

# Questions to Ask Before Filing

A practical consultation guide for understanding your options before filing for divorce in Florida

## How to use this resource

Check the questions that apply to your situation and add your own notes before meeting with an attorney. You do not need to ask every question or gather every record first. If safety, children, property, money, or an upcoming deadline requires prompt attention, seek legal advice without waiting.

## 1. Am I Ready and Eligible to File?

- ☐ Does either spouse satisfy Florida's six-month residency requirement, and how should residency be proven?
- ☐ Which Florida county is the proper place to file, especially if we recently moved or live in different counties?
- ☐ Could another state or country have jurisdiction over the divorce, property, support, or children?
- ☐ Is the marriage legally valid, and do any prior marriages, agreements, or immigration issues require attention?
- ☐ Is there a strategic reason to file now, wait, pursue counseling, negotiate first, or consider another process?
- ☐ What information should I preserve before telling my spouse or making major household changes?

Why this matters: The first person to file does not automatically receive a better outcome, but timing can affect service, temporary relief, jurisdiction, safety planning, and preservation of assets or information.

## 2. What Type of Case and Process Fits?

- ☐ Would this likely be a contested, uncontested, simplified, collaborative, or mediated divorce?
- ☐ Which issues must be resolved even if we agree that the marriage should end?
- ☐ Can we negotiate a marital settlement agreement before or after filing?
- ☐ What are the advantages and risks of mediation, collaborative divorce, settlement negotiations, and litigation in my situation?
- ☐ What court appearances, disclosures, classes, mediation sessions, or hearings should I expect?
- ☐ What can make this case faster, slower, simpler, or more expensive?

## 3. What Should I Avoid Doing?

- ☐ Should I move out, change locks, close accounts, stop paying bills, sell property, change beneficiaries, or withdraw money?
- ☐ What should I avoid posting, texting, emailing, recording, deleting, or discussing with the children?
- ☐ How can I protect privacy and preserve evidence without improperly accessing my spouse's accounts or devices?
- ☐ Could dating, travel, alcohol or substance use, new household members, or social media affect the case?

# Questions About Money and Property

Ask how Florida law may apply to your actual assets, debts, income, and needs. Do not assume an account, home, business, or debt is separate merely because only one spouse's name appears on it.

## 4. Property and Debt Division

- ☐ Which assets and debts may be marital, nonmarital, or partly both?
- ☐ How can I trace property owned before marriage or received by gift or inheritance?
- ☐ What records are needed for real estate, retirement plans, investments, businesses, vehicles, valuables, cryptocurrency, or trusts?
- ☐ How are disputed values determined, and when might an appraiser, accountant, or business valuation expert be needed?
- ☐ What happens to the marital home, mortgage, equity, taxes, insurance, and responsibility for repairs while the case is pending?
- ☐ Can one spouse keep the home, and what refinancing, buyout, sale, or deadline protections should be considered?
- ☐ How are credit cards, loans, tax debts, student loans, business debts, and debts incurred after separation handled?

Why this matters: Florida equitable distribution generally begins with a premise of equal distribution of marital assets and liabilities, but the court considers statutory factors that may justify a different result.

## 5. Income, Expenses, and Temporary Finances

- ☐ What financial affidavit and mandatory disclosure documents will I need?
- ☐ How should bonuses, commissions, self-employment income, business benefits, overtime, investment income, or unemployment be addressed?
- ☐ Who should pay the mortgage, rent, utilities, insurance, debts, childcare, and ordinary household costs after filing?
- ☐ Can temporary support, exclusive use of the home, attorney's fees, or other temporary relief be requested?
- ☐ How should I create a realistic post-separation budget and plan for two households?
- ☐ What steps can protect access to money without hiding, transferring, dissipating, or improperly restricting marital funds?

## 6. Alimony and Long-Term Financial Planning

- ☐ Could either spouse request alimony, and which statutory factors are likely to matter?
- ☐ What types, amounts, and durations of alimony may be considered under current Florida law?
- ☐ How could employment, earning capacity, health, age, standard of living, marriage length, or adultery-related economic impact affect the analysis?
- ☐ What tax, insurance, retirement, Social Security, and estate-planning consequences should be reviewed?
- ☐ When should I consult a financial planner, CPA, tax attorney, vocational expert, or retirement-plan specialist?

# Questions When Children Are Involved

Florida generally uses the terms parental responsibility, parenting plan, and time-sharing. Ask questions that focus on each child's best interests, safety, stability, developmental needs, and practical routine.

## 7. Parenting Plans and Time-Sharing

- ☐ What parenting plan and time-sharing schedule would be realistic for our children's ages, school, activities, health, and routines?
- ☐ How does Florida's rebuttable presumption favoring equal time-sharing apply to the facts of my case?
- ☐ How will major decisions about education, healthcare, mental-health treatment, activities, and religion be made?
- ☐ Which address will be used for school boundaries, and how will records, calendars, and emergency information be shared?
- ☐ How should holidays, summer, vacations, birthdays, transportation, exchanges, travel, and schedule changes be handled?
- ☐ Does a child's stated preference matter, and how can I protect the child from being placed in the middle?
- ☐ What parent-education course is required, and when must it be completed?

## 8. Safety, Conflict, and Special Circumstances

- ☐ How should domestic violence, threats, abuse, neglect, substance misuse, dangerous driving, or mental-health concerns be raised safely and accurately?
- ☐ Could supervised time-sharing, safe exchanges, communication limits, testing, evaluations, or an injunction be appropriate?
- ☐ What evidence is useful, and how should police, medical, school, child-protection, or witness information be preserved?
- ☐ What should I do if the other parent threatens to take the child, withholds the child, or refuses to follow an existing order?
- ☐ How are military deployment, special-needs children, long-distance parenting, or unusual work schedules addressed?

## 9. Relocation and Travel

- ☐ Can either parent move before or during the case, and what rules apply to moving the child?
- ☐ Would a proposed move of 50 miles or more trigger Florida's relocation procedures?
- ☐ What notice, agreement, petition, objection, travel, transportation, and revised time-sharing terms may be required?
- ☐ Can passports, international travel, or out-of-state travel be restricted or protected by specific court orders?

## 10. Child Support and Child-Related Costs

- ☐ How is child support calculated, and what income and deductions are included?
- ☐ How do overnights, childcare, health insurance, uncovered medical costs, and other child expenses affect the calculation?
- ☐ Can support be ordered retroactively, and what records are needed to address past payments or claimed arrears?
- ☐ How will school, activities, therapy, tutoring, travel, college savings, and other agreed expenses be divided and reimbursed?
- ☐ Does equal time-sharing eliminate child support?

Why this matters: Time-sharing and support are related but separate obligations. Equal time-sharing does not automatically eliminate child support, and a support dispute generally does not justify withholding court-ordered time-sharing.

# Questions About Filing and Representation

End the consultation with a clear picture of immediate tasks, likely costs, communication, and what happens after the petition is filed.

## 11. Filing, Service, and Immediate Next Steps

- ☐ Which petition and supporting documents apply to my circumstances?
- ☐ What filing fees, summons, service requirements, confidential-information rules, and local procedures should I expect?
- ☐ How will my spouse be served, and are there safe or cooperative alternatives to formal service?
- ☐ What deadlines begin after service, and what happens if my spouse does not respond?
- ☐ What temporary orders or agreements may be needed while the case is pending?

Why this matters: Florida law generally prevents entry of a final divorce judgment until at least 20 days after the original petition is filed, but that is only a minimum waiting period, not a typical promise of completion.

## 12. Attorney's Fees, Costs, and Communication

- ☐ What is the initial retainer, hourly rate, billing increment, and policy for replenishing the retainer?
- ☐ Which additional costs may arise for filing, service, mediation, discovery, depositions, appraisals, experts, travel, or trial?
- ☐ Could either spouse be ordered to contribute to the other's attorney's fees, and what factors matter?
- ☐ How will I receive filings, deadlines, bills, and updates, and what information should I provide between meetings?
- ☐ What choices can help control cost without giving up necessary protection or preparation?

## 13. Strategy, Settlement, and Likely Outcomes

- ☐ What are the strongest and weakest parts of my position based on the facts currently known?
- ☐ What information is still needed before you can evaluate likely outcomes?
- ☐ Which issues are suitable for early agreement, and which require disclosure, valuation, expert advice, or court intervention first?
- ☐ What would a reasonable settlement range look like, and what risks come with rejecting or accepting a proposal?
- ☐ How do mediation, trial, delay, privacy, stress, enforceability, and future co-parenting affect the strategy?

## 14. Before the Consultation Ends

- ☐ Do you believe you are the right attorney for this matter, and are there conflicts or availability concerns?
- ☐ What documents should I send first, and how should they be organized securely?
- ☐ What are my three most urgent next steps and the deadline for each?
- ☐ Is there anything important I have not asked based on the facts I shared?

Get Answers Before You File  
Grant J. Gisondo, Esq., is Board Certified in Marital and Family Law and represents clients in Palm Beach and Martin counties.

Call 561-530-4568 or visit [gisondolaw.com](http://gisondolaw.com) to request a free consultation.

## Helpful Official Resources

Florida Courts: Dissolution of Marriage (Divorce)  
Florida Supreme Court Approved Family Law Forms  
Florida Statutes, Chapter 61

Legal disclaimer: General information only; not legal advice or an attorney-client relationship. Requirements vary and may change. Consult an attorney before filing or making significant legal, financial, property, or parenting decisions.