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QUESTIONS AND ANSWERS REGARDING DIVORCE

What will it cost for a divorce, and how much do I have to have to get started?

For family law cases our retainer can range from \$1,000 to \$2,500, which typically is deposited when we begin work on your case. The final cost of a family law case depends largely on the complexity of the issues involved and the parties' willingness to resolve contested matters before trial. The broad spectrum of family law cases makes it impossible to predict the cost of your particular case without learning some information about you. [Contact us](#) to set up your initial consultation with one of our [family law attorneys](#) to discuss what you can expect during a family law case.

Should I get a separation or a divorce?

Legal separation in Oregon is rarely the best way to deal with a breakdown in a couple's relationship. If the parties are unsure of whether their marriage can survive, we recommend intensive counseling before pursuing a legal separation. If counseling fails, then the parties should consider a divorce rather than a legal separation. In Oregon, legal separations are most often used for very specific circumstances for (1) religious reasons; (2) where one of the parties has not lived in the state of Oregon for more than six months; or (3) for insurance or employment benefits reasons. A legal separation judgment can be converted within two years into a divorce judgment. To learn more about family law, [contact us](#) for an initial consultation with one of our [family law attorneys](#).

How long does it take to get through the divorce process?

The answer to this question depends largely on whether the parties have already reached a general agreement about settling their case or whether the case is going to go to trial. In some circumstances, if the parties have already agreed to a settlement, we can complete the divorce process in a matter of a few weeks. However, if the case is going to trial, most Lane County cases require that, absent compelling circumstances, the case will be settled or tried within six months after the petition for dissolution of marriage is filed. To learn more about family law, [contact us](#) for an initial consultation with one of our [family law attorneys](#).

What happens if we both agree to the terms of the divorce? Do we have to go to court?

If one or both parties have decided to get divorced, and both parties have agreed to the terms of the divorce, they may be able to use the forms provided by Oregon circuit courts to initiate and finalize their divorce. If the decision has been made to divorce, but the parties need help agreeing on specific issues or terms, they may want to seek the help of a competent mediator. Also, in many instances, each party has already retained an attorney and the attorneys can prepare the necessary paperwork to finalize the divorce. In all of these instances, there would be no need for a trial and the court process would only involve the filing of appropriate documents to complete the divorce. To learn more about family law, [contact us](#) for an initial consultation with one of our [family law attorneys](#).

What are the different ways to negotiate a divorce agreement?

A couple can try to do it themselves, and hope they don't miss or mess up some significant issue. This is a real risk, since court personnel do not review paperwork for mistakes. More traditionally, a couple can each hire an attorney and negotiate their agreement through them. Growing in popularity is private mediation, where a couple works through the issues with a trained mediator. To learn more about mediation, [contact us](#) for an initial consultation with one of our [family law attorneys](#).

What happens in divorce mediation?

A packet of information is sent to both parties and a mediation session is scheduled at a convenient time. During the first session, the parties and the mediator meet together to discuss the process, and identify "homework" to be done before the next session, which is based on the specific issues in the case. Sometimes a case requires only one session, but typically two to four sessions are needed to ensure that relevant information is gathered and shared, and all issues are addressed fairly. At that point, the mediator drafts the couple's marital settlement agreement, and prepares and files court papers to complete the divorce process. Before the documents are finalized, the mediator strongly recommends, but normally doesn't require, that each party consult with separate counsel. To learn more about mediation, [contact us](#) for an initial consultation with one of our [family law attorneys](#).

Is a retainer required before mediation begins?

Normally not, although the process will come to a halt if monthly invoices are not paid promptly. And who will pay what part of the cost of the mediation is one of the issues to be resolved early in the mediation process. To learn more about mediation, [contact us](#) for an initial consultation with one of our [family law attorneys](#).

My spouse's attorney has drafted all the papers and just wants me to sign them. Should I?

Many of the terms and concepts associated with divorce are confusing and complicated. Parts of the document drafted by the other lawyer may seem clear or may seem unimportant, yet they might have drastic and long-range consequences that you need to understand prior to signing. We advise that you have an attorney review the document

and discuss it with you so you understand your rights and how it will affect your family on a long-term basis. To learn more about family law, [contact us](#) for an initial consultation with one of our [family law attorneys](#).

What can I do when my ex-spouse denies court-ordered parenting time?

Oregon law provides a mechanism that allows you to force the opposing party to give you the parenting time awarded to you in your divorce judgment. You can also ask that your former spouse be responsible for attorney fees and costs incurred in enforcing your parenting time. This process sometimes includes a court hearing, but a good portion of the time it can be resolved without court appearances. To learn more about protecting your parental rights, [contact us](#) and our friendly staff will set up an initial consultation with one of our [family law attorneys](#).

My spouse moved out with the kids and won't let me see them. What can I do?

You may be entitled to a temporary protective court order restraining your spouse from changing the child's usual place of residence, interfering with the child's present placement and daily schedule, hiding the child from you, interfering with your usual contact and parenting time with the child, leaving the state with the child without your written permission or written permission of the court, or in any way disturbing the child's current schedule and daily routine until custody or parenting time has been determined. To learn more about protecting your parental rights, [contact us](#) and our friendly staff will set up an initial consultation with one of our [family law attorneys](#).

Can a child decide which parent he or she wants to live with at age 13?

No. The court retains the power to make the final decision concerning which parent will be awarded custody of a child until the child reaches the age of 18. However, particularly in cases involving the modification of the original dissolution judgment, the court will consider a child's expressed desire to live with a particular parent in determining which custodial arrangement will be in the best interests of the child. To learn more about family law, [contact us](#) for an initial consultation with one of our [family law attorneys](#).