

# Family Focus

## MAKING YOUR DIVORCE QUICK AND PAINLESS IN TENNESSEE

Posted by **Stuart Scott** | Feb 1, 2019

We recently posted a blog regarding how to make your divorce quick and painless in Arizona. There are some differences in Tennessee. This blog provides an overview of the divorce process in Tennessee. Understanding the process helps to make the divorce quick and hopefully painless.

Once a petition for dissolving the marriage is filed, Tennessee has two different waiting date periods before a divorce will be granted. If there are no minor children common to the marriage, then a divorce may be finalized within 60 days of filing the petition. If the parties have any minor children, then the parties must wait 90 days before a divorce can be finalized.

In Tennessee, in order to finalize an “agreed divorce”, there must be a Marital Dissolution Agreement. The Marital Dissolution Agreement is an agreement by the parties that disposes of all marital assets and liabilities. It also sets forth certain statutory requirements regarding the parties. A divorce that is agreed upon by the parties allows the parties to decide how to divide marital assets, versus going to court and having the judge decide the issues.

If there are minor children, a Permanent Parenting Plan must be prepared and a Child Support Worksheet must be generated. The Child Support Worksheet establishes the amount of child support that must be paid.

In Tennessee, child support is owed until the later of when a child reaches 18 or graduates from high school. As a general rule, there is no obligation to pay child support after the above date occurs, unless the child is disabled. If there is a disabled child, there are exceptions that allow for additional child support.

There are four kinds of alimony in Tennessee that may be applicable: transitional alimony, rehabilitative alimony, alimony *in solido* and alimony *in futuro*. Alimony *in futuro* was commonplace in the past. It provided alimony payments until death or remarriage of the spouse. But it is now somewhat disfavored in Tennessee and not used very often unless there is a long-term marriage and a significant economic disparity between the parties as anticipated post-divorce which will not resolve.

Alimony *in solido* involves a lump sum payment. It is often used for items such as attorneys' fees. Transitional alimony is designed to transition one spouse from married life into single life. For example, transitional alimony helps the spouse receiving alimony to set up a house and adjust to living on their own. Rehabilitative alimony is used to rehabilitate a spouse so that the spouse can earn more money post-divorce than the spouse was earning during the marriage. Rehabilitative alimony can be used, for example, during the time that a spouse is going back to school or obtaining vocational skills.

There can be many unanticipated implications from divorce and the documents that must be filed to finalize a divorce. Tax consequences may be significant. Some types of alimony are modifiable and others are not. It is generally wise to obtain legal advice before trying to navigate all of the different aspects, both financial and otherwise, of one's life that divorce encompasses.

### **About the Author**

Stuart Scott is a litigation attorney with over 25 years of experience. He has tried hundreds of cases in both state and federal court. Some of his noteworthy victories have been featured in local, state and national publications. Stuart is also listed as a Tennessee Supreme Court Rule 31 Family Law Mediator. Stuart focuses his primary area of practice on family law. He represents people going through divorce and focuses his efforts on providing his legal services and advice to his clients in this area. Mr. Scott may be reached in our Nashville office at 615-620-1710.



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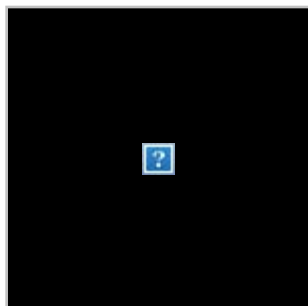


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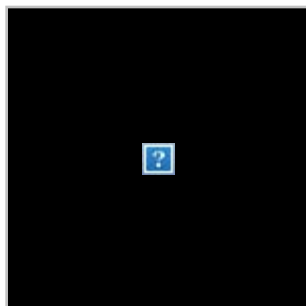
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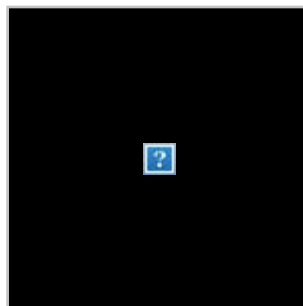
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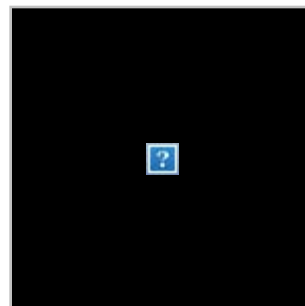
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