



A WAY OUT



DIVORCE 101

What to expect and how to protect yourself.

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Divorce is the legal process of ending a marriage. It is not easy on anyone and can be a very stressful and emotional time for you and your family.

This basic course will give you an idea of what's involved and explain some of the more common terms used during the process.

A Way Out advocates can refer clients to free legal resources that are available for consultation about your rights and options. ***A Way Out*** advocates are not permitted to offer legal advice.

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- ▶ There are **two** different types of divorce in PA – “fault” or “no fault.”
 - ▶ “No fault” is divorce based on **mutual consent** and/or **irretrievable breakdown**. No one is legally blamed for the divorce.

The good thing about this type of divorce is that it generally can be completed faster and with less legal assistance than a “fault” divorce. ***The down side is that you give up any legal right to money or property.***

- ▶ **Mutual Consent Divorce:** This type of divorce is generally faster, but both parties must want the divorce and work together to finalize it.*
- ▶ **Irretrievable Breakdown:** A divorce based on irretrievable breakdown can be obtained by either person alone, but only after the parties have been living separate and apart for a set period of time.*

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▶ A “fault” divorce involves assigning blame to one spouse and having a judge rule on issues of custody, alimony and division of property. Some of the more common accusations are:

- ▶ Abandonment
- ▶ Substance abuse
- ▶ Adultery
- ▶ Abuse

The good thing about this divorce is that you have the opportunity to petition for specific, court ordered decisions on custody, alimony and division of property. ***The down side is you will require a lawyer and your spouse could, and most likely will, oppose your requests.***

These issues will have to be resolved either by negotiations between your lawyers, by a judge, or both.

Where do I start?



- ❑ To start the process for a “No fault” divorce, you will begin by filing a **DIVORCE COMPLAINT**.
- ❑ A Legal Advocate from **A Way Out** can help you complete the paperwork and show you what needs to be done to file it in the courthouse and send notification to your spouse.
- ❑ PLEASE NOTE: *Legal Advocates are not permitted to provide legal advice.*

However, **A Way Out** clients have access to **PA SafeLaw**. This service is for our clients and allows you to get legal advice free of charge.

Where do I start?



What if I need to do a “fault” divorce?

- You will need to hire a lawyer for this type of divorce.
- They will file the paperwork on your behalf after you meet with them to discuss what you will be asking for in terms of custody, alimony and property.
- While lawyers can be expensive, there are several things you can do before you meet with a lawyer to save on legal costs...

What can I do?



- ❑ Write down a list of the legal questions you have and use **PASafeLaw**. From there you can email, call or online chat with a lawyer. This service is available to our clients free of charge.

- ❑ Make a list of “Assets” and “Liabilities” and how much they are worth. Your lawyer is going to need this information.
 - ❑ **Assets** – Assets are anything of value that was purchased, earned or saved during the marriage. This includes everything from a home, vehicles, furnishings, collectables, recreational vehicles, bank accounts, pension income, retirement accounts, etc.

 - ❑ **Liabilities** – Liabilities are the total amount of debts that are currently owed by both of you.

What can *A Way Out* do for you?



Source: PA\$afeLaw.org

- ❑ **A Way Out** can provide emergency shelter should you be in a situation where your spouse has harmed you or is threatening to harm you.
- ❑ **A Way Out** can help you identify resources for assistance with housing, employment, child care and other services that may be useful to you and your family as you go through the divorce process.
- ❑ **A Way Out** counselors are available to answer questions or discuss concerns in person during office hours or via the **24/7 Helpline at 814-274-0240 (or toll free at 1-888-334-3136)**.
- ❑ **A Way Out** can assist with providing household items, groceries, laundry vouchers, clothing and furniture at no cost to you.