

A Road Map - Basic Stages in the Process

The Basic Stages in a Divorce or Family Proceeding.

The stages below vary slightly depending on whether you are in a Family Division Court or Superior Court.

1. **Petition is filed.** The petitioning party (the Petitioner) files with the court a Petition for Divorce, or if unmarried with children, a petition for other family action such as for child support or primary parental rights and responsibilities.
2. **Notice is served.** The other party, the Respondent, is notified of the petition filed against them either by mail or delivery by a sheriff.
3. **Discovery period begins. Mandatory Initial Self Disclosure.** Both parties must supply certain documents, mostly financial, to the other. Other information may be requested.
4. **First Appearance.** Notice of First Appearance is scheduled by the court and arrives by mail. Parties must provide Financial Affidavits and if necessary, reasons mediation should not be ordered because it would be futile. Watch the court's video about what to expect at a first appearance in a parenting case.
5. **Mediation.** The court will usually order the parties into mediation to reach a resolution before continuing with the court proceedings. If mediation fails, a temporary hearing will be scheduled. Watch the court's video about mediation in the Family Division.
6. **Temporary Hearing.** Parties present their sides of the case by "offers of proof." This means they simply show and tell the court what they plan to present at a later full hearing. Each party usually gets 15 minutes. Parties must provide updated Financial Affidavits, and if applicable, Proposed Parenting Plan, Child Support Worksheet and Uniform Support Orders.
7. If in Superior Court, instead of a Family Division Court, a **structuring conference** will be held. This may be held in a conference room rather than a court room. The parties must

produce the same documents that they would at a temporary hearing.

8. **Hearings on Motions.** Parties may motion the court to deal with any issues arising prior to the final hearing. Common issues raised on motions include a party not following a temporary order issued from the temporary hearing or structuring conference, and discovery issues.
9. **Pretrial Hearing.** The parties must provide the court a Pretrial Statement. The final hearing is often scheduled at this [pretrial hearing](#)
10. **Trial Management Conference.** The parties must present everything that they intend to use as evidence at the final hearing. They will be marked as exhibits.
11. **Final Hearing.** This is the trial phase in a family or marital case. It can be "contested" which means it will progress as a trial, or "uncontested" if the parties agree. If it is uncontested, the final hearing can be as short as 10 minutes. After, a final order is issued by the court.

To apply for help with divorce or a family law matter call 603 Legal Aid 603-224-3333, or [apply online](#).

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- [Pre-trial Hearings](#)
- [Have You Considered Mediation?](#)

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