

What To Expect For A Family Law Case In Minnesota

A Committee of Family Court Judges of a variety of different courts has issued the following information to educate the public.

Introduction

A family law case can be a painful and difficult experience, but if you understand the functions and limitations of the legal system, the process becomes less frustrating. It is our hope, as Judges of Family Court, that this information will give you a better understanding of the process, and help you get through your case with realistic ideas and goals.

Limitations

It is impossible for us to heal the emotional wounds created by your family law case. You must understand that the legal system is not a tool for punishment of the other parent. The courtroom isn't the place for revenge. We must decide your case on the basis of unique facts. In most cases, the law does not permit us to compensate either of you for the other's misconduct.

Settlement

The best way to conclude your case is to settle it. Through compromise and cooperation, a settlement can lead to greater mutual satisfaction and lessened animosity between you and the other parent. In most cases, negotiations toward settlement can be more productive and far less expensive than trial. If negotiations fail and you must try your case, we will make rulings that will permanently affect you and your children. Our rulings must be made exclusively upon the limited evidence that is presented in court, and nothing else. Because we are restricted in what we can and cannot do, a settlement can offer a wider range of options.

Variations

Every family law case is different. Your results may be very different from your neighbor's, friend's, or relative's. You cannot rely upon what happened in their cases and assume that your results will be the same. Cases that seem similar may, in fact, be very different and will be treated differently under the law. For this reason, you should look to your lawyer for your legal advice and information. Your friends and relatives usually do not have a grasp of the law and your case, and accepting their advice may hinder you in the long run.

Finances

In the divorce, child support, and spousal maintenance modification cases, a full disclosure of your finances may be necessary. In divorces the income, assets and debts accumulated during the marriage must be allocated between you and the other parent. The law is that you and your spouse are financial partners during the marriage and are presumed entitled to share in both the assets and income the partnership made. For most parents, whether they were married or not, life-styles change after a break up or divorce. Since family

law cases do not create property or income, we must divide the financial resources between two separate households. It costs more to run two households than one. If you or the other parent have not been employed during the marriage, it may be necessary to seek employment. In considering a settlement, you should consider whether you can afford the attorney's fees to fully litigate your case. Fees and costs in contested cases can be quite high. Usually, a settlement prior to trial reduces the expenses considerably, an important consideration if you come to your family law case with limited resources.

Issues

Family law cases generally involve one or more of four major issues: child custody and parenting time, child support, spousal maintenance and a division of property and debts. After the initial case is concluded, we may later be asked to modify custody, parenting time or support. You need to understand each of these aspects of your case.

Attorney's Fees

We can order one party to pay some or all of the other's attorney's fees. We do this to assure that both parties have equal access to competent counsel. We do not award fees in every case, we must first find that one party has a greater ability to pay than the other does.

You cannot ever be certain that we will award fees. For this reason, and because of the great drain that fees can be on income and assets, everyone (parties and attorneys alike) should make every effort to resolve a dissolution case as economically as possible.

Have Reasonable Expectations

You will certainly be disappointed if you expect to "win" on every issue. Rarely is either party happy about every ruling in a case. Even the best rulings leave both parties somewhat dissatisfied. Encourage your attorney to give you a realistic projection of the outcome of your case.

Keep Communication Open With The Other Parent

As long as children are involved, you and the other parent will have to work together. Your children will suffer to the degree that you and the other parent cannot communicate or cooperate.

Get Professional Help To Deal With Your Emotions

Please do your best to keep emotions out of the case. Your feelings of anger, pain, and betrayal are understandable, but expressing them inappropriately in court may interfere with your ability to provide us with the information we need. If you have trouble with the hostility, anger, or depression that often occurs in family law cases, don't hesitate to get counseling to help you through it. A good counselor can help you, and your children, get through this difficult time and avoid having the anger become counterproductive.

Encourage and Support Parenting Time

If you are the custodial parent and the court has ordered parenting time between your children and the other parent, you have a duty to encourage parenting time. You must do more than just stay out of the way or leave the choice to the children. Encourage your children to see the other parent frequently and to enjoy the contact. Never use support or parenting time as a lever or bargaining chip in dealing with the other parent. However, if mental health, chemical dependency, abuse or other issues arise and you think your children are not safe with the other parent, seek professional advice on what to do.

Give Your Children a Chance

The way you and the other parent handle your family law case will have an enormous impact upon your children. If you argue and fight, their problems and pain will be magnified. By acting reasonably, you can help your children through one of the most difficult events of their lives.