

I Can't Wait – I Need The Divorce To Be Over Now!

March 13, 2012 | by Bonnie Frost



The court system has time goals and expects that most divorces will be completed within a year. This time frame may not coincide with the emotions you and your spouse are experiencing. You may be ready to settle and get on with your life while your spouse is not.

The most difficult and time consuming part of any divorce is for you and your spouse to agree on how your parenting and financial lives will look after divorce. Who will be the custodial parent (that is, where will the children primarily live)? What amount of parenting time will each parent have? How much support will be paid? How will the assets be divided? How will the debts be paid? What will happen to the house?

The quicker you come to an agreement, the quicker you can be divorced. Unlike other states, where a court may divorce the parties and not address support, for example, in New Jersey, all issues must be resolved before the court will grant a divorce.

The New Jersey Family court system is settlement oriented from the outset. They truly want to avoid trials. Therefore, after filing the complaint for divorce, if custody and parenting time are the issues, you will be ordered to engage in free, court sponsored mediation to hopefully resolve those issues. At the 5 or 6 month point, you will have to participate in the Early Settlement Panel (ESP) Program where two volunteer New Jersey attorneys make non-binding recommendations as to what they think will be the result in your case in the hopes that their recommendations will be the basis for settlement.

If you do not settle at the time of the ESP Panel, the next step in New Jersey is that you will be ordered to participate in economic mediation. The emphasis of the program is to resolve the economic issues in the case, such as equitable distribution of marital property and support. If you and your spouse cannot agree at this stage, then and only then will there be a trial. While the process might be lengthy and emotionally trying, less than 1% of all divorce cases in New Jersey are tried.

So how long will your divorce take? It depends on how agreeable the parties can be with one another.