

*WHAT IS THE DISTINCTION BETWEEN A CONTESTED LEGAL MATTER AND AN UNCONTESTED LEGAL MATTER?*



Family matters proceed through the judicial system in one of two ways with slight variations. An uncontested matter means that parties to an action have been able to resolve their differences and have entered into an agreement, which then becomes a court order binding the parties.

For example, in an uncontested divorce proceeding, many couples are able to agree on all issues such as an equitable property division, custody of the children and parenting schedules, child support and/or alimony, if appropriate, and division of debt, if any.

Uncontested divorces may involve marriages where one party has an attorney and presents the couples' agreements for drafting to the attorney. In these types of uncontested matters, the attorney for one party drafts and submits all of the necessary documents to the court, which include the summons, petition, certificate of representation, confidential statement, marital termination agreement, findings of fact, conclusions of law, order for judgment and judgment and decree, summary real estate disposition, and any proposed orders dividing retirement funds. An attorney may represent only one of the married parties in a divorce proceeding.

In comparison, contested divorces are those divorces where couples cannot agree on any issues or disagree on several issues. Contested divorces may involve frequent court appearances to litigate temporary support, custody, parenting time, payment of debts, occupancy of the parties' home, or other issues that the couple dispute. Ultimately, contested divorces may end up in trial with exhibits and witnesses. Couples may go to trial on just one or two things that they cannot agree about or on all of the areas of dispute.

The foregoing models apply to all family law matters and not just divorces. Both parties in any legal action have an opportunity to proceed in an uncontested matter or a contested matter. Both parties have an opportunity to try and mediate or come to some alternative resolutions of their differences. Contested legal matters are always more expensive than uncontested matters. So it pays to try and settle as many areas of dispute as possible.

You may want to review the informational sheet entitled “What is Mediation and Why Should I Care” available online at [www.katewillmorelaw.com](http://www.katewillmorelaw.com) –just click on handouts.

Call (320) 217-6030 or E-Mail: [kaw@katewillmorelaw.com](mailto:kaw@katewillmorelaw.com)

Websites: [www.katewillmorelaw.com](http://www.katewillmorelaw.com)

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