

Divorce Options

Method	Description	Best Used For	Advantages	Disadvantages
Separation	Separated by law, but not divorced	Couple does not want to divorce due to religious or other reasons	Gives children and spouse time to adjust or the time to work things out and rebuild the relationship Child support, maintenance (alimony) and a property settlement can be arranged Provides opportunity to work things out Health insurance is maintained	Could prolong the divorce process May end up more expensive
Pro-Se	Divorce filed without the use of an attorney	Couples with few disputes and no children Couples who have easily divisible assets and liabilities and no children	Inexpensive if the issues are truly simple and easily settled Quicker than other methods	No legal advice Financial and legal mistakes are often made Divorce is public record Spouses decide how to split assets and liabilities, and coordinate alimony, child support, and child custody All paperwork completed and filed using a paralegal or attorney
Mediation	A neutral person called the Mediator (many times an attorney, but not always) is voluntarily used to settle disputes over a variety of issues. The settlement is based on what each party considers fair. An attorney should be used to review all paperwork.	Couples who have problems to solve and have no desire to take it to court or be combative	Usually less expensive than litigation (traditional method)	Not appropriate if one spouse is combative, abusive, or may be dishonest about income or assets Both parties may retain their own attorney which drives up expenses No legal advice is given unless a spouse retains an attorney (in addition to the mediator) If a settlement is not reached, may need to go to court
One Attorney used for Both Spouses	One spouse hires the attorney to complete and file all the paperwork. Ethically, the attorney can only represent one spouse	Couple is willing to work things out together. Probably should not be used if one spouse is combative or is thought to be hiding income or assets	Less expensive than each spouse hiring their own attorney Quicker process	Only one spouse has legal representation. The other spouse must trust what the other spouse's attorney recommends
One Attorney for Each Spouse (Traditional Method)	About five percent of these cases are taken to court, the rest are settled out of court.	One or both spouses are being difficult, uncooperative, or the situation requires expert advice	Each party is represented by their own legal counsel Confidential	Costs can be the highest of all methods Divorce is public record Judge or attorneys decide the fate of your future Can be the most destructive emotionally
Collaboration	A team of professionals (can be an attorney, personal counselor, financial advisor, and others), trained in the collaboration process, is contracted to resolve all issues out of court	Couples want to keep the divorce private and maintain the highest degree of teamwork. It is an atmosphere of honesty, cooperation, and integrity	Each party has an attorney as their advocate Both spouses work together for the best possible solution Can be less expensive than the Traditional method (no court litigation) Divorce is not public record	If the collaboration process fails, the collaboration team withdraws and other methods are used, which drives up costs Not appropriate if any party is not honest or willing to work together