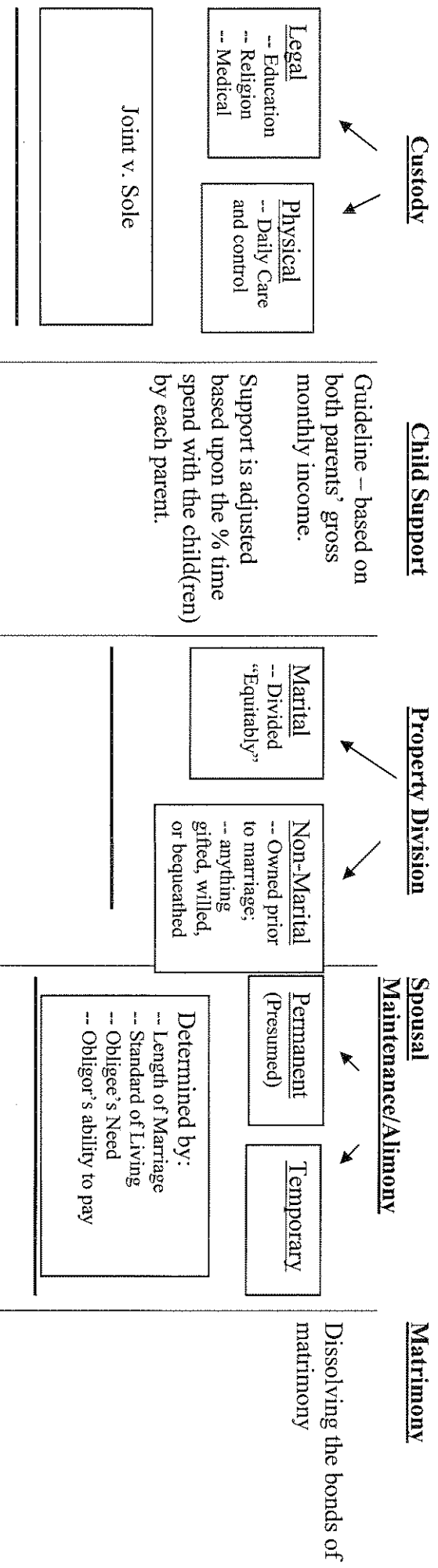


DIVORCE 101

- I. FIVE PARTS OF A DIVORCE DECREE
 - a. Dissolve the Bonds of Marriage
 - b. Custody – Minn. Stat. §518.17
 - i. Legal and Physical Custody
 - ii. Parenting Time
 - c. Child Support – Minn. Stat. §518A.
 - i. Basic Support
 - ii. Medical
 - iii. Child Care
 - d. Spousal Maintenance – Minn. Stat. §518.552
 - e. Division of Assets and Liabilities – Minn. Stat. §518.58
 - i. Martial Property v. Non-Martial Property
- II. CUSTODY AND PARENTING TIME
 - a. Legal/Physical
 - b. Thirteen Factors
 - c. Custody Evaluations
- III. MARITAL DISSOLUTION PROCESS
- IV. ALTERNATIVE DISPUTE RESOLUTION
 - a. Early Neutral Evaluations
 - i. Social
 - ii. Financial
 - b. Mediation
 - c. Binding Arbitration
 - d. ADR Specific to Custody/Parenting Time
 - i. Parenting Time Consultant
 - ii. Parenting Time Expeditor
 - iii. Parenting Coach
- V. PRACTICE TIPS
- VI. Q&A

5 Parts to A Divorce



DISSOLUTION PROCESS

To Begin:

1. Serve *Summons, Petition and Financial Affidavit*¹
2. Obtain *Affidavit of Personal Service or Acknowledgment of Service*
3. File *Summons, Petition, Financial Affidavit, Confidential Information Form, Sealed Financial Source Documents Form, Certificate of Representation and Affidavit or Acknowledgment of Service*
4. Attend initial case management conference (ICMC)
5. Other party serves *Answer and Counter-Petition* (due 30 days from date of service of *Summons and Petition*)

| |
|---------------------------|
| Settlement or Litigation? |
|---------------------------|

Settlement --

Litigation --

- | | |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 1. Mediation /Alternative Dispute Resolution | 1. Temporary Hearing -- Serve <i>Motion for Temporary Relief, Application for Temporary Relief, and Affidavit</i> |
| 2. Draft Marital Termination Agreement or Stipulated Judgment and Decree | 2. Discovery -- informal or formal |
| 3. Draft Judgment & Decree | 3. Custody Evaluation -- May up to 6 months |
| | 4. Vocational evaluation (if spousal maintenance is an issue) |
| | 5. Pre-Trial |
| | 6. Trial |

¹ Form Resources:

Minnesota Judicial Branch website: <http://www.mncourts.gov/?page=513> and MSBA Practice Law: <http://practicelaw.org/>

Child Support Guidelines Worksheet

Parent A: Bob
Parent B: Jane

IV-D Case Number:
Court File Number: 27-FA-0000

Number of Joint Children: 2
Date: 12/7/2010

| | | Parent A | Parent B | Combined |
|-------------------------------------|-----------------------------------------------------------------------------------------|----------|----------|----------|
| Income | 1a. Monthly Income Received | \$5000 | \$4000 | --- |
| | 1b. Child(ren)'s Social Security/Veterans' Benefits Derived From a Parent's Eligibility | \$0 | \$0 | --- |
| | 1c. Potential Income | \$0 | \$0 | --- |
| | 1d. Spousal Maintenance Orders Obligated to be Paid | \$0 | \$0 | --- |
| | 1e. Child Support Order(s) Obligated to be Paid for Nonjoint Child(ren) | \$0 | \$0 | --- |
| | 1f. Monthly Gross Income (1a+1b+1c-1d-1e) | \$5000 | \$4000 | ---- |
| Adjustments | 2a. Number of Nonjoint Child(ren) in the Home (Maximum number allowed is 2) | 0 | 0 | ---- |
| | 2b. Deduction for Nonjoint Child(ren) in the Home | \$0 | \$0 | ---- |
| | 3. Parental Income for Determining Child Support (PICS) | \$5000 | \$4000 | \$9000 |
| | 4. Percentage Share of Combined PICS | 56% | 44% | ---- |
| | 5. Combined Basic Support Obligation | --- | --- | \$1863 |
| Basic Child Support Obligation | 6. Pro Rata Basic Support Obligation | \$1043 | | ---- |
| | 7. Basic Support Obligation After Parenting Expense Adjustment (if applicable) | \$918 | | ---- |
| Child Care Obligation | 8. Child Care Support Obligation for Joint Child(ren) | \$252 | | ---- |
| Medical Support Obligation | 9a. Monthly Cost of Health Care Coverage for Joint Child(ren) | \$125 | \$0 | ---- |
| | 9b. Pro Rata Share of Health Care Coverage Costs | \$70 | \$55 | ---- |
| Appropriate Coverage Available | 9c. Contribution to Health Care Coverage | | \$55 | ---- |
| | 9d. Monthly Cost of Dental Coverage for Joint Child(ren) | \$30 | \$0 | ---- |
| | 9e. Pro Rata Share of Dental Coverage Costs | \$17 | \$13 | ---- |
| | 9f. Contribution to Dental Coverage | | \$13 | ---- |
| | 9g. Medical Support Obligation-Appropriate Coverage Available | | \$68 | ---- |
| No Appropriate Insurance Available | 10. Medical Support Obligation for Public Coverage | | | ---- |
| Uninsured/Unreimbursed Expenses | 11. Share of Uninsured and/or Unreimbursed Medical Expenses | 56% | 44% | ---- |
| | 12. Net Child Support Obligation | \$1170 | \$68 | ---- |
| Benefits Adjustment | 13. Child(ren)'s Social Security/Veterans' Benefits Derived from Parent's Eligibility | | | ---- |
| Computing a Final Obligation | 14. Total Child Support Obligation | \$1170 | \$68 | ---- |
| | 15a. Monthly Gross Income | \$5000 | \$4000 | ---- |
| Ability to Pay Calculation | 15b. Income Available for Support | \$3917 | \$2917 | ---- |
| | 16. Monthly Child Support Obligation - No Adjustment Necessary | \$1170 | \$68 | ---- |
| | 17. Amount of Reduction | \$0 | \$0 | ---- |
| Child Support Obligation Adjustment | 18. Medical Support | | | |
| | Original Obligation | | | ---- |
| | Amount of Reduction | | | ---- |
| | New Obligation | | | ---- |
| | 19. Child Care Support | | | |
| | Original Obligation | | | ---- |

| | | | | |
|-----------------------------------------------------|-------------------------------------------------------------|--|--|-----|
| | Amount of Reduction | | | --- |
| | New Obligation | | | --- |
| <hr/> | | | | |
| | 20. Basic Support | | | |
| | Original Obligation | | | --- |
| | Amount of Reduction | | | --- |
| | New Obligation | | | --- |
| <hr/> | | | | |
| | 21. Monthly Child Support Obligation After Adjustment | | | --- |
| Presumptive Minimum Order/Basic Support Only | 22a. Presumptive Minimum Order for 1 or 2 Joint Children | | | --- |
| | 22b. Presumptive Minimum Order for 3 or 4 Joint Children | | | --- |
| | 22c. Presumptive Minimum Order for 5 or More Joint Children | | | --- |

Disclaimer: The child support guidelines worksheet, instructions, and calculator are for information and educational use only and are not a guarantee of the amount of child support that will be ordered. The results obtained are only as accurate as the information used. The actual child support order may be affected by other factors. The Court has the final authority to determine the amount of the child support order. If this worksheet is attached to a court order, it is part of the Court's decision. This worksheet may or may not show the amount the Court decided to order. If the amount in the order is different, that is the amount to be paid.

Useful Websites

Child Support Calculator

<http://childsupportcalculator.dhs.state.mn.us/>

Minnesota Court Information System – Public Access

<http://www.mncourts.gov/publicaccess>

Minnesota Court Forms

<http://www.mncourts.gov/forms>

Parenting Classes

<http://www.storefront.org/>

Free Credit Report

<https://www.annualcreditreport.com/cra/index.jsp>

Kelly Blue Book

<http://www.kbb.com/>

National Automobile Dealers Association

<http://www.nada.com/>

Property Values

<http://www.zillow.com/>

*Also see county assessor sites

MN Department of Employment and Economic Development

<http://www.positivelyminnesota.com>

American Academy of Matrimonial Lawyers

<http://www.aamlmn.com/>

Thank you! Please feel free to contact us with questions!

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