

## Day #20: I'm Ready to File, Now What?

Hi,

### PARTING IS SUCH SWEET SORROW...

Thanks again for Subscribing. I hope you found both my e-book and the last few weeks' materials helpful in your considerations. At our initial consultation I will go into detail about your specific facts and drill into how to work towards the best result focused on your specific goals.

But now we're back to the ultimate question: where are you at in terms of your relationship? Perhaps you're still not sure how to proceed. Part of you may be ready to proceed and another part hoping you can work things out. I recommend you take things slow and make sure you're following *your* appropriate path. But what if you are ready to file, what are the next steps?

## I AM READY TO DIVORCE, WHAT NOW?

*You're ready.* It's beyond a dry spell, it's beyond working on better communication skills, heck—it's even beyond therapy (or maybe you tried therapy and it was unsuccessful).

I've yet to meet a client who takes the decision to divorce lightly. There's the children, the financial implications, the children!, the emotional baggage. It's not something easily contemplated or undertaken.

But when it's time.....it's time.

For most people family court will be their first experience with the legal system. Period. The process may at first seem like a difficult maze or even a labyrinth to endure. How could this be, you may find yourself thinking—it was so EASY to GET married. But alas, a marriage is (like many things in life!) much easier to get into than out of. Even after reviewing all of my materials you will surely have questions or lack a complete picture of the process.

*That's ok.*

So...what's next? To review and summarize:

## The Primary Methods Towards Divorce

### Uncontested Divorce

It was a quick marriage. There are no children involved. The cost of fighting over assets would be greater than the value of those assets. Or maybe (perhaps most rarely) you and your spouse were able to sit down and work out your differences.

This is the amicable divorce, the “quickie” divorce, but it takes both parties’ consent.

In this process one of you will still file for divorce but with a request that the divorce be processed. You will still generally attach a statement setting forth the specific terms of your divorce agreement (often referred to as a Marital Settlement Agreement or Property Settlement Agreement). This method may follow mediation (where a memorandum of understanding may be drafted) or not.

It may occur with the assistance of counsel or absent counsel.

The risks with the uncontested divorce may be (depending upon whether or not you have counsel) procedural issues or agreeing to something that may not be entirely fair. The benefit is it will cost much less than a contested divorce and will move quickly.

## The Default Divorce

Yes, the dreaded “default” divorce. This is when your spouse disappears, flees the country (often to avoid paying support), mysteriously joins the federal witness protection program, refuses service, or simply refuses to acknowledge the legal action after being served. My personal LEAST favorite method of divorce (for my clients) as it often involves a great deal of time and paperwork (on the part of the party that is actually responsible) and courts will generally bend over backwards to allow the defaulting party access to the court even if they file late and after preliminary default papers are filed.

## Collaborative Law Divorce

In 2014 the State issued specific collaborative divorce laws allowing parties to enter into a process where they agree to forego litigation. The attorneys

will agree to not represent the party in litigation should it not settle. This holistic approach is a cousin of the “uncontested divorce” and may use an interdisciplinary approach to work towards amicable resolution.

## Mediation

If you believe you and your spouse are on similar footing regarding power dynamics (and generally assuming there is no domestic violence history) then mediation (with or without attorneys present) may be a beneficial method to utilize a neutral party to work towards an even deal. The cons are it may be costly in the short term having an additional professional involved. The pros are avoiding the time and potentially costly contested divorce process.

## Arbitration

Generally (but not always binding) arbitration can replace the contested divorce process. One con I have seen is a party dissatisfied with the arbitration still attempting to resuscitate issues (sometimes ad nauseum) in the Superior Court anyway. Arbitration can be a more private setting for sensitive cases and

can always move lighter and faster than the sometimes grinding court system.

## Contested Divorce

Once the court is involved the case is not entirely in your hands. There will be mandatory court appearances, the intervention of judges, and if you cannot settle prior to trial, a decision made by the judge that is entirely outside either parties' full control. This is the classic divorce process and still one commonly utilized. The structure of this process is a pro (eventually—but it might be years from now—this process will lead to formal divorce sanctioned by the court). The cons are the potential cost and aforementioned issues of not having control over your case. In family court the vast majority (95%+) of cases settle before trial, which is similar to other areas of the law.

If you wish to pursue your divorce I hope that you will consider reaching out to me to discuss the next steps. I hope you will also consider me for referrals if you know someone else who may be seeking a divorce in New Jersey, and particularly in Somerset County, Hunterdon County, and Central New Jersey.

Please also feel free to reach out to me directly with any questions you may have or comments on how I can improve the materials. In the future I will on occasion forward you information regarding important changes to the law, interesting happenings at my firm, links to my publications in outside journals, and the like. Thanks again for subscribing to [carltaylorlaw.com](http://carltaylorlaw.com).

All the best,

Carl

Carl Taylor, Esq.  
Carl Taylor Law, LLC  
171 Main Street  
Flemington, NJ 08822  
908-237-3096  
[www.carltaylorlaw.com](http://www.carltaylorlaw.com)

[Click here to Schedule your Own Consult](#)

You're receiving this email because you opted in at [carltaylorlaw.com](http://carltaylorlaw.com). If you'd like to unsubscribe, [click here](#).