

FOR ANYONE CONSIDERING — OR FACING — AN INDIANA DIVORCE

The Divorce *Guide.*

*What ending a marriage in Indiana actually looks like
— and what to think about at each step.*

Every divorce is a series of decisions — some legal, some financial, some about your children, some about what your life will look like a year from now. This guide walks you through the questions to think about before you file, during the case, and after the decree. Bring it to your consultation, or use it to prepare for a conversation with any attorney.

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SECTION ONE

What Indiana Divorce *Actually* Is.

Before you file — or before you decide how to respond — understanding a few foundational realities changes how the whole case looks.

Indiana Is a *No-Fault* State

You do not need to prove anyone did anything wrong to get a divorce in Indiana. The legal ground is "irretrievable breakdown of the marriage." You don't need adultery, cruelty, or abandonment. You don't need your spouse's agreement to end the marriage. Either spouse can file.

This is important because it removes the fault question from the divorce itself. You are not asking the court to blame anyone. You are asking the court to legally end the marriage and divide what needs to be divided.

The *Three Kinds* of Divorce

- **Uncontested.** Both spouses agree on everything — property, support, custody, parenting time. Fastest, cheapest, least stressful. Requires real agreement, not just the appearance of it.
- **Mediated.** Both spouses want to resolve the case but disagree on specifics. A neutral mediator helps reach agreement. Most contested Indiana divorces are ordered to mediation at some point.
- **Contested.** Fundamental disagreement on one or more issues — usually custody, property, or support. Resolved by evidentiary hearings, negotiation, and ultimately by a judge if no settlement is reached.

Most divorces move between these categories as they progress. A case can start uncontested and become contested when one spouse changes course. A case can start contested and settle in mediation. Which track you're on today may not be the track you end on.

WHAT DIVORCE IS NOT

Divorce is not a criminal proceeding. It is not automatically 50/50. It does not require your spouse's permission. It is not a chance to make the court punish someone — it is a process for legally ending the marriage and dividing what has to be divided.

The *Minimum Timeline*

Indiana requires a 60-day waiting period between filing the petition and finalizing the divorce. That is the fastest an uncontested divorce can be completed. Realistically, uncontested divorces take 60–90 days. Mediated divorces take 4–6 months. Contested divorces with a trial can take 9–18 months, sometimes longer.

WHAT TO THINK ABOUT

- ? *Do we already agree on most things, or are there real disputes to resolve?*
- ? *Am I ready for a fast uncontested process — or do I need time to prepare?*
- ? *Am I hoping the case will "punish" my spouse? (It won't — that's not what divorce does.)*
- ? *If there are children, am I prepared for the fact that parenting decisions will continue long after the decree?*

SECTION TWO

Before You File — *or Respond.*

Whether you're planning to file, or you've just been served, the first work is the same: understanding your situation before you start making decisions.

Get Your *Financial Picture* Together

Divorce is at its core a financial event. Everything downstream — property division, support, mediation posture, whether you can afford to keep the house — depends on a clear picture of what you and your spouse actually have.

Before you file (or before you respond), gather:

- Two to three years of tax returns, both personal and business
- Recent pay stubs for both spouses
- Bank and credit-card statements for the past 12 months
- Retirement account statements — 401(k), pension, IRA
- Mortgage and vehicle loan statements
- Documentation of any separate property (inheritance, pre-marriage assets)
- Photographs and inventory of significant household or personal items

The spouse who arrives at a divorce with organized records has a real strategic advantage over the spouse who arrives without them.

Understand *Where You Are* in Time

Some things change the moment a divorce petition is filed. Income earned after filing is generally your own income, not marital property.

Retirement contributions after filing are generally separate. The date of filing becomes the valuation date for most accounts. Filing sooner rather than later — or delaying strategically — can make a meaningful financial difference.

Do Not *Move Out* Without Counsel

One of the most common early mistakes: a spouse moves out of the marital home before consulting an attorney, thinking it will "make things easier." Depending on the circumstances, moving out can affect provisional custody, access to shared property, and negotiating position. Never move out of the marital home without discussing the implications with counsel first.

IF YOU'VE BEEN SERVED

If your spouse has already filed and you have been served, you typically have 20 days to respond. Missing that deadline can result in a default — meaning your spouse's requested terms may be granted without your input. Get counsel involved immediately.

The *Big Picture Question*

Before you file, before you respond, before you make any tactical decision — the most important work is answering: **what do I actually want this divorce to look like when it's over?** Custody schedule, property division, whether the house stays or sells, support structure, whether we can co-parent afterward. Everything else flows from these answers.

WHAT TO THINK ABOUT

? *What outcome would I consider a success at the end of this case?*

SECTION THREE

Property, Finances, *and Support.*

The money conversation is where most of the negotiation actually happens.

Understanding Indiana's rules changes what is realistic to ask for — and what to concede.

Indiana Is a "*One-Pot*" Property State

Nearly everything either spouse owns at the time of filing is presumed to be marital property — including assets acquired before the marriage, inherited property, and gifts. This is different from many other states. The court then divides the marital estate in a "just and reasonable" manner, which usually starts from a presumption of 50/50 but can deviate.

Factors that can push the division away from 50/50 include: contribution to the acquisition of property, economic circumstances, conduct during the marriage that dissipated assets, and separate property brought into the marriage.

What About the *House*?

There are typically three options for the marital residence: one spouse buys out the other's equity (usually by refinancing), the house is sold and proceeds divided, or one spouse stays temporarily with a future sale scheduled. Which option makes sense depends on your finances, whether children need stability, and what each spouse wants going forward.

Spousal *Maintenance* in Indiana

Indiana does not have general alimony. Spousal maintenance is limited to three specific circumstances:

- **Incapacitation.** A spouse who is physically or mentally incapacitated to the extent that their ability to support themselves is materially affected.
- **Caregiver maintenance.** A spouse who must forgo employment to care for a child with a physical or mental disability.
- **Rehabilitative maintenance.** Limited-term support — up to 3 years — while the recipient develops the skills or credentials to become self-supporting.

If you assume you will pay or receive general alimony based on how divorce works in other states or on television, adjust your expectations. It is rare in Indiana.

Child *Support*

Child support in Indiana is calculated using the Indiana Child Support Guidelines — an income-shares model. Both parents' weekly gross incomes are combined, adjusted for taxes and certain deductions, and used to calculate the presumed support obligation. The non-custodial parent typically pays; the amount is calibrated to the shared income and the parenting-time arrangement.

Child support is not fully discretionary. Judges follow the guidelines. Deviations require specific findings. This is a rare area of divorce law where the math is largely settled once the inputs are known.

HIDDEN ASSETS

A common concern in divorce is that one spouse will hide assets. Indiana law requires full financial disclosure. Discovery tools — subpoenas, depositions, forensic accountants where necessary — can uncover concealment. Hiding assets is a losing strategy that almost always damages the hiding spouse's credibility with the court.

WHAT TO THINK ABOUT

- ? *What assets are truly marital, and what (if anything) can I argue is separate?*
- ? *Do I want to keep the house — and can I afford to on my own?*

SECTION FOUR

Parenting *and Custody.*

If you have children, the custody and parenting-time decisions are usually the ones that matter most — and the ones that carry the furthest.

Two Kinds of *Custody*

- **Legal custody.** Who has the authority to make major decisions about the child — education, healthcare, religion, extracurricular. Can be sole or joint. Joint legal custody requires the parents to work together on major decisions.
- **Physical custody.** Where the child primarily lives. Also can be sole or joint. Joint physical custody means the child spends substantial time with each parent (though not necessarily 50/50).

Custody is determined by what serves the "best interests of the child" under Indiana Code 31-17-2-8. The statute lists specific factors: the child's age and wishes, the wishes of the parents, the child's relationships with each parent and siblings, the child's adjustment to home, school, and community, mental and physical health of everyone involved, evidence of domestic or family violence, and any other relevant factor.

Indiana *Parenting Time Guidelines*

Indiana has adopted the Parenting Time Guidelines as the presumed baseline for parenting time when parents cannot agree. They specify default schedules based on the child's age, holidays, summer vacations, and long-distance situations. The guidelines are the starting point — you can agree to more, less, or different, but if the court has to decide, the guidelines apply.

Sole vs. Joint *Custody*

Courts increasingly favor joint arrangements where the parents can cooperate. Sole legal or physical custody is typically awarded when there is documented reason one parent should not share decision-making — high conflict, safety concerns, geographic distance, or a pattern of one parent being excluded from the child's life.

WHAT KIDS ACTUALLY CARE ABOUT

Custody battles often focus on percentages and schedules. What children actually experience is the level of conflict between their parents and the stability of their home lives. A joint custody arrangement between cooperative parents usually serves children better than a sole custody arrangement between hostile ones.

If the Case Is *Contested*

When parents cannot agree on custody, the court may appoint a Guardian ad Litem (GAL) or order a custody evaluation to provide an independent recommendation. Judges give significant weight to these recommendations. If your case is heading toward contested custody, understand from the start that the GAL will be watching how you parent throughout the case — not just at hearings.

Modifications *After the Decree*

Custody orders can be modified if circumstances substantially change and modification is in the child's best interest. A remarriage, a relocation, a change in the child's needs, or a parent's changed circumstances can all be grounds. But modification is not automatic — you must return to court and prove the change.

WHAT TO THINK ABOUT

- ? *What parenting-time arrangement actually works for my child's routine — not just for me?*
- ? *Can my spouse and I make joint legal decisions, or is that unrealistic?*

SECTION FIVE

The Process — *Petition to Decree.*

Every Indiana divorce moves through the same procedural stages. Knowing where you are — and what comes next — reduces uncertainty at every step.

01

The Petition

The divorce is initiated when a Petition for Dissolution is filed with the court. It contains basic facts — dates of marriage, residency, children — and asserts that the marriage is irretrievably broken. The filing date becomes the valuation date for most assets.

02

Service and Response

The other spouse must be formally served. They then have 20 days to respond. Uncontested divorces typically skip a formal answer in favor of an agreed decree. Contested divorces involve a formal answer and, sometimes, a counter-petition.

03

Provisional Hearing

In contested cases, the court holds a provisional hearing early to establish temporary arrangements — who lives where, who pays what, temporary custody and parenting time, temporary support. This hearing shapes the pendency of the case and often previews the final outcome.

04

Discovery

Both sides exchange financial information, documents, and answers to written questions. Depositions may be taken. This is where the factual foundation of the case is built. The 60-day waiting period runs during this phase.

05

Mediation or Negotiation

Most Indiana contested divorces are ordered to mediation. A neutral third party facilitates negotiation. Many cases settle here. Cases that don't proceed to trial.

06

Final Hearing or Trial

If settlement is not reached, a final hearing or trial is scheduled. In uncontested cases, this is a short hearing where the court approves the agreed terms. In contested cases, a trial can take a half-day, a full day, or several days.

07

The Decree

The court issues the Decree of Dissolution — the final order that legally ends the marriage and sets out property division, custody, parenting time, and support. From this point, the marriage is over. What the decree says is what governs the parties' obligations going forward.

08

Post-Decree Enforcement or Modification

After the decree, either party can return to court to enforce the terms (contempt) or to modify them (if circumstances substantially change). Post-decree work is a real practice area of its own.

SECTION SIX

How Cases *Get Resolved Well.*

Divorce is not just a legal proceeding. It is a series of decisions made under stress. The clients whose cases resolve best are the ones who prepare, document, and negotiate from a position of clarity.

- **Prepare before you file.** Financial records, documented parenting involvement, understanding of what you actually want the outcome to be. Preparation is leverage.
- **Handle the pending period deliberately.** Stable housing, employment, co-parenting posture, distance from behavior that could be used against you. What you do while the case is pending becomes part of the record.
- **Take mediation seriously.** Most cases resolve at mediation. Preparing thoroughly — with financial numbers, priorities, tradeoffs — leads to better outcomes than showing up and reacting.
- **Choose negotiation over conflict where possible.** Cases resolved by agreement almost always produce better outcomes than cases resolved by a judge. The judge does not know your family. You do.
- **Choose conflict over capitulation where necessary.** Some settlements are worse than trial. If the other side won't move to a reasonable position, trial preparation itself often moves them.

SECTION SEVEN

Frequently Asked *Questions.*

How long *will this take?*

Uncontested: 60-90 days. Mediated: 4-6 months. Contested with trial: 9-18 months, sometimes longer.

Do I need *a reason?*

No. Indiana is a no-fault state. "Irretrievable breakdown of the marriage" is sufficient. You do not need your spouse's agreement.

Will I get *half of everything?*

Not necessarily. The court divides marital property "just and reasonably," which usually starts at 50/50 but can deviate based on multiple factors.

Do I *have to move out?*

No, and often you should not. Moving out can affect provisional custody, access to property, and negotiating position. Consult counsel before deciding.

Will I have to pay *alimony?*

Rarely. Indiana limits spousal maintenance to three specific situations: incapacitation, caregiver of a child with special needs, or short-term rehabilitative maintenance.

What if my spouse *hides assets?*

Discovery tools — subpoenas, depositions, forensic accounting — can uncover hidden assets. Concealment damages the hiding spouse's credibility and can be sanctioned.

How much *will it cost?*

We handle uncontested and many mediated divorces on a flat-fee basis. Contested divorces are quoted with defined scope. You will know the fee before you commit.

Every divorce is a series of decisions. *We help you make them well.*

The best divorces end with the client understanding what happened, why it happened, and what comes next. That kind of outcome requires clarity from the first conversation — not just competence at the last hearing. Bring this guide to our consultation. We'll walk through your situation together.

REASONS TO CALL NOW

- You are considering filing and want to understand what you are walking into.
 - You have been served with a petition and have questions about how to respond.
 - You need help understanding what to gather and prepare before filing.
 - You have a provisional hearing scheduled and need representation.
 - You are in mediation and want a lawyer preparing you rather than one meeting you there.
 - Your case is heading to trial and needs experienced trial representation.
 - You have a decree and need to enforce or modify it.
-

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