

UNCONTESTED DIVORCE: SETTLING IT ON YOUR OWN

Many people think that a divorce has to be an expensive, knock down, drag out fight where the lawyers get all the money and you and your ex end up broke and mortal enemies. A contested divorce could take years to complete and cost you \$50,000 or more, and for what? Rarely do people get their “pound of flesh” from the divorce court. Unfortunately, the attorneys are the only ones who really win these fights.

Whose kids do you want to put through college, yours or your attorney’s?

Once you put it in that perspective, you both ought to be able to sit down and start unraveling the ties of marriage. Granted, this does not work for all couples. There are some cases where one or both parties can’t or won’t resolve the issues amicably because of addiction, mental illness, abuse or just plain blind rage.

Once you’ve decided to try settling your divorce on your own, what are your options at this point?

The Kitchen Table

Many couples are able to sit down together and list their assets, agree on its division as well as agree on the custody and possession of the children. Any agreement you make, I strongly urge you to take to hire an attorney to review and to draft into a divorce decree. The attorney can advise you as to the legality and potential pitfalls of the agreement.

If You Need Outside Help

If you find you can’t talk together alone, try seeing your minister, a counselor, a trusted friend or family member or any combination of them. These people may be able to help you resolve your issues by keeping the negotiations civilized and helping you reach an agreement.

Mediation is another good option. Look for a non-profit mediation organization in your area. This is a good, inexpensive way to try to resolve your issues by mediating with a trained mediator and without attorneys. The cost to mediate is usually very low because the mediators are volunteers and the organization supports itself through donations. Even if you don’t resolve your issues on the first mediation, try again because it’s a much cheaper alternative to going to trial.

Purchased Forms

Be careful of forms you purchase over the internet or through a local office supply or book store. Even though it says it conforms to your state, I rarely see forms that do. Also, there are many aspects to family law that can trip you up if you’re not careful. I don’t recommend these types of forms, especially if you have children. You’ll end up having to later modify the decree later and pay an attorney to clean up the mess you made. It’s better to have an attorney draft the divorce decree and get it right the first time.

There are resources to help you agree on the terms of your divorce. With the help of your attorney, you can keep the costs to a minimum.