

Frequently Asked Questions about getting Divorced in Minnesota

Q: How long does it take to get divorced in Minnesota?

A: A divorce can take as little time as 2 months or it can take several years. Typically, a divorce takes about 6-8 months. The duration of your divorce depends on the how complicated your case is and more importantly how well you and your spouse work together to reach an agreement. Factors that increase the amount of time it takes to get divorced include: whether you have children, the amount of property you own, whether spousal support (alimony) a concern, and whether you own a business.

Q: How much does a divorce in Minnesota cost?

A: A typically retainer fee to hire an attorney is between \$2,000 and \$3,500. This amount will get your divorce started but you can expect that the more complicated your cases is the more it will cost. Additionally costs may include: filing fees, mediator fees, parenting classes, property and business appraisals, custody evaluation fees, and vocational exams.

Q: What does the divorce process entail?

A: See the article entitled Divorce in Minnesota

Q: What property gets divided in a divorce?

A: In all dissolution of marriage proceedings, the parties are required to divide all of their real and personal property, as well as any joint or individual debt they have acquired during their marriage.

Generally, all property obtained during the marriage is equitably (not necessarily exactly 50/50) divided. This includes assets like: your house, household goods, car, boat, atv's, vacation properties, time shares, undeveloped land, business property, as well as bank accounts, pensions, 401ks, investments, stocks, bonds, life insurance, mutual funds, patents, business good will, and debts.

Property that was obtained prior to the marriage or with non-marital funds is not subject to division unless there is a recognized exception to invade the non-marital property. (This is a highly technical area of divorce law, if you have non-marital property you should obtain professional advice.)

Q: What is the difference between marital and non-marital property?

A: Marital property is anything you obtained with marital funds such as a car you purchased with wages you or your spouse earned while married. Non-marital property is the stuff you owned before marriage, for instance a motorcycle. Non-marital property also includes inheritances, personal injury awards (excluding compensation for lost wages), and gifts given exclusively to one spouse so long as the asset retains its non-marital value.

That means the non-marital asset has not been co-mingled with marital assets or spent to pay off debts.

If you have received an inheritance and believe you may get divorced or if you want to give your children a gift but are concerned about the stability of their marriage, you should consult a family law attorney to give you strategies on how best to preserve the non-marital nature of that asset.

Q: What if the house or car is titled only in my name or in my spouse's name?

A: The name on the title does not matter. However, if trying to prove a non-marital claim it can be evidence to support your position.

Q: What can I expect to receive or pay in child support?

A: Child support is calculated using each parent's gross monthly income, the cost of day care, the cost of medical and dental care, and the amount of time a child spends with each parent. If one party is unemployed, underemployed, or is a stay at home parent imputing an income to that parent for purposes of calculating child support is a concern. Additionally, if there is not an agreement as to the custody arrangement child support cannot be determined.

Q: How can I prevent my spouse from talking about our divorce with the kids?

A: If you do not put your children in the middle of the divorce, your spouse is less likely to do it as well. Kids are smart. They probably can sense the tension between you and your spouse. Informing your children about the divorce is important but it is equally important not to share the details or your frustrations with them.

In many counties a co-parenting class is required. These classes, even if not mandatory should be considered as they teach parents the basic skills and tools that can be used to manage the transition from one household to two.

Q: If I moved out do I have to give my spouse my new address?

A: Yes, unless you are in fear of your safety and you obtain an Order for Protection. For more information about domestic abuse and divorce please read our article titled: Domestic Violence, Domestic Abuse, and Order for Protection in Minnesota.

Q: Can I drop my spouse from my health insurance plan while getting a divorce?

A: No. Under Minnesota law, service of this Summons creates a temporary restraining order which prevents either party from disposing of current insurance without change in coverage or beneficiary designation.

Q: Can I sell my assets?

A: While emotions run high during a divorce and selling or destroying the property of your spouse may be a temptation, do not do it. Assets that are

disposed of (or destroyed) in contemplation of a divorce will be included in the final asset division. For example if you sell all your husband's tools or your wife's collection of Longaberger Baskets, and spend the proceeds on one fantastic night at the casino, you will likely be credited with that asset when the rest of the marital property is divided.

Once the Summons has been served, by law, neither party may dispose of any assets except: (i) for the necessities of life or for the necessary generation of income or preservation of assets, (ii) by an agreement in writing, or (iii) for retaining counsel to carry on or to contest this proceeding.

Q: How do I maintain privacy while going through a divorce?

A: In Minnesota, you do not need to tell a judge why you want a divorce. If one party wants to get a divorce and the marriage cannot be saved a divorce will occur. This keeps a lot of a person's "dirty laundry" private. However, your finances will have to be disclosed to your attorney, the other party, and the court. The best way to keep information private is to settle your case.

Q: Can I talk about my divorce on Facebook?

A: It is best to keep written communications about your divorce to a minimum including what you say in emails, text messages and social media sites. Written communications are readily transferrable and the chances that your soon-to-be ex-spouse will see those communications are very high. For example, you are likely friends with someone on facebook is a closer friend of your spouse than to you. It is likely that that person will pass you're your unfavorable message onto your spouse. Your spouse can then use this information to cast you in an unfavorable light in court.

Q: Who gets the engagement ring?

A: Under Minnesota law, an engagement ring is a gift given outside the marriage; therefore it is the non-marital property of the recipient and is not part of the property settlement at the time of divorce.

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