purchased by the spouses during the course of the marriage may be considered marital property. It's important to remember that retirement assets could also be considered marital property.

[Separate property](#) is not subject to equitable division according to Georgia law. Upon divorce, separate property remains the separate property of that spouse. Separate property is property acquired before the marriage or brought into the marriage by one spouse. Separate property also includes property acquired by one spouse by gift, inheritance, bequest or devise, prior to the marriage or even during the marriage. The right of a spouse to keep his or her separate or non-marital property upon divorce may depend largely on whether that spouse actually kept his or her separate property separate.

There is no set formula or calculation used to divide marital property in Georgia. [Thus, Georgia judges and juries rely on certain factors and factual determinations in order to determine how the parties' marital property should be divided.](#) Remember you and your spouse could decide to come to an agreement on how property should be divided rather than take the matter in front of a judge or jury.

If you are considering divorce, it is often helpful to make a list of all your assets and debts so that you and your attorney may go back and determine what is separate, marital and what you'd like to keep or not keep.





## Who Gets the House?

On the topic of asset division, for many people the [house will be the largest asset at issue](#). As discussed above the house could be considered marital property and subject to equitable division or it could be considered separate property and not subject to equitable division. If the spouses can agree between themselves regarding what will happen to the marital home and other real property, it is likely that the court will approve such a settlement agreement. If not, the court will have to determine how to distribute the house or the value of the house equitably. Typically there are three options regarding how the home will be divided:

1. **Selling the home:** the profit from the sale may either be divided between the spouses or given entirely to one spouse as a form of property settlement or spousal support. Keep in mind though that this division of money from the sale of the marital home is generally made after paying off the mortgage and the costs associated with the sale, such as commissions to the real estate brokers, transfer tax, and attorney's fees.
2. **One spouse keeping the home for a fixed period of time:** This route is normally taken by couples who still have minor children and who wish for the children to grow up in the marital home.
3. **One spouse keeping the home indefinitely:** Yet another option is for one spouse to keep the marital home and buy out the other spouse's share. Typically the spouse retaining the home will refinance the mortgage into her/his name only.

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## How does the Divorce Process Work?

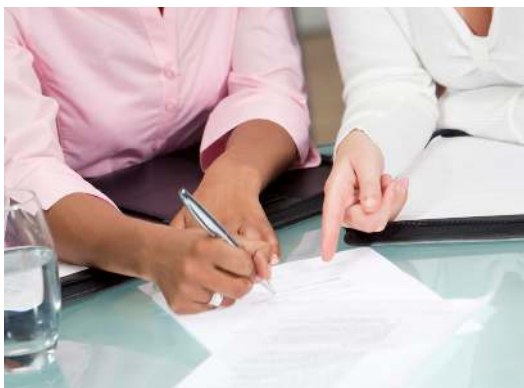
One of the first things to consider during the divorce process is whether a divorce will be a contested divorce or an uncontested divorce.

In an [uncontested divorce](#), the parties have come to an agreement on all major issues (Asset division/equitable division, child custody, child support and alimony) and just need to properly present a settlement agreement and related required documents to a court for approval (or modification) as the judge requires. This process could take 30-60 days once the proper paperwork is presented. In an uncontested divorce the parties have already worked out all of the terms of their divorce therefore it is typically quicker and cheaper.

More commonly, there are issues between the two parties or disagreement that prevent going the route of uncontested divorce. As result, it is more common to see a [contested divorce](#). A contested divorce generally refers to a situation where you may not have spoken to your spouse about the issues in your divorce or that you have been unable to come to an agreement on the major terms of the divorce. In this type of matter, your attorney will negotiate the terms of the settlement agreement (if possible) with your spouse or, if applicable, the opposing attorney. While certainly some of these types of cases ultimately lead to litigation and eventually a trial, it is important to understand that the vast majority of these “contested” cases result in the parties ultimately resolving their differences outside of a courtroom.

This guide will briefly cover the divorce process from the filing of the initial Complaint through mediation or trial and to post divorce matters. In the interest of brevity, we will be providing a general overview of the divorce process. To learn more about the divorce process in detail please visit <http://mtlawoffice.com/divorce-process>.





## Filing the Complaint

A contested divorce starts when one party files a “[complaint](#)” for divorce. A complaint is a formal legal document that explains to the court that you are seeking a divorce and generally lays out your requests as part of that process.

In order to begin proceedings, the plaintiff (the party initiating the divorce proceedings by filing a complaint), usually through his or her attorney, must file the original complaint or petition with the Clerk of Court in the appropriate county, along with the appropriate filing fee. Additionally, a copy of the complaint or petition must be served on the defendant.

### Does it matter who files first in a divorce action?

This is a frequently asked question by many people contemplating filing for divorce. The short answer is maybe. There are some advantages and disadvantages to filing first. For example, filing first gives you control over when the proceedings start. The party who files first may choose when to file, thus choosing when the proceedings begin. Additionally, the party who files first will have more control over where the action occurs. Although the location of divorce proceedings are regulated by Georgia law, if there is more than one possible venue where the proceeding may be held, the plaintiff may have the ability to choose which forum is more convenient. This may be important, especially in a divorce between two individual who are currently residing in different states. Another possible advantage that a plaintiff in a divorce action may have is that through their complaint, a plaintiff is allowed to proceed forward first and last at trial. While attorneys will debate for years which position is best at trial, it is worth noting and considering that being both the first and last person to speak may have its advantages at trial.

On the other hand, filing first means that you must pay the filing fees. Another disadvantage associated with filing for divorce first is that the plaintiff, by filing first, gives the defendant an opportunity to respond to his or her claims and assert counterclaims of his or her own.



## Filing an Answer to the Complaint

The first question that enters the mind of an individual who has been served with a complaint and summons in a divorce action is: “What should I do now?”

The answer to this question is rather simple: upon being served, an individual must file an [answer](#) to the complaint. Essentially, the answer is the defendant’s response to the plaintiff’s complaint or petition for divorce. The purpose of the answer is to respond to the plaintiff’s allegations and to assert any defenses or counterclaims the defendant may have against the plaintiff.

The answer may either be prepared and filed by the defendant or prepared and filed by the defendant’s attorney.

It is important to timely respond to a complaint for divorce. Do not ignore it. A defendant has only 30 days in which to file an answer with the court upon being served with the complaint.



## Discovery

[Discovery](#) is the process by which parties gather critical case relevant information and evidence from the opposing party. In a divorce or other domestic relations proceeding, discovery is conducted according to Georgia’s Civil Practice Act. Under the Georgia Civil Practice Act, discovery may be collected by requiring the opposing party to answer a set of questions prepared by the requesting party, requesting that the opposing party produce certain documents, requesting that the opposing party admit certain facts, requesting to take the oral testimony of any person

including the opposing party through a deposition, and by informal discovery.

The discovery period generally lasts for six months from the time the defendant files his/her answer. It is important for all parties to respond to proper discovery requests and to do so in a timely manner. Normally, a party has 30 days (or 45 days for certain types of discovery) in which to respond to a discovery request after that party has been served with the request. If a party fails to respond to discovery, that party may be subject to penalties and sanctions.





## Alternatives to trial

Most divorce cases in Georgia do not go to trial. Typically, cases are settled through negotiations and agreements between the parties or through a form of alternative dispute resolution like mediation, arbitration or a settlement conference. Judges may require the parties to attend some form of alternative dispute resolution before trial.

Mediation is a form of alternative dispute resolution where a neutral or impartial person, a mediator, facilitates settlement discussions between the parties. The mediator has no authority to make a decision or impose settlements upon the parties.

Arbitration is a form of adjudication where one arbitrator or a panel of arbitrators renders a decision in the case as presented by each party or their attorneys. Arbitration may either be binding upon the parties involved or non-binding.

The term “Settlement Conference” can mean one of two things: A judicially hosted settlement conference or an informal settlement conference. In a judicially hosted settlement the parties attend with their attorneys and plead their cases and positions before the senior judge. The senior judge expresses their opinion on the unresolved issues and often provides insight to the risks that each party will face should trial go forward. The parties do not have to accept the recommendations of the senior judge. An informal settlement conference is a form of alternative dispute resolution where the attorneys facilitate settlement discussions between the parties with no third party neutral present. The parties discuss the issues of the case in an attempt to resolve their differences.

Despite the best efforts of the parties involved, if the case cannot be settled, it will likely have to go to trial.



## Trial

As stated above, the vast majority of Georgia divorce or family law matters are resolved through settlement without the necessity of going to trial. However, if the parties are unable to agree on all aspects of the divorce matter, even after attempts to settle the matter via mediation, arbitration or settlement conferences, taking the matter to trial is the final alternative.

A divorce trial may be heard by either a judge or a jury, and the trial is the final hearing in the case where all issues are decided on a final basis. At trial, each party will have the opportunity to present his or her case and present witnesses and evidence to support his or her assertions. Because trials are heard by a

judge or jury (individuals who only have limited knowledge of the matter at hand) trial outcomes are often uncertain and hard to predict. Thus, many attorneys often advise their clients to work toward settlement if at all possible, because settling a divorce matter empowers the parties to craft a resolution that is amenable to both parties.

Economically, it is almost never advisable to proceed to trial in a divorce or family law matter if settlement is possible. In general, the length of time a trial takes and the costs of trial vary greatly depending on the facts of each case. In many cases, trial is much more expensive than working out the issues of your case and coming to an agreement. The emotions and hurt feelings generated between people at trial could last a lifetime even if you “win” at trial.



## Post Divorce

Even if your case is finally over and past the period of any motions or appeals, [there are potentially several key things you should still be thinking about in relation to your divorce.](#)

In particular, there are at least three major areas that typically need attention post-divorce:

1) effectuating the division of retirement accounts; 2) quitclaim deeds to transfer property; and, 3) processing the change of your last name, if applicable.

Depending upon future changes in circumstances, it may also be appropriate to consider a modification of alimony, child support, or even custody. In addition, in the event one of the parties to the decree does not follow the final order of the court in regards to your divorce, it may also be necessary to consider using the contempt powers of the court to effectuate the actual terms of the final decree.





## What Resources are Available to Help Me?

Obtaining a divorce can be a difficult and complicated process. Not only do you have to navigate the legal complications surrounding equitable division, child support, alimony, and child custody, but you also have to deal with the emotional toll a divorce places on you and your family. Many of you have to manage this legal and emotional burden while continuing to maintain jobs, pay bills, taxi children to their extra-curricular activities, assist with homework, etc.

There are a few things you can do to help make the divorce process easier. You can educate yourself through books, online research and blogs. You can also hire an attorney to help make this process easier.

### Hiring an Attorney

With some many options it's hard to know what to look for in an attorney. Your search will be far more fruitful if you consider these three things:

1. **Experience:** choose an experienced and reputable law firm
2. **Fee structure:** make sure you understand how this works and what your true costs are
3. **Representation Style:** choose an attorney that you are compatible with and make sure you feel like you can trust your attorney

Divorces are wrought with complex legal, financial and emotional issues that vary from case to case, so it's important to make sure that the firm you hire has sufficient experience. Do some research online, read reviews and learn about the firm's reputation. Ask your attorney, "do you practice family law exclusively? If not, what percentage of your practice is family law?" Does the law firm stay up to date on the latest intricacies and changes in family law? Do they run a blog with legal updates?" It's important to understand family law, but it's also important that the law firm has the financial know how and experience to help with fair asset division.

Divorce can be very expensive. That's why it's important to understand the fee structure Ask your attorney what strategies you can use to help keep your costs down. Your attorney should be

open and honest with you about how they can keep your costs down. While divorce can be very expensive, hiring an attorney that understands how to be cost effective can help keep legal fees reasonable.

Sometimes you need a bulldog that will fight for you in the courtroom, but sometimes it's not necessary or desirable for your attorney to be in and out of court all the time racking up tons of legal fees. You may want a negotiator who is experienced at making deals and settling cases to help keep your costs down. During your consultation take the time to interview your attorney, do they sound credible? Do you feel comfortable with the strategy the attorney recommends for your case? Do they seem like someone you feel comfortable working with? Do you feel like you can trust them to keep your best interests in mind at all times? These considerations often are overlooked, but compatibility and trust are crucially important when choosing an attorney.

Each individual person's case has unique facts and circumstances. Therefore, the information provided in Meriwether & Tharp, LLC's Guide to Georgia Divorce is general information and is not a substitute for legal advice from an attorney. The information contained in this Guide does not constitute legal advice nor is it intended to be legal advice. If you have a need for legal advice, please consult with an attorney.





## Why Meriwether & Tharp?

If you decide that you need a family law attorney, it can be difficult to tell most law firms and attorneys apart. Meriwether & Tharp, LLC is a full service family law only law firm and was established in 1998 by partners Patrick “Leh” Meriwether and Robert L. Tharp. As one of the largest family law only firms in Georgia, Meriwether & Tharp, LLC has the resources and experience to provide clients with close, personal attention and individualized legal services. We make clients our first priority and we strive to build long-term client relationships. For more information about Meriwether & Tharp please visit the “Why Meriwether & Tharp” section of our website at: <http://mtlawoffice.com/the-mt-difference>.

Here is a word about our philosophy and what makes Meriwether & Tharp different from other law firms.

### Philosophy

**Divorce hurts.** We know that obtaining a divorce or going through other family law issues is an emotionally and physically draining process that can put a strain on your day to day life. **But divorce doesn’t have to be nasty.** Our experienced attorneys and staff demystify the divorce process and strive to get you the best possible result in a timely manner while keeping costs down. We provide you with information in an easy to understand manner and let you take control. Although no lawyer can completely remove the emotional sting of a divorce, we will be there to help you every step of the way. Let us take care of your family law issues. You take care of your life.

While we hope this Guide to Georgia Divorce was informative, we know that you probably still have questions, so let us give you some answers. Call (678) 879-9000 now for a free telephone consultation with one of our experienced family law attorneys. For more information, don’t forget to visit our website at [www.mtlawoffice.com](http://www.mtlawoffice.com) and our check out our blog at <http://mtlawoffice.com/blog/>.

Each individual person’s case has unique facts and circumstances. Therefore, the information provided in Meriwether & Tharp, LLC’s Guide to Georgia Divorce is general information and is not a substitute for legal advice from an attorney. The information contained in this Guide does not constitute legal advice nor is it intended to be legal advice. If you have a need for legal advice, please consult with an attorney.