

### **Personal Service of Petition and Summons: 1 – 3 weeks.**

This step depends on the willingness or stubbornness of the other party when it comes to being found. Some people “dodge service” or in other words they work hard to hide from the process server. In rare instances this can lengthen the divorce process by a month or more. Private process servers tend to be faster, more resourceful, and more efficient than local sheriff’s deputies.

### **Answer Period – 20 days**

After the process server delivers the Summons and Petition to the other party, they have 20 days to file an answer. This is normally a predictable period of time. But be aware that attorney-lead divorce cases can take many twists and turns. There are numerous, legitimate ways to significantly delay a case.

### **Financial Disclosure / Discovery – 90 days**

Every contested case requires both sides to send the other party a minimum-specified set of financial documents. The minimum documents normally required include paycheck stubs, tax returns, bank statements, and retirement account statements.

There are specific timelines but in general the financial disclosure / discovery process takes three months. Keep in mind that fully contested cases that proceed to trial have much more intense and time-consuming requirements. Depositions are procedures that can draw out the timeline for a divorce. But typically a deposition only occurs in a case with large amounts of money at issue.

### **Parenting Course (if children) – concurrent with other tasks**

Florida requires a 4 hour parenting course completion from both parents (if there are children). You can normally take your course immediately before or after the case commences.

### **Mediation – 4 to 5 months from filing**

Most initially contested cases come to a conclusion at mediation. Mediation is a semi-voluntary negotiation process. Florida requires mediation in all divorce cases. Most divorcing spouses completely settle their case at the mediation conference. When a divorce case settles at mediation, the time to get a divorce is significantly shortened. Mediation can be done through the courthouse (official program) or through a private mediator. Selecting a private mediator can trim some delay from the divorce process.

A successful mediated agreement is normally filed with the court immediately after the mediation. After that the parties must arrange for and attend a final hearing.

### **Final Hearing – 4 – 6 months after start of case (average)**

The final hearing is the last stage of a divorce. If your case proceeds along the “initially-contested” track as described – your case will most likely end in an uncontested final hearing. In this scenario the vast majority of final hearings happen in 4 – 6 months. Some variables that can speed up or slow down your case include the accuracy of your documents, failure or success of either party at following procedure, and finally whether the responsible judge has an open or relatively full calendar. The final hearing is the last stage of a contested case and normally results in an order granting a divorce.

The scheduling of your final hearing is dependent on the calendar and availability of the judge. Some jurisdictions have an internal case manager to monitor and ensure the efficient flow of cases. Some jurisdictions rely on the clerk of court. A few jurisdictions depend on each judge's office to move their cases forward.

### **Contested Cases**

A certain percentage of cases go to trial. The process from beginning to end for a contested case is long, delayed, and unpredictable. A contested divorce case can take anywhere from nine months to several years.

#### **First Half of Case – 3 to 12 months**

In a case that goes to trial, the first half normally looks identical to the previously described "initially contested" case. The case needs to be prepared, filed, and served. There is normally a 3 – 9 month process of financial disclosure. The court always orders mediation. The parties always attend mediation because it is a requirement in almost every court in the State of Florida. Each and every step may take significantly longer because both sides conduct a more intensive, more exacting process. The financial disclosure requests are almost always longer; more detailed, and go back more years. Both sides may decide to return to court multiple times to enforce disclosure requests. Both sides may decide to refuse disclosure requests though specialized court hearings. The entire process is contentious and expensive. Delay is common and sometimes used as a strategic weapon.

#### **Depositions – the hallmark of a high-conflict case**

When either side conducts a deposition it is usually a sign the case is high conflict. It is also a reliable indicator the divorce case will be extended in length – far past the ordinary case. Depositions are an out of court proceeding where each attorney asks questions and a court reporter types everything down. Each deposition can consume significant time and money.

#### **Divorce Trials and Preparation**

The final trial in a divorce case can last anywhere between 4 hours and 2 weeks. The most typical trials are one day in length. While a divorce trial only lasts one day – the preparation and lead in to a trial can take up to a year. But the typical prep and lead in to a one-day trial is approximately 5 months.

### **Summary**

Most judges desire to move their cases along to their ultimate conclusion. But the large variety of procedures, variations in courts, and personal preferences of judges bring a huge variation to the average length of Florida divorces.