

Contested/Uncontested Divorce

Highly Respected New Jersey Divorce Lawyers

Whether you have been married for fifty years or just recently tied the knot, the decision to end a marriage is never an easy one to make. Couples often struggle with unpleasant and conflicting emotions because divorce marks a major transition in their lives. Beyond the actual separation as a couple, conflicts associated with the custody of children, property distribution, alimony, child support, and other related issues can make a difficult process even more challenging for the parties involved.

At Einhorn Barbarito we appreciate just how hard it can be to go through a divorce. Our divorce lawyers have decades of collective experience representing clients throughout New Jersey who have dissolved their marriages. Several of the attorneys in our practice group are certified by the Supreme Court of New Jersey as matrimonial lawyers, and three of our attorneys have served as chairs of the New Jersey State Bar Association's Family Law Section. We work together as a cohesive and dedicated team to assist individuals and families throughout New Jersey with all divorce proceedings, including contested and uncontested divorces.

Contested and Uncontested Divorces in New Jersey

There are two types of divorces in New Jersey: contested divorces and uncontested divorces.

Contested Divorces

Simply stated, a contested divorce occurs when a couple is unable to agree upon a combination of any of the following issues: the division of assets and liabilities, child custody, alimony, child support, and other important issues regarding their divorce. A contested divorce can become highly acrimonious; when that occurs, the court must intervene to resolve the parties' issues for them.

In New Jersey, the parties to a contested divorce must attend an “Early Settlement Panel” (ESP) where each party presents his or her case before a panel of two volunteer matrimonial attorneys. After hearing both sides, the panelists give the parties their recommendations as to how the case would likely settle if litigated to conclusion in court. If the ESP is unsuccessful, the parties are then required to attend an Intensive Settlement Conference (ISC) at the courthouse in an effort to resolve their case. If a settlement cannot be reached during this conference the court will ultimately schedule the matter for trial.

Uncontested Divorces

In contrast to a contested divorce, an uncontested proceeding takes place when the parties are able to agree upon all the major issues attendant to their divorce. In New Jersey, an uncontested divorce may also occur by default when the responding spouse (the defendant) fails to appear to contest the divorce. When the divorcing parties resolve all of their issues amicably, they will enter into a marital settlement agreement and appear in court for an “uncontested divorce” proceeding at which the court will incorporate the agreement into the Final Judgment of Divorce and issue the divorce decree. Under this scenario – where the parties amicably resolved all issues – the parties are able to get divorced without a trial. In the case of a default the other party may obtain a Judgment of Divorce by default.

Because every divorce involves different issues and considerations, we encourage you to discuss your case with an experienced New Jersey divorce lawyer at our firm. Our New Jersey divorce attorneys will take the time to answer your questions and help you come up with best plan of action for your divorce.