

How to Navigate Your Divorce Process

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Overview of the Divorce Process including

- ✓ Costs
- ✓ Child Custody
- ✓ Alimony
- ✓ Waiting Periods
- ✓ Dispute Resolution
- ✓ Timelines
- ✓ Child Support
- ✓ Parenting Classes
- ✓ Court Jurisdiction
- ✓ Other Requirements

This is not to be construed as legal advice.

A judge may have special requirements as they see fit.

Are There Types of Divorces?

▶ Uncontested

The most cost effective, most amicable, where both parties come together and agree. Even if you initially do not agree, a high quality mediator can get you there or very close.

▶ Contested

The most expensive, damaging to your future, never satisfying and very hurtful to everyone especially when children involved. Where the parties cannot agree and take on litigating to fight.

▶ Partial

Best if unable to agree on everything. Happens when there is agreement on most but not all things. A judge finishes deciding the last issues.

“

Please Do NOT be deceived by others who tell you how much you can get or how much a judge will punish the other person. Every situation is different and every judge is different. What happens in one case may not happen in another.

”

What Options are Available in a Divorce?

- **Pro'se**
 - **Mediation**
 - **Arbitration**
 - **Litigation**

Pro'se Divorce – aka: Solo Divorce

You do Everything Yourself

Pros

- Lowest Cost Possible
- You in Total Control
- Can be the Fastest

Cons

- Most Argumentative & Abusive
- Write up & File your own Paperwork
- Paperwork **Rejection Rate – 90%**
- Agreement **Failure Rate – 93%**
- High rate of Coercion and Fraud

Common to return to Court within a Year

Mediated Divorce

Mediator Assists Throughout Process

Pros

- Lowest Assisted Cost
- 3rd Party Neutral Assisted
- Private and Confidential
- Your in Control of Decisions
- Reduces Fighting & Stress
- Fastest Process to Divorce
- Favored by Judges & Law

Cons

- Mediator Cannot Force Participation
- Judge can Force Participation
- You File Your Provided Paperwork
- an Attorney / Paralegal can file for you, if you desire.

Least Common to Return to Court – 5+ years

Arbitrated Divorce

Arbitrator Decides all Matters Presented

Pros

- Cheaper than Litigation
- Less Fighting than Litigation
- Faster than Court
- Private and Confidential
- With / Without Legal Counsel

Cons

- Arbitrator Cannot Force Participation
- Judge can Force Participation
- You File Your Provided Paperwork
- an Attorney / Paralegal can file for you, if you desire.
- Very Limited Appeals or Revisits

Similar to a Judge TV Show - No Cameras

Litigated Divorce

Attorney helps You with Everything

Pros

- Most Everything Handled
- Good Legal Competency
- Can Get Sanctions Imposed

Cons

- Highest Cost and Longest Delays
- **Increases** Stress and Fighting
- No Privacy or Confidentiality
- Court is Dark and Intimidating
- High Retainer Costs
- Most Damaging to Children
- Injunctive Relief is Expensive

Everyone Knows the Fighting Never Ends

Which Court has Jurisdiction over my Divorce

Legally Married and Common Law (Same)

- **State of Oklahoma**
 - Resident of Oklahoma for (6) Months
 - Resident of that County for 30 Days
- **Indian Tribal Court**
 - Citizen of that Tribe
 - Not Previously Filed with another Tribe or District Court
 - Other Tribal Conditions May Apply
- **Military**
 - Active Duty uses States and Federal Residency Rules
 - Must Show Parties are not Deployed

Additional Concerns and Restrictions

Additional Concerns need to be Addressed

- Active Duty or Deployed Military Persons
- Native American Heritage
- Non-US Citizen or Foreign Marriage
- Common Law Marriage
- Nuptial Agreement
- Special Needs Children

Divorce Reasons & Waiting Periods

- Reason for Divorce

Abandonment, Imprisonment, Mental Illness, etc.
Irreconcilable Differences – Most Common

- Waiting Periods

Without Children – Ten (10) days after Filing

With Children – Ninety (90) days after Filing

This is a cooling off period plus time to allow for Mediation and Parenting classes to be completed.

- Adultery Law

Six (6) Month Waiting Period before remarrying

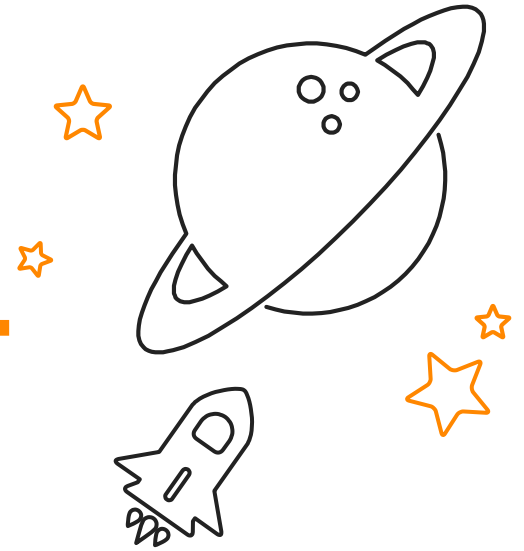
Parenting Classes

When a divorce has minor children, the court requires Parenting Classes (**43 OS 107.2**) to assist you in supporting the children not Reconciling

Classes are found at the Court Clerk's Office, online or here <http://phloxadr.com/divorce-resources-page>

Focus on What is Best for the Children.

Child Custody
Child Support
Spousal Support



Child Custody – Part 1/5

- **Joint Custody**

Both Parents share responsibility and make big or general decisions together

- **Sole Custody**

One Parent makes the decisions

Wait there is MORE on the Next Page

Focus on What is Best for the Children.

Child Custody – Part 2/5

- **Legal Custody**

Which parent makes legal decisions for the child:
IE: Schools, Doctors, Sign School Papers, etc.

- **Physical Custody**

Which parent has the right to have physical
control over the child

Wait there is EVEN MORE on the Next Page

Focus on What is Best for the Children.

Child Custody – Part 3/5

Custody is not a clear, clean cut decision. Parents **MUST** decide or the court will decide for you, when each of you will spend time with the child. You both created (or adopted) the child, it's still both of your responsibilities and beneficial for mental and emotional development.

Focus on What is Best for the Children.

Child Custody – Part 4/5

- Joint Custody, does not mean you have to make EVERY decision together.
- Sole custody, does not necessary limit visitation.

The goal is to work out a plan where both of you spend time with the child, even if the child may not want to, with the least amount of disruption in the child's life.

Focus on What is Best for the Children.

Child Custody – Part 5/5

- Custodial Parent - The child lives with on a daily bases or majority of the time.
- Non-Custodial Parent - Spends time with the child who helps watch, teach, educate, etc.

To terminate a person's parental rights is very difficult and takes a lot of litigation, time, money and evidence.

Focus on What is Best for the Children.

Child Support

Child Support will likely be paid by the non-custodial parent. The amount has many facts: Income, Insurance, previous orders, paternity, etc.

A private child support calculator can be found on the DHS website. This is used by the courts and does not mean your under DHS control or scrutiny. Follow our link.

<http://phloxadr.com/divorce-resources-page>

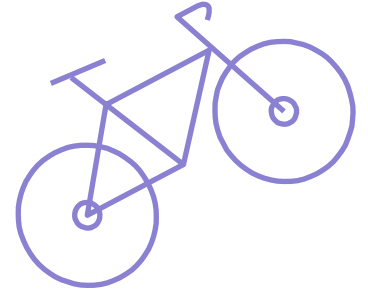
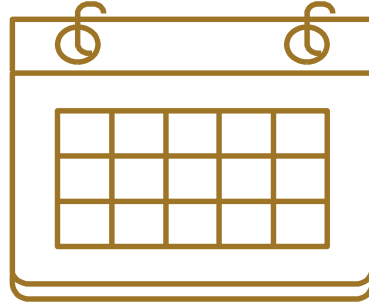
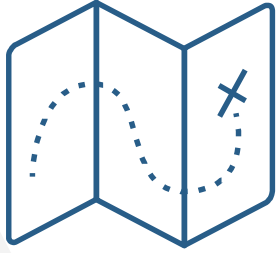
Focus on What is Best for the Children.

Spousal Support

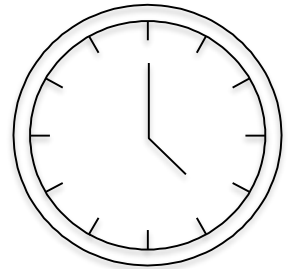
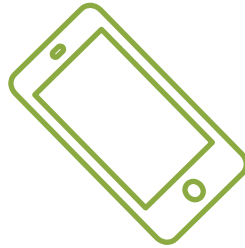
Spousal Support or Alimony or Maintenance

Determined again by many factors, which include: ability to pay, need for support, length of marriage, education, ability to work, age, location, etc.

Not Guaranteed but Excluded Either.



Co-Parenting



Co-Parenting

This is the term used to define the guidelines for the Custodial and Non-Custodial Parents. This will define days & times each has physical custody, drop-off or pick-up locations, holiday and summer schedules, birthdays, special days, phone and chat time, etc.

This is the MOST Important to Your Child

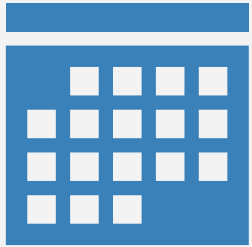
Co-Parenting – Visitation Schedule

- Week-on / Week-off or 2 Weeks-on / 2 Weeks-off
- Every other Weekend or 3 Days per Week
- Every Other Weekend plus 1-2 evenings per week
- 232 / 412 / Rotating / Nesting / Plus many more

This will be the days / times that each parent has the child

This is the MOST Important to Your Child

Divorce Costs and Length of Time



$$(x + a)^n = \sum_{k=0}^n \binom{n}{k} x^k a^{n-k}$$

What is the Costs to Divorce?



- **Pro'se**
\$180 to \$800
-



- **Mediation**
\$500 to \$1,600
-



- **Arbitration**
\$1,000 to \$4,000
-



- **Litigation**
\$5,000 to \$20,000+

What is the Costs to Divorce?

Need to Know about Divorce Costs

95% of Family Judges
Require Mediation
before Trial

Each Delay in Court
Costs about \$1,000 **each**

Attorneys Charge Extra
for each trip to Court

Average Attorney Retainer
\$2,500 - \$3,500 **each**

Mediation Resolves
94% of all cases

Average Spent on Attorneys
\$8,500 - \$12,000 **each**

How Long to Finish a Divorce?

- **Pro'se**
 10 Days to 2 Months

- **Mediation**
 10 Days to 3 Months

- **Arbitration**
 2 Months to 6 Months

- **Litigation**
 9 Months to 2 *Years+*



Why Mediation?

Why Divorce Mediation?

Mediation Reduces the Time, Expense and Stress involved in the Divorce Process

- You are in control of EVERY decision
- Mediation can resolve every issue a judge will require
- Quality mediators have a VERY HIGH agreement success rate
- Saves thousands of dollars and months of time
- Mediators cannot force you into an agreement
- You may bring legal counsel, if you so choose
- Keeps more of your divorce private and confidential

Online Divorce Mediation

Video Conference / Skype meetings to resolve distance and restraining order problems.



Conference Room

No more hard benches!

**We have comfortable
chairs, snacks, drinks,
nice bathrooms, etc.**



At Your Convenience

**We meet around your
schedule. 10am,
6pm, weekends, whatever
works for you.**



Multiple Meeting Locations



**We can come to
you or meet in the middle with
over 30 meeting locations**

THANKS!

405-765-8030

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Mediation-Arbitration

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Any questions?

Need Help?