

A GUIDE TO FILING FOR DIVORCE IN MISSOURI

6 MUST-KNOW STEPS



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INTRO

Deciding to go through with divorce is one of the most difficult decisions you will make in your life. More than just dissolving a marriage, divorce has a direct effect on almost every aspect of your life, including your children, your family, your finances, and even your property. This means that other issues in the marriage can become relevant, including marital misconduct.

The laws surrounding divorce and family law issues vary from state to state and county to county, so it is important to hire an attorney who practices family law where you live. It is also critical that you are as educated as possible. That's why we have provided you with this free guide to filing for divorce in Missouri.

1. MISSOURI IS A MODIFIED NO-FAULT STATE

Missouri is a modified no-fault state, meaning that only one spouse needs to claim that a marriage is “irretrievably broken” in order to file to have it dissolved by the court. This also means that one spouse does not need to blame the other or prove to the court that one spouse caused the marriage to fail. However, fault is a basis for the court to consider in the division of marital property and other issues.

The downside to this status, however, is that one spouse can end a marriage almost unilaterally. This is an extremely difficult situation if one party does not want the marriage to end, resulting in a huge amount of unwanted financial cost and emotional stress. In this case, the spouse who did not file for dissolution in the first place must file an “answer” in order to proceed.

2. MAINTENANCE

In Missouri, alimony is known as maintenance. Maintenance is granted if a series of circumstances are met, most relating to income, property, lifestyle, children, and financial burden. If one party is determined not to have sufficient property after the marriage is dissolved or if they cannot work or support themselves through work, another set of factors are considered.

The list of factors that determine maintenance is long and many of the items are open for the court to interpret or debate according to individual circumstances. An attorney working in your best interest who understands this process and the law is absolutely critical to make sure a fair decision is reached.

3. CHILD SUPPORT

Just as in most other states, child support is meant to make sure children from a marriage are financially provided for by both parents. As with maintenance, child support is determined as a result of many factors, although child support is more objective in that it is determined mostly by a mathematical calculation.

If one parent is required to pay child support, the amount ordered by the court is a minimum, not a limit. That amount can also be changed if, for example, a parent suffers a drop in income or if a child needs an extraordinary amount of medical care. A parent is typically responsible for paying child support until at least the child turns 18, however various circumstances could shorten or lengthen that term.

4. DIVISION OF PROPERTY

Missouri is not a community property state, so property will not necessarily be divided 50/50. Instead, the court will determine an equitable division of property. As with the other decisions a Missouri family court must make, many factors are taken into consideration to fit each individual case. This includes each spouse's contribution to property, where children will live after the divorce, who is at fault, and each spouse's economic circumstances.

Again, this is where having a knowledgeable attorney can make a huge difference. With so much subjectivity and discretion and so much left up to the judge, you need someone who will fight for a fair division of your property.

5. CHILD CUSTODY

Missouri family courts aim to rule in favor of the best interest of the children. That is why they tend to favor joint custody arrangements, but different situations call for different approaches to custody.

The court will consider many different types of factors when determining custody, including co-parenting skills, emotional needs, health and safety factors, and more. The court will enter a parenting plan which outlines a custody schedule that will work for all parties. If the parents cannot agree on a parenting plan, the judge will create one based on the best interest of the children.

6. YOUR NEXT STEP

If you are seriously considering divorce or if you are ready to file, you need to contact an attorney as soon as possible. Choosing the right attorney will make the entire divorce process less stressful, and you can be assured that you have someone willing to fight for you and the best interests of your family.

Contact one of the divorce and family law attorneys at The Roberts Law Firm in Chesterfield, MO by calling 636-530-9199. We have been involved in countless divorce cases in Missouri and we can help you to feel more confident in this difficult time.