

Your Divorce Options

Contested Divorce

When couples can't resolve the case, their dispute is resolved by the court. These divorces are stressful, time-consuming, and expensive. In most cases, each party has an attorney.

Uncontested Divorce

The two parties have resolved issues with children, support, and property in an uncontested divorce. The couple files a settlement agreement with the courts.

Summary Divorce

Many states offer a Summary Divorce for couples married less than 5 years. There are no children and assets to divide. The couple must file jointly.

Pro Se Divorce (Pro Per Divorce)

This is a divorce where one or both of the parties represents themselves.

Default Divorce

A default divorce occurs when one party (the respondent) refuses to respond to the divorce petition. The court will require attempts to engage the respondent, but when that fails, the court will issue a divorce decree.

Fault and No-Fault Divorce

States' rules for fault and no-fault divorces vary. In the former, a petitioner can file for divorce for a reason, for example, cruelty. In the latter, no one needs to prove a cause for the marriage failing other than "irreconcilable differences."

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Mediated Divorce (An Alternative Dispute Resolution, ADR, option)

A neutral third party will sit down with you and your spouse to help you resolve all of the issues in your divorce. In this type of divorce, the parties establish the terms of the agreement. At the end of the mediation, a settlement agreement is provided to the courts

Collaborative Divorce (An Alternative Dispute Resolution, ADR, option)

In a collaborative divorce, the spouses hire their lawyers. The lawyers are specially trained in collaborative divorce and agree to work with the sole purpose of trying to settle the case. Each spouse agrees to disclose all information relevant to resolving the divorce issues and attend as many meetings as necessary to attempt to reach a settlement.

The spouses and their attorneys agree that the original attorneys will withdraw from the case if the divorce doesn't settle through the collaborative process.

Arbitrated Divorce (An Alternative Dispute Resolution, ADR, option)

This option is the most like a trial because the arbitrator (usually an attorney or a retired judge) will decide on the marital issues after presenting the case facts and reviewing the documentation the parties would ordinarily produce at trial.

