

DIVORCE ROADMAP

At the outset of a divorce, you're faced with a lot of new information. It can be hard to keep track of it all. This manual will help with that. It'll give you a general overview of divorce and a sense of what to expect at the outset of a divorce process.

LET'S START BY CLARIFYING THE TWO KEY COMPONENTS OF A DIVORCE.

- A divorce legally dissolves your marriage.
- A divorce requires you to put your financial and parenting affairs in order as you separate your households.

DID YOU KNOW THAT...

The overwhelming majority of divorces are settled by mutual agreement of the spouses. Very few divorces are resolved by a judge.

IN THE PAGES THAT FOLLOW, WE'LL COVER THESE TOPICS:

- Phases of Divorce
- Negotiation in Divorce
- Contracts in Divorce
- Divorce Submissions to Court
- Divorce Process Options
- Divorce Professionals
- Your First Divorce Meeting

BEFORE WE DIVE IN:

- Please keep in mind that this manual contains general information only and cannot provide tailored advice. Always speak in person with your own lawyer or mediator before making any decisions about your divorce.

DIVORCE PHASES

Divorce happens in three phases:



NEGOTIATION

Figuring out the terms of your divorce. This is where most of your effort will be spent.



CONTRACT

Once you've agreed on terms, your attorney or mediator will draft those terms as a formal contract.



COURT SUBMISSION

Your signed contract is submitted to the court for approval, along with a series of other documents.

Let's take a closer look at each phase.



NEGOTIATION

Negotiation is the first phase of your divorce process. It's often the longest phase, and perhaps the most important. Productive negotiations generally follow these steps:

IDENTIFY ISSUES

Identify the topics you need to cover as part of your divorce negotiation. You and your lawyer/mediator will create this list together. The following page has an overview of the topics covered in most divorces.

GATHER INFO

There will be various types of information to gather and share. Each family is different, but you can expect to compile information on your income, spending, assets and debts.

DISCUSSION

Begin talking through the issues. Each person shares their perspective, goals and concerns. You don't have to agree here. Your goal is to understand each of the issues, from all sides, as deeply as possible.

BRAINSTORMING

With the understanding you've developed, you'll begin brainstorming different options for resolution. Avoid the temptation to promote or reject particular options. Your goal is to generate as many options as you can.

EVALUATION

From the options you've generated, evaluate how well each option meets your goals and addresses your concerns. Your spouse will do the same.

SELECTING A RESOLUTION

Zeroing in on the options that are promising, you'll select the most workable resolution. This will be memorialized in your contract and will become your divorce settlement.



NEGOTIATION PART II

The first step of any negotiation process is to identify the issues you need to negotiate. Below is an outline of the issues that are commonly addressed in a divorce:

CUSTODY

- Parenting Schedule
- Plan for Future Decision-Making
- Miscellaneous Topics (Travel, Future Moves, Significant Others, Guardians)

CHILD SUPPORT

- Amount (How Much?)
- Duration (For How Long?)
- Anticipated Changes

SPOUSAL MAINTENANCE

- Amount (How Much?)
- Duration (For How Long?)
- Anticipated Changes

DIVISION OF ASSETS & DEBTS

- **Common Assets:** *bank accounts, retirement assets, investments, deferred compensation, business interests, real estate, vehicles, etc.*
- **Common Debts:** *credit card debt, student loans, mortgage, home equity line of credit, personal loans, tax debt, etc.*

TAXES

- Filing Status
- Dividing Past Refunds/Past Liabilities
- Responsibility for Future Tax Liabilities
- Entitlement to Future Tax Benefits

HEALTH INSURANCE

LIFE INSURANCE & ESTATE PLANNING

DIVORCE COSTS/PROFESSIONAL FEES



CONTRACT

You and your spouse have agreed on the terms of your divorce. Now, time to make it official.

A divorce contract goes by many names: separation agreement, marital settlement agreement, stipulation of settlement, and so on. Whatever you call it, your contract is a legally binding document that lays out the terms you've agreed to, and commits you to them.

WHO DOES THE DRAFTING?

If you're in mediation, your mediator or one of your attorneys will draft for you. In any other divorce process, drafting is done by your attorneys. There are often several rounds of revisions before the contract is signed.

HOW DOES DRAFTING BEGIN?

It's common to start the drafting process with a short summary that outlines your agreement terms. Once you, your spouse, and your attorneys/mediator sign off on that, the contract itself is drafted.

HOW LONG DOES DRAFTING TAKE?

From the time you've agreed on all issues, ballpark at least several months. Each case is different, though. The more issues you have, the more complex your resolution, the more time between revisions, and/or the more total revisions needed, the longer the drafting process will take.

WHEN THE CONTRACT IS SIGNED, ARE WE DIVORCED?

Not yet. You can't be legally divorced without some official involvement from the state. The following page has more details about what's required.



COURT SUBMISSION

Once you've finalized and signed your divorce contract, there's one more step to take. You submit your contract, along with a series of other documents (the "Uncontested Divorce Papers"), to the court for review. Provided everything is in order, the court will approve your submission and grant your divorce.

WHO DRAFTS THE UNCONTESTED DIVORCE PAPERS?

Your attorneys will draft, review and submit the uncontested divorce papers on your behalf. The Plaintiff's attorney takes the lead here. If you went through a mediation process, you may ask your mediator to handle the uncontested paperwork for you.

IS IT NECESSARY TO NAME A PLAINTIFF AND DEFENDANT?

It is. Because of the traditional set-up of the legal system, even when you've come to agreement on all issues and have an uncontested divorce, someone still has to be Plaintiff, and Defendant. You can discuss that decision with your attorney or mediator. It's more a formality than anything.

HOW LONG DOES THE ENTIRE PROCESS TAKE?

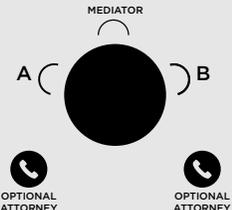
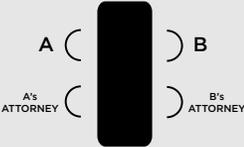
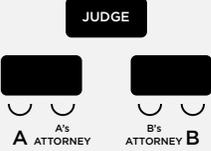
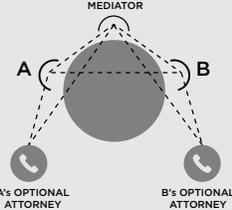
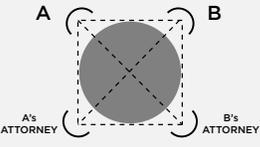
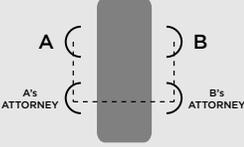
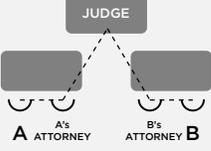
That's hard to predict because it depends on where and when you file. In New York City, from the date your uncontested divorce packet is submitted to the court till the date of your divorce is approved, you'll typically wait three to six months. But it can be less or more, depending on the court's workload at the time.

WILL WE NEED TO GO TO COURT IN PERSON?

No. If you're submitting your paperwork as an uncontested divorce, and have a contract in place settling all issues, you will not need to go to court in person in order to be divorced.

DIVORCE PROCESS OPTIONS

At the outset of your divorce, you should choose the divorce process that works best for you. Here's an overview of your four basic options: Mediation, Collaborative Law, Settlement Negotiation and Litigation.

	MEDIATION	COLLABORATIVE LAW	SETTLEMENT NEGOTIATION	LITIGATION										
WHERE THINGS TAKE PLACE	 PRIVATE OFFICE	 PRIVATE OFFICE	 PRIVATE OFFICE IN WRITING	 COURT										
WHAT THE ROOM LOOKS LIKE														
LEGAL PROFESSIONALS INVOLVED	1 NEUTRAL MEDIATOR, hired by both parties, to lead the negotiation process. OPTIONAL: 2 SUPPORTING ATTORNEYS, 1 hired by each party, to assist in the negotiation process.	2 COLLABORATIVE ATTORNEYS, with Collaborative Law training, 1 hired by each party, to lead the negotiation process.	2 ATTORNEYS. 1 hired by each party, to lead the negotiation process. May also litigate.	1 NEUTRAL JUDGE, assigned by the court system, to decide issues at trial. 2 ATTORNEYS, 1 hired by each party, to prepare the case for trial and negotiate settlement.										
OTHER PROFESSIONALS INVOLVED	OPTIONAL: As needed, the process may involve financial experts, appraisers, child specialists, or other professionals. Almost always in a neutral role.	OPTIONAL: As needed, the process may involve financial experts, appraisers, child specialists, or other professionals. Almost always in a neutral role.	OPTIONAL: As needed, the process may involve financial experts, appraisers, child specialists, or other professionals. May be hired as a neutral or as one party's advocate.	OPTIONAL: As needed, the process may involve financial experts, appraisers, child specialists, or other professionals. Typically hired as one party's advocate; may be appointed by the court as a neutral.										
WHO TALKS TO WHOM														
PROCESS	NEGOTIATE TERMS → DRAFT CONTRACT → FILE DIVORCE PAPERS			<table border="0"> <tr> <td>NEGOTIATE TERMS</td> <td>PREP FOR TRIAL</td> </tr> <tr> <td>↓</td> <td>↓</td> </tr> <tr> <td>DRAFT CONTRACT</td> <td>TRIAL</td> </tr> <tr> <td colspan="2" style="text-align: center;">↓</td> </tr> <tr> <td colspan="2" style="text-align: center;">FILE DIVORCE PAPERS</td> </tr> </table>	NEGOTIATE TERMS	PREP FOR TRIAL	↓	↓	DRAFT CONTRACT	TRIAL	↓		FILE DIVORCE PAPERS	
NEGOTIATE TERMS	PREP FOR TRIAL													
↓	↓													
DRAFT CONTRACT	TRIAL													
↓														
FILE DIVORCE PAPERS														

DIVORCE PROFESSIONALS

Thankfully, you don't have to go it alone in a divorce. There are a variety of legal professionals who can help you. Once you've decided on which divorce process is right for you, you'll likely be working with one (or two) of the individuals below:

MEDIATOR

If you and your spouse are in a divorce mediation process, the neutral mediator is the primary person assisting you in resolving your divorce. You may also be working (individually) with a consulting attorney or review attorney.

CONSULTING ATTORNEY

A consulting attorney assists you (individually), outside the mediation process, in understanding the law and the complexities of your case, in brainstorming and evaluating options, and in reviewing your draft agreement.

REVIEW ATTORNEY

A review attorney assists you (individually), at the conclusion of the mediation process, by reviewing your draft agreement.

COLLABORATIVE LAWYER

If you and your spouse are in a Collaborative Divorce process, your Collaborative Lawyer is the primary person assisting you (individually) in resolving your divorce.

LAWYER

If you and your spouse are in a settlement negotiation or litigation process, your lawyer is the primary person assisting you (individually) in resolving your divorce. If you are in litigation, your lawyer will also be preparing your case for trial.

FIRST SESSION

When you're ready to begin your divorce, you'll set up your first meeting with your mediator or lawyer. If you're not sure whom to hire, it's a good idea to meet with more than one person, to get a sense of whom you'll work best with.

IN AN INITIAL MEETING, YOU CAN EXPECT TO:

LEARN some general information about divorce

The more you know, the better able you are to navigate the process.

SHARE details about your particular situation

This helps tailor the content of your meeting to be most useful to you.

Get **ANSWERS** to any questions you have

Don't be shy with your questions. Bring as long a list as you want.

Get **INFORMATION** or **ADVICE** on next steps

Lawyers give individualized advice. Mediators give neutral information.

MORE QUESTIONS?

Don't hesitate to get in touch.



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