

## Delta Divorce Definitions and Concepts

**NOTE:** This is just a summary of some of the issues related to divorce. Review our Blogs for more detailed information on each subject. Due to the serious consequences of failing to do this right, please consult with an attorney experienced in this area of law before trying to take on yourself as a client!

**Divorce Process:** A typical divorce involves the following process. Important definitions are provided below. However, most of these steps can be avoided if the parties can reach an agreement as discussed below.

1. **Divorce Complaint:** To start a divorce, a party (i.e., the Plaintiff) must file a **Divorce Complaint** in a court with jurisdiction or power to deal with the parties and their divorce issues. Most counties have a special court for family matters that include divorce. Filing of the **Divorce Complaint** and other case documents (known as pleadings) occur at a special office called the **Prothonotary** or **Department of Court Records**.
2. **Service:** The **Divorce Complaint** must be served on the Defendant. Service of documents such as the **Divorce Complaint**, is a subject unto itself but, in short, it is the process where a copy of the document is officially given to the other party.
3. **Response Phase:** The Defendant can file a response to the **Divorce Complaint** which can include a **Petition Raising Claims**. These claims are those that the Defendant wants addressed by the Court.
4. **Litigation Phase:** This phase is when the parties gather documents and witnesses to support the claims raised in the pleadings and then go to trial to settle the claims. This is usually the most expensive and time-consuming phase of a divorce. This phase can seem like a war. Both sides usually file motions (a request for the court to resolve litigation and divorce related issues) and argue them in front of a judge. The court can separate the claims and hear them separately such that there is a trial on each divorce claim/issue.
5. **Appeal Phase:** After a trial or final order on an issue, a party can file an appeal. This appeal can be made to the judge and then to the Superior Court.
6. **Settlement:** Sometimes the parties decide to settle the divorce claims before, during or after litigation. They usually memorialize the settlement in a document called a **Marriage Settlement Agreement (MSA)**. The MSA is a contract that is enforceable in court if a party violates its terms. A good MSA requires skill and experience to craft.
7. **Final Order/Divorce Decree:** This is the final phase where the court has decided all the divorce claims and issues a **Divorce Decree** ending the marriage. Sometimes litigation continues for an extended period of time and a party that wishes to get divorced can ask for the claims be separated from the divorce request or **Bifurcated**.

**Divorce Jurisdiction Requirements:** At least one of the spouses/parties must have been a resident in Pennsylvania for at least six months immediately previous to the filing a complaint for divorce.

**Venue:** This is the County where a divorce complaint is filed. The proper venue for a divorce action is usually the county where either one or both parties reside.

**Divorce Complaint:** Basically, the complaint is a bag of claims that the Plaintiff wants decided by the court, because the parties have not settled the issues. A party can start a divorce by filing a divorce complaint in the local county court of common pleas. The complaint contains sections or counts that deal with each aspect of the ending of the marriage as identified below. These counts include allegations of fact that must be proved if the parties go to trial.

**Plaintiff/Defendant:** The Plaintiff is the party that is filing the divorce complaint. The Defendant is the other spouse.

**Divorce:** This is a request to end the marriage. In order to obtain a divorce (i.e., an order from the court that you are divorced) you have to identify why the divorce must be ended. You can pick no-fault or fault grounds. Most people want a no-fault divorce so the Court for divorce indicates that the grounds are **irreconcilable differences**. Grounds for a fault divorce are varied and include duress and incapacity.

**Claims:** These are the things related to the marriage that the Plaintiff is asking for.

**Equitable Distribution of Marital Debts and Assets:** This is a claim where a party asks for a share of the **marital estate (assets and debts)**. See **Step 5 - Equitable Distribution** for more details.

**Spousal Support:** This is a claim for the Defendant to pay the Plaintiff monthly payments to get them through the divorce process. See **Step – 4 Spousal Support and Alimony** for more details.

**Alimony Pendente Lite (APL):** This is a claim for the Defendant to pay the Plaintiff monthly payments to get them through the divorce process. See **Step – 4 Spousal Support and Alimony** for more details. APL is sometimes confused with spousal support.

**Alimony:** This is financial support paid by one party to the other after the divorce is complete. The amount and length of time that alimony is paid depends on what is fair and equitable and allows a party to transition from marriage to the single life. See **Step – 4 Spousal Support and Alimony** for more details.

**Child Support:** This is a claim for money to support the parties' child(ren). See **Step 2 – Child Support** for more details.

**Child Custody:** This is a claim for custody of the parties' child(ren). See **Step 1 – Child Custody**.

**Other Claims:** There are numerous other claims a party can add to the complaint. One of the most common is request that the court award attorney fees to the Plaintiff during the course of the divorce.