

Day #13: The Eleven Step Divorce Litigation Process, #5: Commencing Negotiations

Hi,

Thanks again for Subscribing. Today we continue through the “eleven steps” for a contested New Jersey Divorce. Today we review New Jersey divorce negotiations. Although this is a topic that could fill books (and does), today’s email is meant to provide very generally the process of commencing divorce negotiations.

Beginning Negotiations

My personal philosophy is that it is often beneficial to, as early as possible, bring light to the contested issues that must be resolved.

Even in the most complex or most highly contested divorces there are often many issues where the parties agree.

The basic issues that need to be resolved in the average New Jersey Divorce Include (but are not limited to):

- Equitable Distribution (the distribution of marital property including retirement accounts, debts, businesses, and the marital home or other “real” property);
- Alimony;
- Child Support;
- Custody;
- College Costs/Private School Costs for Children;
- Insurance Issues;
- Counsel Fees;
- Parenting Time.

At any time the parties can agree (often in the written divorce agreement known as a “Marital Settlement Agreement, MSA” or “Property Settlement Agreement, PSA” all of the terms. This agreement is then appended to the court’s ultimate divorce decree and becomes the parties’ own personal rulebook for their divorce.

The parties may find early on that they agree to all custody issues but not to the division of their millions of dollars in retirement accounts. This allows the

parties to hone in on the contested issues while setting aside the resolved issues. If a party is not providing support during the divorce process and should be, then a *pendente lite* Motion may be filed to help gain some leverage. Negotiations are important and money and your family are on the table, so the stakes could literally not be any higher. That's why effective discovery techniques and obtaining effective leverage can assist in breaking a negotiation stalemate.

Indeed, it's often important to go through a formal discovery process. Let's next turn to step 6 to learn a little more about discovery in a New Jersey divorce action.

All the best,

Carl

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