



COOK & JAMES ATTORNEYS AT LAW



DOMESTIC/FAMILY LAW

While divorce can sometimes be a simple process, the vast majority bring unforeseen complications. This is especially true when children are involved as custody, visitation and support often become contested issues.

In this difficult time and with so many things to consider, it is essential that you choose an attorney who can make the divorce process as painless as possible.

DIVORCE

Contested vs. Uncontested

The only practical difference between a contested divorce and an uncontested divorce is that in an uncontested divorce, the spouses have already settled property, custody, child support and alimony issues between themselves. In this case, your attorney will help you to ensure that the agreement represents your wishes and create a Settlement Agreement. If spouses are unable to resolve all issues themselves (which is usually the case), the divorce is considered to be contested and a judge will decide how property division, custody, alimony, and child support are to be handled. Of course, an uncontested divorce will be quicker and less expensive than a contested divorce which may ultimately result in a jury trial. Unfortunately, uncontested divorces are very rare as spouses often do not think about all of the issues that can arise in a divorce or cannot come to an agreement that is suitable to both parties.

DIVORCE PROCESS

While there is a basic procedure to the entire divorce process, it can vary from case to case. We have included a basic outline for informational purposes below.

COMPLAINT

The Complaint is the document that is filed with the Court. It sets out the basics of your divorce and includes items such as your name, spouse's name, length of marriage, whether you have any kids, whether you are requesting alimony or child custody, and the reasons for the divorce. Once the Complaint is filed, a member of the Sheriff's Department in the County in which the complaint was filed will deliver a copy to your spouse.

WHAT YOU NEED TO KNOW

Divorce is a word that no one likes to hear, but that is becoming increasingly more common in today's society.

Statistics show that more than 50% of marriages in the United States will end in divorce.

PO BOX 18026 | ATLANTA, GA 30316

RESIDENCY/ WHAT COUNTY TO FILE IN:

At least one of the spouses must have lived in Georgia for the last 6 months, or Georgia must have been the last place you both lived while married. Typically, if you both live in Georgia, the spouse who files the divorce files in the county where the other spouse lives.

MEDIATION

Many counties require a couple seeking a divorce to go through mediation in an attempt to settle issues such as custody, alimony, and property division. If the mediation is successful, then everything is written down in a settlement agreement and you proceed basically with an uncontested divorce. If the mediation is not successful, you continue with the contested divorce.

FINAL ORDER

After the case is filed, the issues such as property division, custody, and alimony will be decided either through a settlement agreement or at a hearing in front of a judge (and possibly a jury). Once those issues are decided, whether by settlement or by the Court, the judge will issue a Final Order. This means that your divorce is finalized and binding on both parties.

TEMPORARY ORDER

Often there is a delay between filing the Complaint and the issuance of a Final Order. Therefore, you may wish to obtain a Temporary Order during this time period. This Temporary Order will set out custody, child support and alimony issues so that the parties have guidelines while the divorce is still pending. It is likely that many aspects of the Temporary Order will be changed in the Final Order.

TYPES OF OTHER FAMILY LAW CASES

In addition to divorce, we also work with:



At Cook & James, we believe our innovative approach to law will make you very happy. Competency is not linked to the rigid confines of typical law firms. They really have nothing to do with each other. Our success has proven that. We are not for everyone, but we aren't concerned with everyone. We just care about you.

PO BOX 18026 | ATLANTA, GA 30316