

Consider a Non-Adversarial Divorce

When most people think of divorce, it brings to mind images of an angry, bickering couple, and a long and agonizing court battle. It doesn't have to be this way!

In the traditional divorce, often referred to as an adversarial divorce, the couple approaches the impending split as opposing parties, or adversaries. Presumably, there will be a fight, and to some extent, a winner and a loser. In most cases, each party will hire an attorney to represent their interest in the fight, and their attorneys may even request that the divorcing parties stop communicating with each other directly. At this point, most negotiations are handled through their attorneys. Many couples feel that this type of communication heightens the sense of conflict in their divorce, and that much of the control over their situation has been removed from the parties' hands.

While many couples are able to settle the issues in their divorce before going to court, those that don't often face a lengthy, expensive trial, and the final decisions will be made by a judge who does not personally know the family. The experience is often extremely stressful and often, both parties come out of it feeling unsatisfied with the ultimate result.

How is a non-adversarial divorce different?

In a [non-adversarial divorce](#), couples commit themselves to working together to end the marriage. This does not mean that they "get along" or like each other, but only that they agree to attempt to negotiate the terms of their divorce so that they can ideally find an agreement that is satisfactory to both parties.

The parties may each have their own attorney throughout the entire process, or they may decide to hire an attorney to review any agreement, but the parties retain control of the terms of the negotiations and keep the lines of communication open. Rather than arguing about the past or searching for fault in the divorce, the focus is kept on the future, and the parties seek to reach an agreement that is fair to both parties and reflects the best interests of their children (if any). The goal is to allow both parties to move on with their lives with the least amount of stress and conflict possible.

What types of non-adversarial divorce are available?

Uncontested Divorce- An [uncontested divorce](#) is usually the quickest and least expensive way to obtain a divorce. Before filing, the parties will need to have reached an agreement on all terms of their divorce. One party will file for the divorce, and the other will sign the Settlement Agreement and all other necessary paperwork. The parties are not required to appear in court, and all paperwork is submitted together, usually by a single attorney.

There is no requirement that each party hire their own separate attorney, although since the attorney can only represent one party in a divorce, it is usually in the best interests of the other party to hire their own attorney to review the paperwork before it is signed. After filing, it usually takes about two months to obtain an [uncontested divorce](#) in Alabama.

Divorce Mediation- [Divorce mediation](#) is most helpful to parties who are not able to reach an agreement on their own and would otherwise have to appear in court to sort out the terms of their divorce. The parties work with a trained neutral mediator, who helps them organize and work through the relevant issues in their divorce.

The mediator will first try to pinpoint areas where the parties agree, and then assist them as they negotiate through the other areas. Both parties will have a chance to state their views and priorities regarding the issues, and the mediator will help facilitate the discussion by keeping them on track during the discussion and keep the focus on the future. The parties' attorneys may or may not be present during the negotiation process, but in either case, the parties will speak for themselves and actively participate in the negotiation process.

Ideally, the mediation process will conclude with a Settlement Agreement that is mutually agreeable to both parties. Once the parties have signed the Agreement, either party can take it to his or her own attorney to be incorporated into an [uncontested divorce](#).

Collaborative Divorce- With this method, the parties each hire an attorney specially trained in collaborative divorce, and they agree to work together to settle the divorce out of court. The parties and their attorneys meet in a series of negotiations and discuss the issues until they are able to reach an agreement that is satisfactory to both parties.

The unique feature of collaborative divorce is that before the process begins, the parties sign an agreement stating that they will settle out of court, and if they are not able to reach an agreement during negotiations, the attorneys are required to withdraw from the case. This method is designed to encourage the attorneys and the parties to work towards settlement and helps ensure that they will not end up in a lengthy court battle.

What are the advantages of non-adversarial divorce?

- Ideally, parties can avoid the stress of litigation and testifying in a public courtroom.
- The parties retain control of the decisions made during their divorce.
- A non-adversarial divorce usually costs far less than litigation. In many cases, both parties can save thousands of dollars.
- In most cases, a [non-adversarial divorce](#) is much faster than an adversarial divorce. Many uncontested divorces take place in as little as two or three months. Mediation can be completed in as little as one or two sessions, depending on the complexity of the case and the mutual willingness to negotiate and reach an agreement. An adversarial divorce involving litigation can take a year or more.
- [Non-adversarial](#) divorce tends to promote less contention than the adversarial process. This contributes to less stress on spouses and their children, as well as extended families and friends. It also helps to promote a cooperative and respectful relationship in the future, which can make a huge difference in minimizing the negative effects of the divorce on any children involved.
- The focus stays on mutual post-divorce goals (including co-parenting), rather than focusing on problems from the marriage or other issues from the past.

For more information, see <http://www.mobilealabamadivorce.com>