Stott Hollowell
ATTORNEYS AT LAW

The Divorce Process and Essential Documents Checklist

Free Resource

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The Divorce Process in North Carolina

Divorce. It's a dreaded word that can turn your life upside down. However, like all new experiences, knowing what to expect and being prepared makes it much less overwhelming. If you're getting ready to go through a divorce in North Carolina, you need to have all your ducks in a row. Here's a rundown of what you need to do and a checklist of some of the documents you should start collecting.

In North Carolina, you can only file for divorce, or an "absolute divorce," after being separated for at least a year and a day. This means you're required to live in separate homes, with at least one person intending for the separation to be permanent. Unlike some states, North Carolina doesn't allow for divorces based on fault; you can't speed up the process by proving infidelity or other issues. Additionally, you need to be a North Carolina resident for at least six months. Your spouse doesn't have to agree to the divorce, but they must be legally notified of the filing. This involves serving them with the divorce papers, either by the sheriff or via certified mail.

Separation Agreements and Legal Separation

A separation agreement isn't a requirement for a divorce, but any family law attorney will tell you it's still an important step in the divorce process. It outlines and clarifies the terms of your separation, covering essential issues such as property division, spousal support, and child custody. Here's why having a separation agreement is so important:

Clarity and Certainty

A separation agreement provides a clear framework for both parties, reducing misunderstandings and disputes. By having everything in writing, you both know exactly what to expect and what is expected of you.

Legal Protection

This document protects your rights and interests. It ensures that assets and responsibilities are divided fairly and that both parties adhere to the agreed terms. This protection is crucial in maintaining your financial and emotional well-being during and after the separation.

Court Avoidance

A separation agreement can help you avoid lengthy and costly court battles. By resolving issues amicably, you save time, money, and emotional stress. This more cooperative approach often reopens the doors for communication and a less adversarial relationship between you and your spouse.

Children Welfare

When children are involved, a separation agreement can also cover custody and support arrangements and make sure they're in their best interest. It provides a structured plan for parenting responsibilities, maintaining stability and reducing conflict for the children.

Every family is unique, and a separation agreement sets up the framework for creating solutions that best suit your needs. It's a chance for everyone, from former couples to their children and family members, to set healthy boundaries and expectations. Approaching divorce from this angle with an experienced attorney also addresses nuances that a court ruling might overlook ahead of time.

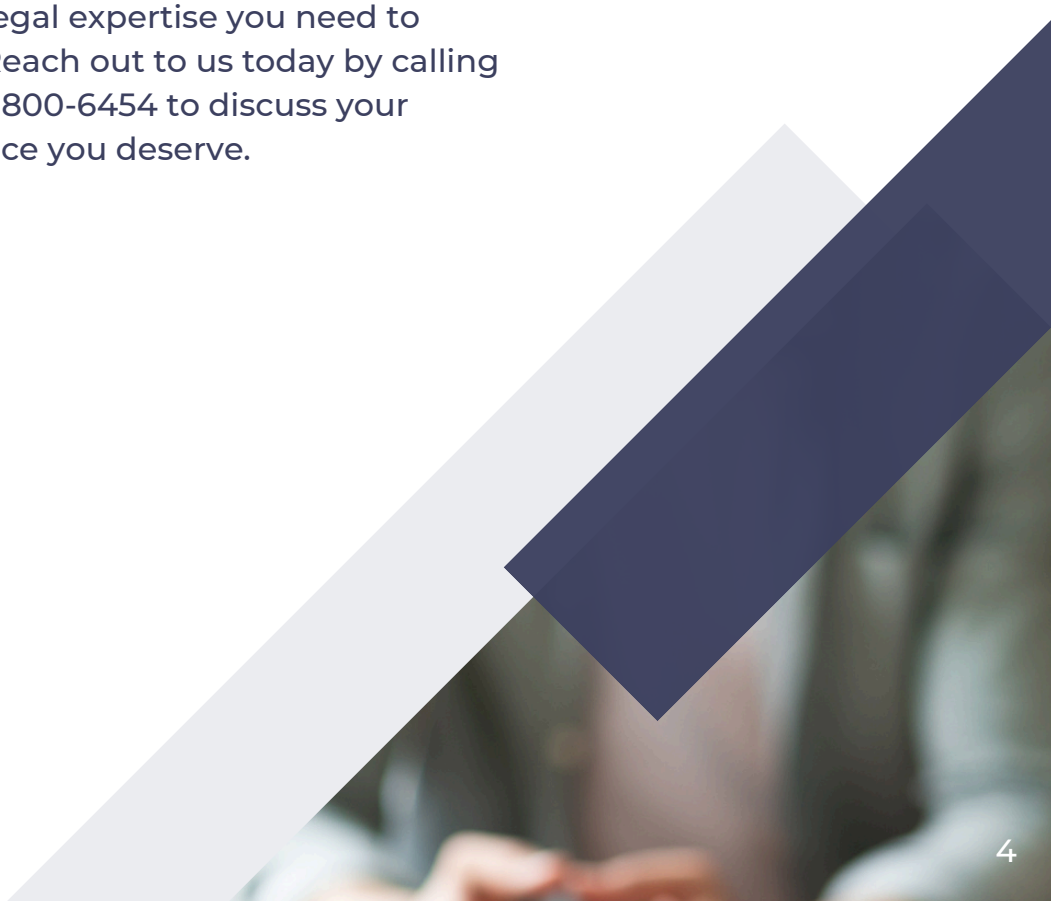
Serving Your Spouse

After filing for divorce, you must serve your spouse with the necessary documents. This can be done by the sheriff, certified mail, FedEx, or UPS. You must file proof with the court that your spouse received these documents. If you can't locate your spouse, serving them by newspaper publication is an option, but specific requirements apply.

When Legal Help is Essential

Divorce involves numerous legal intricacies and emotional challenges. While you can handle some parts on your own, having a knowledgeable attorney by your side can make a significant difference. Your attorney is your biggest advocate. They guide you through the process and help you understand your rights, all while being considerate of your personal situation.

If you're in the Charlotte, NC, area and facing a divorce, contact Stott, Hollowell, Windham & Stancil, PLLC. We're here to provide the support and legal expertise you need to navigate this difficult time. Reach out to us today by calling 704-827-3941 or texting 704-800-6454 to discuss your situation and get the guidance you deserve.



Key Documents for the Divorce Process

Personal Identification

- Birth certificates (for you, your spouse, and your children)
- Social Security cards
- Marriage certificate

Financial Records

- Pay stubs (recent for both spouses)
- Tax returns (last 3-5 years)
- Bank statements (last 1-3 years)
- Credit card statements (last 1-3 years)
- Investment account statements (stocks, bonds, retirement accounts)

Real Estate Documents

- Mortgage statements
- Deeds and titles for all properties
- Property tax statements

Insurance Policies

- Health insurance policies
- Life insurance policies
- Homeowners/renters insurance
- Auto insurance policies

Business Documents (if applicable)

- Financial statements for any businesses owned
- Business tax returns (last 3-5 years)
- Partnership or shareholder agreements

Retirement Accounts

- Statements from IRAs, 401(k)s, pension plans

Debt Information

- Statements of outstanding debts (credit cards, medical bills, loans)

Legal Documents

- Prenuptial or postnuptial agreements
- Previous divorce decrees (if any)
- Current legal documents related to custody or support

Household Expenses

- Utility bills (last 1-2 years)
- Receipts for significant household expenses

Records of Assets

- Appraisals for valuable items (jewelry, antiques)
- Titles for vehicles

Medical Records

- Records of ongoing medical treatments or expenses

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Ready to get started or just have a question?

CONTACT US

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LET'S TALK! (704) 827-3941

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