

Dissolution of Marriage:

This is based on finding an appropriate and lawful condition, which both parties agree upon and can substantiate, or that which the filing spouse desires to prove to the court.

In Florida, there are two reasons for a dissolution of marriage to be filed. One is that the marriage is irretrievably broken or two the mental incapacity of one of the parties. The later of these two reasons has a number of conditions that need to be satisfied. However, the irretrievably broken basically means that Florida is a no-fault state for divorce matters.

Common bases for no-fault divorce are "irreconcilable differences," "irretrievable breakdown" or "incompatibility." Another common basis for no-fault divorce is that the parties have lived separately for a certain period of time with the intent that the separation be permanent.

To be granted a divorce in Florida, one of the parties must reside in the state for a minimum of 6 months prior to filing for the divorce. In addition the marriage must be determine to be irrevocably broken. A judge can order that the couple go to counseling before granting a divorce, but this is done in rare situations.

There are two type of divorce that the parties have a choice to proceed with, a contested divorce or an uncontested divorce. It is advisable to get through the divorce process with as little aggravation as possible, especially where children are involved.

Uncontested divorce means that everything is agreed to by the parties, including but not limited to the division of property, division of debts, child support, timesharing with minor children, coverage for health insurance and uncovered medical expenses, spousal support issues (alimony or the waiver of alimony) and all other issues that pertain to the dissolution of the marriage.

A contested divorce is where one or more issues cannot be resolved between the parties and the Court has to decide these issues in a trial without a jury.

It is usually much less expensive to have an uncontested divorce because the lawyer, as a general rule, knows about how much time they will have to

devote to preparing the paperwork to conclude the matter.

In an uncontested divorce many lawyers will quote a flat fee for their services. In an uncontested matter the lawyer needs to draft a settlement agreement pursuant to the parties wishes, as well as a Petition for Dissolution of Marriage, Financial Affidavits and other paperwork. Everything will be presented to the Court at a hearing which usually only lasts a few minutes. Usually only one party need attend the hearing.

In contested divorces lawyers generally charge by the hour and therefore, are usually more expensive. This is due to the fact the lawyer cannot do any more than estimate what the total fees will be. The lawyer does not know how long the matter will take, if it will be settled in short order, if it will drag on for months, if it will go to court, or will it be resolved in mediation. In a contested divorce, the lawyer keeps track of their time on an hourly basis for this matter and the bills that accumulate during the process.

There is considerable time, money and aggravation saved if the parties are able to sit down for one or two meetings and work out their differences. When an agreement is reached, the lawyer can draw and present this agreement to the court for the divorce to take place. In most cases, an agreement drawn up by the parties is better than an agreement drawn up by the court, and also easier to live.

When in conference it is best to understand that neither party is driving the decision and that if an agreement cannot be reached the Judge will have the final say. Therefore, neither party should feel that they can dictate to the other party how things will turn out, and neither party should feel that they have to beg the other party to see their position.

For any divorce, one should not settle for a lot less than they are entitled to just to get the matter over quickly. People lose valuable rights either because they cannot endure the unpleasant nature of the process or don't know their rights in the case. By speaking with and hiring a lawyer, you can better understand your rights and assure that your agreement is fair and equitable.