A DIVORCE SEASON GUIDE · FREE

START HERE

divorce, from zero

How the process works, the words you'll hear,
and what to bring to your first meeting

divorce season

WELCOME

NOBODY GROWS UP LEARNING THIS.

So let's start from zero, like a friend who's been there.

If you're holding this guide, you're probably at the very beginning: thinking about divorce, newly separated, or staring at paperwork you don't understand yet. That's exactly who this is for.

This isn't everything you'll ever need to know. It's what you need to stop feeling lost: how the process actually works, what the vocabulary means, and how to walk into your first conversation with an attorney or mediator feeling oriented instead of overwhelmed.

Read it in order, or skip to the part that's keeping you up tonight.

01 DIVORCE 101 — *The real process, step by step*

02 LEGAL TERMS 101 — *The words, in plain English*

03 THE ATTORNEY CHECKLIST — *What to gather and what to ask*

04 RESOURCES I TRUST — *Where to go next*

This guide is educational, not legal, financial, or medical advice. Laws, fees, and procedures vary by state and change over time. Always confirm specifics with an attorney, your local court's self-help center, or the official source linked here before acting.

PART 01

DIVORCE 101

The real process, explained like a friend who's been there.

WHAT DIVORCE LEGALLY IS

Divorce (called "dissolution of marriage" in many states) is a court process that legally ends a marriage and resolves everything entangled by it: property, debt, and if you have kids, custody and support. It ends with a judge signing a final decree that makes the split official and enforceable, meaning either of you can go back to court if the other person doesn't follow it.

TWO GATEKEEPING QUESTIONS

QUESTION ONE

RESIDENCY

How long you or your spouse must have lived in the state before you can file there. This commonly runs 3 to 12 months depending on the state, so if you've recently moved, check your state's rule before assuming you can file immediately.

QUESTION TWO

GROUNDS

The legal reason for the divorce. Every state now offers no-fault grounds: you simply state the marriage is irretrievably broken. Many states also allow fault-based grounds (adultery, abandonment, abuse, imprisonment), which in some states can affect property or support. Ask an attorney rather than assuming.

CONTESTED VS. UNCONTESTED

This is the fork that shapes your entire experience.

- **Uncontested:** you and your spouse agree on the major issues, and the case moves through court largely as paperwork. It is dramatically faster and cheaper, often resolved in a few months.
- **Contested:** you disagree on one or more major issues (property, custody, support), and the case involves negotiation, possibly mediation, and in some cases a trial. This can take a year or more, and cost tens of thousands of dollars if it goes all the way through litigation.

> **REAL-LIFE EXAMPLE**
>
> Say you agree on everything except who keeps the house. That one unresolved issue can be enough to make your entire case "contested" in the eyes of the court. You don't need to disagree on everything for a case to require more time and legal support.

THE GENERAL SHAPE OF THE PROCESS

1. **Filing.** One spouse (the petitioner) files the initial paperwork with the court and pays a filing fee, unless a fee waiver is granted for low-income filers.
2. **Service.** The other spouse (the respondent) must be formally notified, usually by someone over 18 who isn't you delivering the paperwork in person. If your spouse can't be located, or serving them in person would be unsafe, ask the court clerk about alternative service.
3. **Response.** The respondent typically has a set window, often 20 to 30 days depending on the state, to file a response.
4. **Temporary orders.** If you need decisions now (who stays in the house, interim custody, interim support), you can ask the court for temporary orders while the case is pending. Don't wait for your final decree if you need protection or support now.
5. **Discovery and negotiation.** Both sides exchange financial information and work, often through attorneys or mediation, toward a settlement.
6. **Resolution.** If you agree, it's written up as a settlement agreement and signed off by a judge. If you can't, the case goes to trial and a judge decides the open issues.
7. **Final decree.** The document that legally ends the marriage and lays out everything agreed to or ordered.

A WORD ON REALISTIC TIMING

Every state has some minimum waiting period, and real timelines depend on how much you and your spouse agree, how backed up your local court is, and how complicated your finances or custody situation are. An uncontested, cooperative divorce can sometimes wrap in three to six months. A contested one, especially with custody disputes, commonly runs a year or more.

IF SAFETY IS PART OF YOUR SITUATION

If you're leaving because of abuse, the calculus changes completely. Safety planning comes before paperwork. Separation is statistically one of the most dangerous periods for survivors of domestic violence, because an abuser can escalate when they sense they're losing control.

Reach out to the National Domestic Violence Hotline before you do anything else. They can help you build a safety plan specific to your situation, including how and when to file, for free, 24/7: thehotline.org · 1-800-799-7233.

NEITHER PACE SAYS ANYTHING ABOUT WHETHER YOU'RE DOING THIS RIGHT.

Fast or slow, you're allowed to take the time this takes.

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PART 02

LEGAL TERMS 101

Legal language is built for precision, not comfort. Here's what it actually means for you.

PEOPLE AND ROLES

Petitioner / Plaintiff — the person who files the case. If that's you, your name is usually listed first.

Respondent / Defendant — the person the case is filed against.

Pro se — representing yourself in court, without a lawyer.

Guardian ad litem (GAL) — appointed by the court to represent your child's interests. They aren't on your side or the other parent's; they advocate only for your child.

Mediator — a neutral person who helps both sides negotiate. They can't give either of you legal advice.

DOCUMENTS AND FILINGS

Petition / Complaint — the paperwork that officially starts a case.

Motion — a formal written request asking the judge to act, like a motion for temporary custody or to compel financial records.

Affidavit — a written statement you swear is true, usually notarized. Lying in one is perjury.

Discovery — the formal exchange of financial and other information before trial. It's often where a high-conflict spouse tries to hide or bury information.

Decree / Judgment — the court's final, official, enforceable ruling.

IN THE COURTROOM

Hearing — a shorter court appearance on a specific issue.

Trial — a full proceeding where a judge hears evidence and decides unresolved issues.

Testimony — what a witness says under oath.

Exhibit — a document, photo, or item formally submitted as evidence. This is where your screenshots and logs become official.

Continuance — postponing a hearing. Watch for a pattern if your ex requests these repeatedly without real reason.

Contempt of court — knowingly disobeying a court order. If your ex violates a custody or restraining order, you can ask the court to hold them in contempt.

STANDARDS AND OUTCOMES

Burden of proof — whose job it is to prove a claim, and how convincingly.

Preponderance of the evidence — the standard in most family court matters: more likely true than not, not beyond all doubt. A lower bar than criminal court.

Default judgment — a ruling for one side because the other didn't respond or show up.

Relief — what you're asking the judge to grant. Being specific about it is one of the most important things you can do in any filing.

Modification — a legal change to an existing court order.

CUSTODY TERMS

Legal custody — decision-making authority over major issues.

Physical custody — where the child lives and how time is split.

Parenting plan — the written custody and visitation arrangement.

Right of first refusal — a parent must offer the other parent childcare time before using outside care.

Parallel parenting — a structure with minimal direct contact between parents, often used in high-conflict or abuse cases.

PART 03

THE ATTORNEY CHECKLIST

What to gather before you file, or before your first meeting.

Walking into a consultation prepared changes everything. You'll get more useful advice, spend less billable time explaining basics, and feel more in control from the very first meeting.

FINANCIAL DOCUMENTS

- ☐ Recent bank, credit card, and investment statements
- ☐ Retirement account statements (401k, IRA, pension)
- ☐ The last two to three years of tax returns
- ☐ Recent pay stubs for you and, if accessible, your spouse
- ☐ Mortgage statements or property deeds and titles
- ☐ A list of significant debts, especially anything jointly held

PERSONAL AND LEGAL DOCUMENTS

- ☐ Marriage certificate
- ☐ Prenuptial or postnuptial agreement, if one exists
- ☐ Any existing custody, support, or restraining orders
- ☐ Your children's birth certificates, if custody is part of your case

A WORKING PICTURE

- ☐ A rough list of shared assets and debts, even if incomplete
- ☐ Your goals, ranked: what matters most, and where you can flex
- ☐ A timeline of key events: separation date, incidents, major financial decisions

IF YOU CAN'T GET TO THE FINANCIAL DOCUMENTS

This is extremely common, especially where there's financial control. Don't let it stop you from booking a consultation. First, pull your free credit report at annualcreditreport.com, the only site federal law authorizes to provide it at no cost; it shows every credit account in your name, even ones you didn't know existed. Second, once your case is filed, discovery legally compels your spouse to produce financial records. You don't need everything before you start; you need enough to have a real first conversation.

QUESTIONS TO BRING WITH YOU

- ☐ What does the process typically look like for a case like mine?
- ☐ What's a realistic cost and timeline?
- ☐ What should I do, or not do, right now, before anything is filed?
- ☐ What don't I know that I should be asking about?
- ☐ If I can't afford your full rate, do you offer limited-scope representation, payment plans, or know of local reduced-fee programs?

WHAT NOT TO DO BEFORE YOUR FIRST MEETING

- ✕ Don't make major financial moves (closing accounts, large purchases, transferring assets) without guidance. Some can complicate your case or even be used against you.
- ✕ Don't sign anything your spouse presents, however reasonable it seems, without your own attorney reviewing it first.
- ✕ Don't wait until every document is perfectly organized to book a consultation. Gather what you can, and let your attorney tell you what's missing.

BOOKMARK THESE NOW

National Domestic Violence Hotline
thehotline.org · 1-800-799-7233 — free, 24/7 support and safety planning.

AnnualCreditReport.com
annualcreditreport.com — your free credit report, to see every account in your name.

Your state court's self-help center
Search "[your state] court self-help center" for free forms, filing instructions, and fee waiver applications.

Cornell Law School Legal Information Institute
law.cornell.edu/wex — a free, plain-language legal dictionary for any word you hear in court.

just so you know:

YOU DON'T NEED TO HAVE THIS ALL TOGETHER.

You need enough to have a real, productive conversation. This guide gets you there.

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PART 04

RESOURCES I TRUST

My favorite places to learn, find help, and get the paperwork done.

FREE LEGAL HELP AND INFORMATION

WOMENSLAW.ORG

womenslaw.org

Free, plain-language legal information on divorce, custody, and protective orders, broken down state by state and written with survivors of abuse in mind.

FREE

LAWHELP.ORG

lawhelp.org

Pick your state to find free legal aid programs near you, plus self-help information and court forms.

FREE

LEGAL SERVICES CORPORATION

lsc.gov

The largest funder of free civil legal aid in the U.S. Use its finder to locate a local legal aid office if you qualify by income.

FREE

LAW HELP INTERACTIVE

lawhelpinteractive.org

Answer guided questions and it fills in your legal forms for free, including uncontested divorce forms where your state offers them.

FREE FORMS

USA.GOV

usa.gov/legal-aid

The official government guide to free and low-cost legal help, from legal aid and law school clinics to free online legal answers and forms.

FREE

FINDLAW

findlaw.com

Free articles explaining divorce and custody law by state, plus a directory for finding a family law attorney near you.

FREE TO READ

DOING THE DIVORCE ITSELF

HELLO DIVORCE

hellodivorce.com

An online divorce platform with DIY, specialist-led, and attorney-led flat-fee plans, plus mediators, financial analysts, and coaches by the hour. Free articles, calculators, and a co-parenting plan worksheet.

PAID PLANS · FREE TOOLS

DIVORCE.COM

divorce.com

Online divorce paperwork for all 50 states and D.C.: forms only, filing for you, or a fully guided option with mediation and a case manager. Best suited to cases you mostly agree on.

PAID

DIVORCE.NET

divorce.net

Now leads to DivorceHelp.com, from the California firm Pollock & Hardin: mediation, document packages, and a divorce course by Ed Sherman. California cases only.

PAID · CALIFORNIA

SUPPORT, PARENTING, AND COMMUNITY

ASSOCIATION OF FAMILY AND CONCILIATION COURTS

afccnet.org

A professional association of family court judges, lawyers, mediators, and therapists. Its Family Resources page has guides for parents representing themselves, parenting plan guides, and co-parenting communication tips.

FREE GUIDES

DIVORCEHELP.ORG

divorcehelp.org

A nonprofit that runs half-day workshops for women considering or going through divorce, with panels of attorneys, a financial advisor, and therapists. Based in Pasadena, California.

WORKSHOPS · CALIFORNIA

WTF DIVORCE

WTF Divorce podcast

A podcast hosted by Rob Roseman with short, roughly five-minute episodes featuring divorce lawyers and coaches on divorce, dating, and co-parenting.

PODCAST

this is just the beginning

YOU DON'T HAVE TO DO THIS ALONE.

Divorce Season is an app for your first year after divorce: co-parenting tools, guides like this one, and a community of women who get it.

You're on the list, so you'll hear first when it opens.

FOLLOW ALONG · @DIVORCESEASON

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Educational content only, not legal, financial, or medical advice. Laws, fees, and procedures vary by state and change over time. Divorce Season isn't affiliated with the organizations listed and receives nothing for listing them; check each site for current services and prices.