

If you move to Alabama, how soon can you file for divorce?

If your spouse lives in Alabama, you can file a divorce any time. Otherwise, you have two choices. You can wait until you have lived in Alabama at least six months, or you can file divorce where you used to live.

Note: There is **no** residency requirement for filing a Protection From Abuse petition in Alabama.

Where can you file a divorce?-

You can file a divorce in the county where you and your spouse last lived together. You can also file in the county where your spouse lives. In addition, you can file a Protection From Abuse (PFA) petition in the county to which you fled for safety from an abuser.

Can your spouse divorce you and remarry without your knowledge?-

In Alabama, one spouse can file for a divorce without the other spouse knowing. Consent for divorce is not required but the other spouse must be notified. The courts require that the other spouse be served with papers if at all possible prior to a divorce settlement being provided. If the spouse alleges that they does not know where the other spouse is and cannot locate their spouse despite a diligent effort, then the divorce can be served by publication or first class mail to a previously known address.

Multiple marriages in Alabama are not legal. An individual can legal be in only one marriage to one other person. In order to remarry, the requirements for proof of freedom to marry, such as presenting copies of previous divorce decrees, may differ from county to county. Contact the probate office in the county where you plan to remarry.

If you were married but want to see if your spouse has filed for or was granted a divorce and you lived in Alabama, contact the circuit clerk's office of the county were the divorce would be filed. If you and your spouse lived in another state at the time of separation, contact the circuit court in that state.

What is the difference between a Protection Order, a Restraining Order and a TRO?-

Strictly speaking, the order a judge signs in a Protection From Abuse Act case (PFA) is a Protection Order. A Protection Order usually orders an abuser to leave a domestic violence victim alone. It can also grant the victim custody of children, child support, spousal support, possession of the home, possession of an automobile and other relief.

A Restraining Order is the same as a TRO, which is short for Temporary Restraining Order. A circuit court judge can sign a TRO as part of any case, when the Judge needs to keep one of the parties from doing certain things. Usually, it is an emergency order to keep something from happening before the judge can hold a hearing. For instance, a court could issue a TRO ordering someone not to tear down an old building before a hearing is held. In a divorce, a court may issue a TRO granting the same type of relief as in a Protection Order. A TRO or

Restraining Order that continues after a preliminary hearing may also be called a Preliminary Injunction. One that continues after the case is over is called a Permanent Injunction. However, many people call all of these kinds of orders restraining orders.

What does "Ex Parte" mean?-

"Ex Parte" refers to a case where the judge hears only one side of a case. A judge issues an ex parte order without notice to the other side. The other party has no chance to talk, present evidence or cross-examine evidence against him. Under American law, ex parte hearings are viewed as unfair. However, in emergency situations a court may enter ex parte orders based upon what one party says. When this happens, the judge will order a hearing as soon as possible to allow the other party to present his or her side.

What does "Pro Se" mean?-

"Pro Se" means by one's self. In courts it refers to someone without a lawyer who is representing one's self.

If I flee from my abuser to be safe, will the judge find me "guilty" of desertion?-

NO! Abandonment can be a basis for divorce in Alabama, but only if it is long-lasting and truly voluntary. It must continue for one year before the divorce is filed. It also must be without good reason. When you flee because of an abuser's bad acts, you are not deserting. Additionally, when you flee for your safety, you do not give up your rights to property you leave behind.

Note: Your local Alabama domestic violence program has other services available that may benefit you in this time of need. These services might include counseling for adults, counseling for children, safety planning, and/or referral to other service agencies. Please contact your local program to determine what is available in your area. Call Alabama's Domestic Violence Hotline Toll-Free at 1-800-650-6522 to find your local program.

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