

Issues in Divorce Cases
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SUBJECT	<u>Divorce</u>	<u>Property</u>		<u>Children</u>				<u>Violence</u>	<u>Maintenance</u>
ISSUE	Dissolution of marriage	Community Property	Separate Property	Custody	Visitation	Support	Geographic Restriction	Protection of parties, kids, property	Alimony paid to one ex-spouse
REQUESTS	No-fault divorce or Divorce based on fault grounds	Divide community property and debts	Confirm one party's separate property	Determine custodial Parent Joint or sole custody Allocation of various rights	Time with noncustodial parent	Amount of support	Area where custodial parent may designate kids' residence or No restriction on residence	TRO and/or Injunction and/or Protective order	Whether to award maintenance Amount Duration
STANDARD	<u>No-Fault:</u> Granted if either party wants a divorce <u>Fault:</u> If that factor is present	Just and right division of property and debts	Confirmed as separate property if proven by clear and convincing evidence	Best interest of children	Best interest of children	Best interest of children	Best interest of children	TRO/inj.: Generally granted PO: Granted if family violence proven	Need Fault Max 20% of gross inc. Max 3 years
PRESUME:	<u>No grounds</u>	Property is CP	Property is CP	JMC	SPO	Guidelines + insurance + 50% of uninsured costs	County of residence and surrounding counties	None	No maintenance awarded

NOTE: The Court may consider similar issues in a hearing on temporary orders; for instance, temporary spousal support, use of property, payment of debts, and orders regarding the children to be in place while the case is pending.