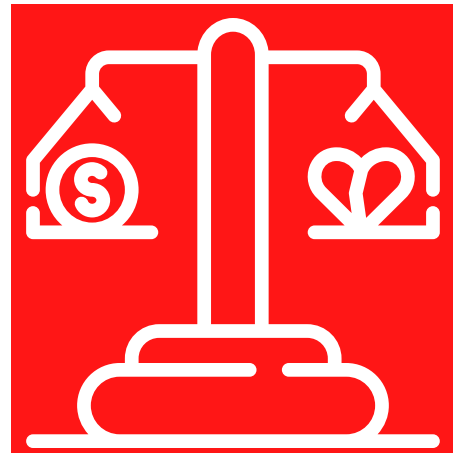




DIVORCE PROCESS IN OKLAHOMA



PARSONS, GRAHAM & DAY

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FOR MORE INFORMATION GO TO WWW.PDTULSALAW.COM

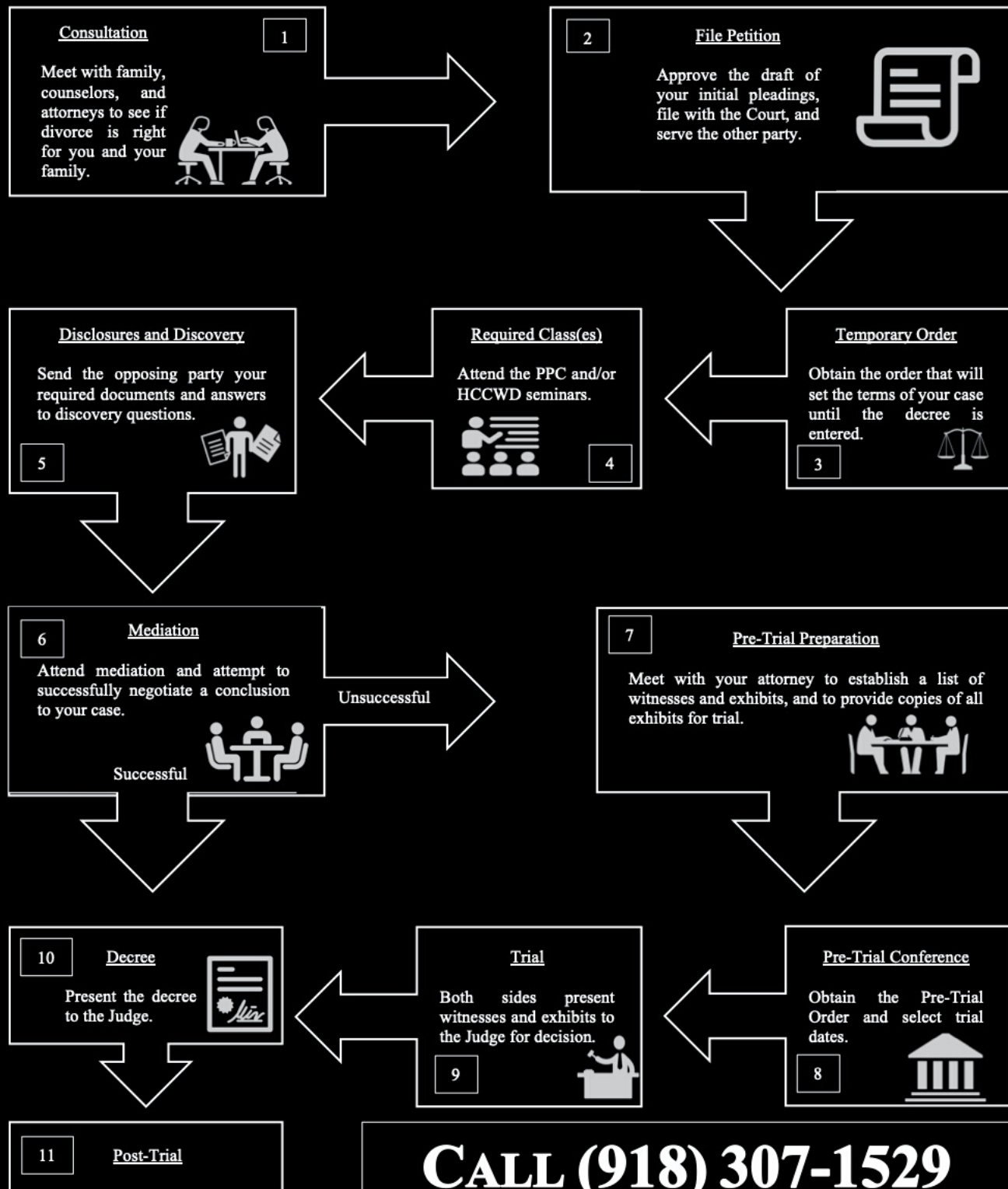


Divorce Process

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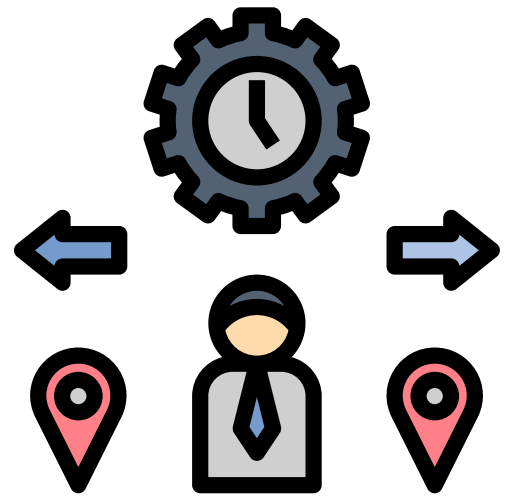
Consultation and Petition

Deciding to get a divorce or separate from the other parent is one of the most difficult decisions that you will make. Do NOT try to go through the divorce process alone. You wouldn't perform your own knee surgery, don't try to navigate divorce court without the advice and counsel of an attorney. There are several factors to consider when hiring an attorney, such as your budget, whether they regularly practice divorce or custody law, and what your gut tells you after meeting with the attorney. (There are some additional tips on our website at www.pdtulsalaw.com/what-to-look-for-in-a-fam-law-attorney.) Be sure to bring a list of questions, concerns, and goals to your consultation. Get a feel for where your case is headed and where you would like it to end.

The Petition is the initial pleading in a divorce or paternity action. It sets forth basic facts, such as where the child(ren) live, jurisdiction, venue, and your requested relief. It does not typically contain many factual allegations.



Temporary Order



The temporary order is (usually) the first order issued in your case. It is designed to be the set of rules (orders) that the parties will operate and live under while the litigation is pending - until it is superseded by the decree. The temporary order sets forth the custody (legal decision making) and visitation arrangements. The order will include provisions for child support and temporary debt and property division. Further, the temporary order can set forth any additional orders that the parties may agree to or the court may order.

[Tulsa County Note:](#) The temporary order can be agreed to at the Parenting Plan Conference ("PPC"). The PPC is unique to Tulsa County. At the PPC the parties will watch a video about the impact that divorce and custody litigation can have upon children. After the video, the parties attempt to reach an agreement on temporary orders.

[Automatic Temporary Injunction \("ATI"\) Note:](#) Upon service of the petition, the ATI goes into effect. It is a statutory order to maintain the status quo until further order of the court. The ATI includes provisions about NOT hiding the children or disrupting existing insurance (among other provisions).

Required Class(es)

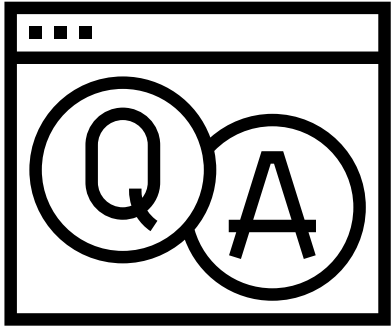
If you are going through custody litigation in Oklahoma, you will be required to take a course such as "Helping Children Cope with Divorce" through a service provider such as Family and Children's Services. It is best to get this requirement taken care of quickly and keep a copy of the completion certificate for your records - provide a copy to your attorney as well. Tulsa County litigants will also attend the PPC, which is a required "class" specific to Tulsa.

Disclosures and Discovery

Every party is required to make certain disclosures to the other party (sometimes called "DR5" disclosures). These disclosures include income from any source and your regular monthly expenses. To make the process of disclosure smoother, include copies of paystubs and expenses (e.g., phone bills, mortgage statements). These disclosures are required so that each party knows the same information (initially) about the other.

Discovery is similar to the initial disclosures, in fact, it frequently covers some of the same topics (i.e., income, expenses). However, discovery is more inclusive and exhaustive in its scope and type. Discovery is the method of finding out information about the other party.

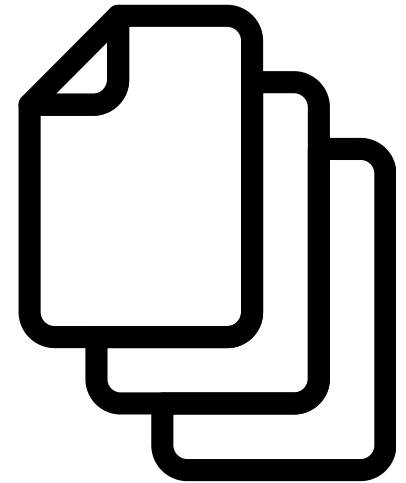




Discovery takes many forms. Below are some of the different types of discovery methods that attorneys and parties can and may employ. Not every case requires the use of each method, some cases require all methods.

Interrogatories are written questions that are answered in detail by the responding party. For instance: Describe the good and bad parenting traits of each party and provide examples of each.

Requests for Admission are simple statements or questions that require the responding party to either admit or deny the statement or question. For instance: Admit that the Petitioner is fit to receive custody of the minor child.



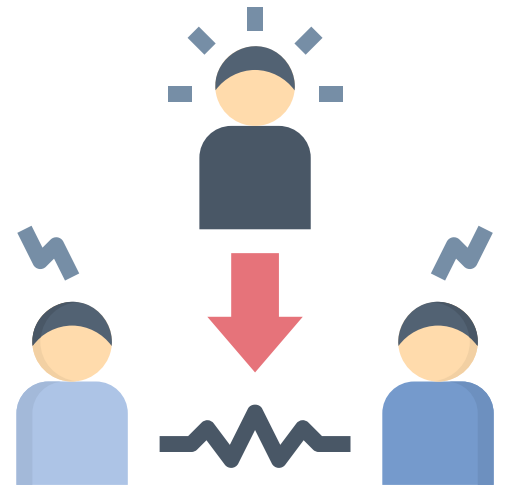
Requests for Production of Documents ("RFPs") is exactly what it sounds like, the responding party produces the documents (e.g., W-2s) or type of documents (e.g., texts) that are sought.

Subpoenas are official requests for documents or items from a third party. An attorney may seek to receive bank account records directly from the bank or medical records directly from the doctor or clinic.



Depositions are questioning sessions that take place outside of court, in person, and under oath. Frequently, they are used to delve deeper into answers provided through other forms of discovery.

Mediation



Mediation is a requirement (typically) in divorce and custody litigation. It is a formal and structured negotiation process that involves a neutral third party moving between the parties in an effort to reach a settlement. The mediator is most often an attorney who is familiar with the family courts. The mediator does not make decisions about your case and cannot force you to accept a settlement offer. The good news about this requirement is that many cases settle through mediation.

Pretrial Preparation and Pretrial Conference

If mediation is not successful and once discovery has been completed, the case should proceed toward pretrial conference. Before your case will be ready for the pretrial conference, which is a court setting, you and your attorney will need to make pretrial preparations. Those preparations include making a witness list (names, addresses, phone numbers, and summary of testimony) of those who will or may testify at trial. Further, you will create exhibit notebooks, which include copies of the evidence to be presented.

Pretrial preparation also includes sessions of practice questions for you and your witnesses. The attorney will go through mock-testimony with you and your witnesses, including how to testify and how to identify exhibits for the court to consider.



Tip: Testifying is difficult for most people. Ask your attorney for some practice sessions. Remember to be honest, answer only the question that is asked, and stick with what you know (not guess).

Pretrial conference is the court appearance at which you will provide the court with a pretrial order and (sometimes) copies of exhibits. The pretrial conference order identifies for the court who the witnesses will be, what exhibits are going to be used, and what issues are going to be tried to the court for decision. This order will also set out whether the parties have completed discovery and when the trial will take place.



The pretrial conference order will, generally, determine what items come before the court at trial.

Tip: Keep a copy of your pretrial conference order and exhibits with you. Review the exhibits in your spare time and be familiar with the issues that the court is going to decide.

Trial and Decree

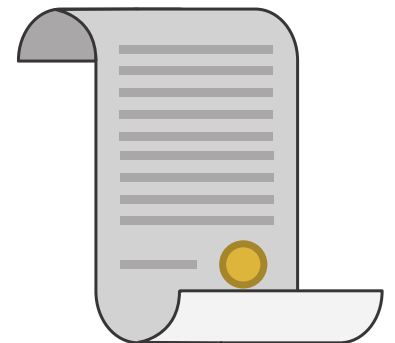


With preparation complete and the date set, your trial can take place. Your trial, absent a specific situation, will take place in front of the judge only. That means that the judge will decide objections and legal matters and weigh the facts to make a decision.

The judge will give each side time to present their case and challenge the other party's case. The parties and witnesses will testify, under oath, and subject to cross-examination. It is the parties' opportunity to verbalize for the court what he or she would like the outcome to be (e.g., sole custody with primary physical custody).

Once the court has made its decision or if the parties agree at mediation, a decree is drafted for the court's review and entry. The decree is the final order of the case. It resolves all issues between the parties and finalizes (absent a future motion to modify, not covered in this book) the court's orders.

Tip: Review every word of the draft of your decree and make sure that it covers all issues. Make sure that the decree reflects the order of the court or the agreement of the parties. Read it carefully, several times.



Post-Trial

If you have had your trial and it did not turn out the way you wanted or if the other party is displeased, either or both of you may appeal the decision of the judge to an appellate court. If you decide to file an appeal, you will want to consult and hire an attorney that specializes in or regularly does appeals. The appellate process takes a great deal of time and requires hours of research and writing. The appellate court may ask that the attorneys present oral arguments before the judges to which your case has been assigned on appeal. Once the appellate court has made a decision, the attorney will explain what that result means for your decree and further proceedings, if any, before the trial judge.





About Parsons, Graham & Day

The attorneys at Parsons, Graham & Day have a combined 40 years of experience practicing in the family courts in Oklahoma. They have helped thousands of clients achieve positive results in front of judges in Tulsa, Rogers, Osage, Okmulgee, Wagoner, Creek, Muskogee, Pawnee, Mayes and Delaware Counties.



Give the family law team a call today,
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