

Completing the Divorce

A final divorce hearing is the last time both spouses need to be in court for the divorce. Remember, this final hearing can't happen until at least 120 days (four months) after the divorce papers were filed and served. However, a judge or court [commissioner](#) usually won't set the final hearing date until several other steps are completed.

A judge will grant a divorce only if you had the paperwork properly served on your spouse and you meet the residency rules (30 days in the county and six months in the state). If your county requires a parenting class, both spouses must complete the class and file a Certificate of Completion before the judge can give a divorce judgment. Lastly, the judge must believe that the marriage is "irretrievably broken" (no chance of getting back together) to grant a divorce, or just "broken" to grant a legal separation.

Other Requirements

1. Both spouses need to complete and file a [financial disclosure statement](#) (FDS). Even if an FDS was filed earlier in the case, both spouses should file an updated FDS that is accurate as of the divorce date. Courts will usually go forward with a final hearing even if one spouse refuses to file an FDS to avoid one spouse obstructing the process.
2. If there are children under 18 years old, you and your spouse may agree about legal custody and placement. If you don't agree, the court will order you and your spouse to attend a mediation session. If you are still unable to come to an agreement, the court may make other orders, including the appointment of an attorney to represent the interests of a minor child (Guardian ad Litem), and the completion of a [Proposed Parenting Plan](#) that includes what each parent thinks is the best custody & placement arrangement for the children. At this point, if you and your spouse cannot agree on either custody or placement, there will be a trial in front of a judge. More on this in another article.

3. The spouses may also agree on how their property and debts will be divided. If the spouses agree on how to divide all their property, they must provide a description of which spouse will receive which property. This also applies to the property that may have already been divided. If the spouses have already divided the property, or it is only in one spouse's name, they must still tell the court which spouse will get what property and the value of that property. If the spouses cannot agree on division of property, there will be a trial in front of a judge. The court presumes that the parties should divide their property on an equal basis. The court can give special consideration about how to divide property or assets acquired by one or the other party by inheritance or gift, or that was owned prior to marriage. See our article on [Property Division During Divorce](#).

Many spouses reach an agreement on everything. Then they can fill out a Marital Settlement [With Children](#) or [Without Children](#). At the final hearing, both spouses (if present) must tell the judge that they agree with all the terms of the Marital Settlement. The judge will then approve the Marital Settlement and its terms will be included in the document that actually orders the divorce, called the Judgment of Divorce. In some counties, if the spouses reach a complete agreement or there is a default hearing because one spouse hasn't participated in the divorce, the judge may allow remote attendance by video or by telephone.

When spouses cannot agree on some or all of the issues in their divorce, there will be a trial before the judge. Both spouses can bring witnesses and show the judge documents that support what they want the judge to order in the divorce.

Once the judge orally gives the spouses a divorce, there is still one more form that must be completed. It is called, Findings of Fact, Conclusions of Law, and Judgment - [With Minor Children](#) or [Without Minor Children](#). This is the document that the judge will sign that officially grants the divorce. It is an important document so keep it in a safe place. You might need it if you want to change your name back to the name you had before you were married or if you are changing title to property, such as a car.

Additionally, if a spouse does not take all of the actions required by the divorce judgment, such as paying certain debts or dividing certain bank accounts, you will need to refer to the findings when filing an enforcement action with the court.

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[Family Law Divorce Divorce Process](#)

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