

Divorce FAQs

Questions About Your Divorce? We Can Help.

By nature, divorce is stressful. No matter how educated and successful you are, divorce is likely to create uncertainties in your life. You may have many questions about how the divorce process works and how you will be affected.

At Hertz Schram PC, our attorneys are here to help. We will explain divorce proceedings to you and how you are likely to be affected. We will answer your questions now and at every stage of the process. Below, we provide answers to commonly asked questions.

What are the grounds for divorce in Michigan?

Michigan is a no-fault divorce state. That means you or your spouse can file for divorce without showing that the other party is at fault. Adultery, abuse and other harmful acts will not affect whether a judge grants a divorce.

When does it matter who's at fault in a divorce?

When the court divides marital assets or assesses spousal support, child custody or parenting time, it may take fault into account. However, this is just one factor the court will consider.

How does a court determine an equitable division of property?

If parties in a divorce cannot agree on a fair property settlement, the court determines an equitable division of a divorcing couple's marital property. The court must weigh 13 factors to determine what is fair:

1. The spouse's past conduct and relationship (fault)
2. The length of the marriage
3. Where the property came from
4. The parties' contributions toward acquiring the property
5. The needs of the parties
6. Each party's earning ability
7. The cause of divorce
8. The parties' ages
9. The parties' health
10. The parties' life status
11. The circumstances of the parties
12. General matters of fairness
13. Any additional factors that are relevant

How does a court decide whether spousal support is appropriate?

To determine whether spousal support should be awarded, a court must examine several factors, including:

1. The past conduct and past relations of the parties
2. How long the marriage lasted
3. The parties' ages
4. Whether either party is able to work
5. The parties' present situation
6. The needs of the parties
7. The health of the parties
8. Whether either party is able to pay alimony
9. The amount of property each party was awarded in the property settlement
10. The prior standard of living of the parties
11. Other general principles of fairness

Does my spouse have a claim to my business?

If you are a small-business owner, your spouse may have an interest in your business. Business ownerships that were acquired after marriage are generally considered marital property, and the growth of a business during the marriage may also be considered marital property. If your spouse does have a claim to your business, his or her interest will often be paid through other property or, in some cases, cash.

Are retirement accounts and pensions subject to division in divorce?

Retirement accounts and pensions that were accumulated during marriage are usually considered marital assets. Specific rules for dividing retirement accounts and pensions may apply.

Is there a waiting period for divorce?

In Michigan, spouses must wait 60 days to finalize a divorce. After the mandatory waiting period, a court can issue a final judgment when the parties have reached a settlement or after a trial. Cases involving custody may have a longer waiting period of 180 days. This waiting period may be shortened under certain circumstances.

Contact Hertz Schram PC

To learn how we can help you, call 248-494-4486. We serve clients in the Detroit area and throughout Michigan.