

Choosing a No-Fault Divorce may Speed Dissolution and Save Costs

By Rebecca L. Palmer

When a marriage is on the rocks, it's difficult not to continually blame your partner for what went wrong in your marriage. As your life goes through drastic emotional and financial changes, fanning the flames of blame during the divorce mediation can delay the process, increase animosity, and prevent you from getting on with your life.

No-fault divorce is one way separated couples can be granted a dissolution of marriage without assigning fault in the court proceeding. Also referred to as irreconcilable differences or irretrievable breakdown of the marriage, a no-fault divorce does not require proof of misconduct or the placement of blame on either spouse when submitting a dissolution of marriage petition. Florida is one of 17 states in the U.S. that adheres to a no-fault divorce process. All states recognize no-fault divorces, and each state has its own separation requirements before one spouse can formally file for divorce. To navigate the process in the state of Florida and outside its jurisdiction, it is wise to consult a family law attorney to make sure you are adhering to the law and that your rights are being protected.

A no-fault divorce does not relieve either party of personal accountability in the breakdown of the marriage; it simply does not have to be a part of the petition and court proceedings during the fault divorce process. Without a burden of proof needed, there is no legal directive to go into the private details of the marriage and find reasons, such as alleged infidelity, to illustrate support for the petitioner's divorce request. Also, unique to the no-fault divorce process, one spouse cannot refuse the divorce petition. A refusal of

the request will serve as support to the dissolution request by giving an example of the irretrievable breakdown of the relationship. In most cases, no-fault divorces are typically quicker, less expensive, and not as intense or emotionally draining as fault divorces can be. In Florida, it is only necessary to let the court know the marriage is broken and request a dissolution.

Even though it is referred to as “no-fault,” fault can be used to illustrate wrongdoing that would affect the rights to distribution of marital funds. No-fault divorce doesn’t mean that a party can walk away from a marriage without being held accountable for their actions. The Florida courts can still address any actions during the marriage that negatively affected the opposing spouse.

A common misunderstanding is that a no-fault divorce is the same as an “uncontested” divorce. The only way a divorce is uncontested is if all the provisions outlined in a divorce decree, such as child custody, alimony, and division of assets, have been agreed upon.

One potential drawback of a no-fault divorce is that there is no opportunity for either party to share the circumstances that led to the breakdown of the marriage during the proceedings. If this is a crucial element for you to achieve closure and move forward with your life, you may want to seek the counsel of a family law professional.

Long, drawn out, divorces can take a heavy emotional and financial toll. Be sure you understand the ramifications of choosing a no-fault divorce, as it may be the best course for you.

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