

What You Should Know About **DIVORCE** In **NEW JERSEY**



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If you are reading this you are most likely considering divorce or you have already been served with divorce papers by your spouse. Going through a divorce is never easy but not knowing what to expect can make it that much more difficult.

Uncertainty can be a source of significant anxiety. If you are like most people, you are already starting to feel lost and overwhelmed. You are not alone. That is a normal reaction. The truth is, second only to the death of a loved one, divorce is likely one of the most stressful events you will ever experience in your life.

The breakup of a marriage is a serious matter and it is also not something to navigate alone. The outcome of your divorce is going to have a life-long impact upon your future. It could affect everything from your future standard of living, to the emotional well-being of your children, as well as relations with extended family and friends. For



these reasons, it is critical you seek the advice of an experienced divorce attorney before you undertake any action in a divorce situation.

The purpose of this report is to provide you with an overview of the options available to you in New Jersey in the divorce process as well as a basic understanding of what to expect. A review of the traditional divorce process is provided as well as alternative no-court divorce options that may be appropriate depending upon your circumstances.

TRADITIONAL DIVORCE LITIGATION

In New Jersey, the grounds for divorce are set by statute and include fault-based divorces such as extreme cruelty, desertion, habitual drunkenness, and adultery. Separation for 18 consecutive months and irreconcilable differences are the two grounds commonly referred to as no fault divorces. The vast majority of divorce cases now filed are under the grounds of irreconcilable differences. Typically, Courts are not concerned with the reasons the divorce is filed. Equitable distribution of assets and the award of alimony are not predicated upon the fault of the parties. You will not receive more support if your spouse is responsible for the breakup of the marriage and you will not have to pay more if you are the responsible party. However, when issues of custody and parenting time need to be decided, it may be in one's best interests to include in the Complaint For Divorce details surrounding the

breakup of the relationship. Only an experienced matrimonial attorney will be able to counsel you with regard to the best manner in which to proceed.



Frequently, prospective clients relate experiences of friends and family members who have gone through divorce and expect their outcome to be similar in nature and for the results to be comparable. It is important to note that every divorce, custody or support matter rests upon its own individual facts and circumstances. There is no cookie cutter approach. Every case is different. An attorney who has experience handling divorces will be better able to educate you as to the manner in which to proceed and what to expect along the way.

It is extremely important to remember the old cliché that there are two sides to every argument. That adage certainly holds true in divorce cases. An issue that you believe to be simple and obvious may be disputed by your spouse. This disagreement could be caused by bitterness, vindictiveness or even ignorance. Regardless, any contested issue must be analyzed with the big picture in mind. It takes a seasoned attorney to be able to fit all “the pieces of the puzzle” together to craft a solution that is in the client’s best interests and which makes sense to all involved.

After the Complaint is filed, the other spouse may then also file his or her own counterclaim for divorce asking for certain relief. The case is then placed on the court calendar as a contested case. The parties are required to file Case Information Statements which are detailed financial disclosure forms. An additional of time is allowed for continued discovery. Discovery can include answering questions in the form of Interrogatories or even a deposition, which is oral testimony taken under oath. Notices to Produce are exchanged

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whereby the parties must submit financial documents and records such as tax returns, bank statements and credit card information.

The Court typically allows four to five months for this information to be exchanged and for the parties to attempt to resolve the outstanding issues in the divorce case amicably without the necessity of proceeding to Court. If custody is an issue, the parties may be required to attend custody/parenting time mediation. This is a program designed for the parties to sit with a Court appointed mediator without attorneys present in an attempt to resolve custody matters. If successful, a Consent Order is then prepared which the parties sign. If the mediation process fails, the matter is referred back to the Judge who then may require an abbreviated custody evaluation to be performed by a psychologist. This is called a Custody Neutral Assessment. The Court could also require a full blown custody evaluation to be done by a licensed psychologist which would include psychological testing and evaluation of the parties.

For all contested cases that proceed to Court, the parties must attend an Early Settlement Panel with their attorneys. At this proceeding, the parties will discuss the issues in dispute before a panel of two experienced matrimonial attorneys. The attorneys will then provide an opinion or a recommendation as to a fair settlement and how they believe the matter should be resolved without the necessity of a trial. If the matter still cannot be resolved at the Early Settlement Panel, the parties will then be referred to Mandatory Economic Mediation which they will attend with their attorneys. If the matter cannot be resolved at the Mandatory Economic Mediation session, the case is then referred back to the Court and a Trial will be scheduled.

At any time up until the trial, if a full agreement is reached, a Property Settlement Agreement will be drafted which will contain all of the elements and issues that have been resolved between the parties. After that document is signed, the matter can then proceed to Court on an uncontested basis. The terms of the Property Settlement Agreement will be incorporated into a Final Judgment of Divorce.

Attorney Jeffrey W. Goldblatt has litigated divorce cases for over 30 years. He has successfully resolved cases through negotiation. For those cases that cannot be settled out of Court, he is ready to proceed to trial and advocate for your interests to the best of his ability.

NO COURT DIVORCE ALTERNATIVES

In addition to traditional divorce litigation, there are other options available which are known as Alternative Dispute Resolution. These alternatives can allow you to divorce without going to Court. These include mediation and collaborative divorce. Keep in mind that even if you resolve all issues through Alternative Dispute Resolution, you will still need to file papers with the Court to finalize your divorce. Only a Judge can grant a divorce but oftentimes the issues can be resolved out of Court through Alternative Dispute Resolution.

MEDIATION

In mediation, the divorcing spouses attempt to reach an agreement with regard to property, debt, support and custody with the help of a neutral third party. The mediator has no power to make decisions but rather helps the two parties negotiate and communicate more effectively.

Attorney Jeffrey W. Goldblatt has successfully mediated many divorce cases over the years. As a mediator, he does not represent either party. Rather, he acts as a facilitator in order for the parties to be able to effectively discuss and negotiate their differences. Either party can be represented by an attorney throughout the mediation process. If so represented, those attorneys are not present during the mediation sessions but are only utilized for consultation purposes. Many people do not feel the need to have attorneys represent them throughout the entire process. After a full and final agreement is reached, however, either party may feel more comfortable in having his or her own attorney review the proposed document before signing it. Jeffrey W. Goldblatt, Esq. can either act in the capacity as the mediator or if you have mediated with someone else, he frequently reviews proposed agreements and offers counsel and advice to the client with regard to the resolutions contained within the agreement.

The success of mediation depends upon the motivation of the parties. Mediation is not for everyone as the parties must be able to effectively sit in the same room and maturely and rationally discuss their issues. There cannot be an inequality of bargaining power. One party cannot be intimidated or fearful of the other. The mediator attempts



to ensure that the dynamics of the process remain fair and equal between both

sides so that neither party is disadvantaged. Divorce mediation typically is quicker than litigation and cheaper since court appearances are not required. While a Judge may be constrained to follow legal precedent and statutes in making a ruling, in mediation the parties can be creative in crafting a resolution that makes more sense to them.

COLLABORATIVE DIVORCE

On September 10, 2014, Governor Christie signed into law the New Jersey Collaborative Law Act.

Collaborative law is the legal process that allows you and your spouse to come to a mutually agreed upon settlement of all issues without the uncertain outcomes often associated with the adversarial litigious process while at the same time giving you the guidance, support and protection of your own attorneys. This allows for a win-win outcome.

With the collaborative law approach, each party selects his or her own attorney and makes a commitment to reaching a settlement out of court. Experienced collaborative divorce professionals are trained to work together and are always looking for ways to put together a mutually beneficial solution. From the start, collaborative law seeks to create an open and honest environment that fosters true communication and cooperation.

When expert opinions are needed, with regard to financial matters, for example, both parties can work together to hire an independent professional, thus reducing the cost and duration of the case.

Collaborative law puts you in control of the process and can significantly reduce the overall cost, duration of the case and anxiety often associated with the traditional adversarial process.



Benefits of Collaborative Divorce

- Promotes a civilized and respectful divorce process.
- Protects children from the harm associated with traditional win-lose litigation.
- Protects relationships with extended family with whom you and your spouse have in common as well as those within your circle of friends.
- Gives you and your spouse total control over the process and outcome of your divorce.
- Protects the privacy of all parties involved by keeping all issues within a private and confidential setting.
- Allows for creative solutions to problems while keeping decisions about things like financial matters and child rearing out of the hands of judges.
- Allows the parties to schedule meetings according to their schedules without waiting for court dates.

Is Collaborative Divorce Right For You?

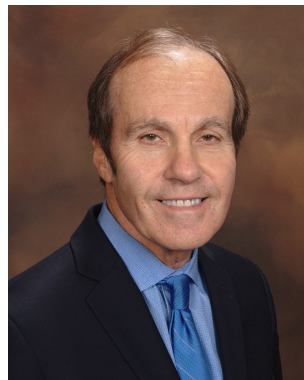
Collaborative divorce typically works best for those who want a respectful, civilized resolution of the issues and would like to maintain a civil and functional relationship after the divorce. Those couples seeking collaborative law divorce are often those who want to maintain their privacy and don't want the details of their personal affairs becoming public court record.

Attorney Jeffrey W. Goldblatt can help you determine if collaborative is an option for you.

Conclusion

It is hoped that this report has shed some light on the divorce process in New Jersey and answered many of your questions.

Jeffrey W. Goldblatt has over 30 years experience as a New Jersey divorce and matrimonial law attorney. Located in East Brunswick and Freehold, New Jersey, his offices have handled a variety of divorce and custody related cases from the most simple to the extremely complex.



Don't take chances with your family's future. There is too much riding on it. Whether you are in the initial stages of considering divorce or you have already been served with papers, now is the time to speak with an experienced attorney who can review your options and put your mind at ease. Contact us at 732-238-8700.