

Primer On “No-Fault Divorce”

What is No-Fault Divorce?

When you plan to get divorced, there are several questions that fill up your mind. A divorce will bring about great change in your personal life. When a couple decides to end their marriage, there is usually some valid reason



Before the days of the “No-Fault” divorce.

for taking this step. It is vital to understand this reason then file the papers in the court accordingly. In some states, if your spouse has cheated on you, then you can opt for adultery as the ground for divorce (but not in Minnesota). When either of the spouses is not at fault for the divorce and the only reason for ending their marriage is irretrievable differences, then the spouses can file for no-fault divorce.

No-fault divorce

Almost all the states in the USA have no-fault divorce law (including Minnesota), where neither of the parties has to prove the fault of the other party. This law was first introduced in Oklahoma, then later in California and the rest of the states. Most people say it has helped in simplifying the divorce process. The couple can end their relationship without facing long court trials just to prove whose fault the divorce was.

Who can opt for a no-fault divorce?

Those couples who are ending their marriage because of irreconcilable differences can opt for this divorce. The processing of this divorce mostly gets completed faster than a fault divorce, where the fault of one of the spouses for the end of marriage needs to be proved. A rising trend has been observed in the number of no-fault divorces, as it is simple. The divorce rates have also risen after the implementation of no-fault divorce law.

Disadvantages

- **Child custody** : Still can be decided by the Judge if the parties can't agree on custody issues.
- **Divorce rate**: After the introduction of this law, the number of divorces has increased tremendously. As getting divorced under the newer “no-fault” laws make it faster and cheaper to get divorced.
- **Unilateral**: As per a recent survey, it was estimated that almost 80% of the no-fault divorces are unilateral, meaning just one of the two people in the marriage want the divorce. Even though one of the spouses wants to save the marriage, they are not given the authority to prevent the divorce from happening.

- **Loss of belonging or property:** To get the divorced quicker many individuals compromise and give up their property or belongings that rightfully belong to them

Advantages

- **Domestic violence:** After the introduction of no fault law, domestic violence cases have reduced (according to some studies).
- **Less time:** As this divorce process is simple, it gets completed quickly. The couples do not have to go through the stressful divorce trials.
- **Less stress for children:** The children do not want to see their parents attending trials and playing the blame game to prove themselves right. The children feel less emotional stress, if they see their parents ending the marriage with minimal conflicts.
- **Save money:** Many couples become almost bankrupt, as they are unable to manage legal expenses during a contested divorce. As the couple does not have to attend trials, they can even file their own case or hire a lawyer for the basic legal assistance.

Before opting for a no fault divorce, make sure that you get assistance from an attorney. It is vital to take appropriate legal advice before opting for this type of divorce.

MankatoLawBlog.com allows guest posts from time to time if I feel the topic can be of use to our readers. I felt this was such a topic and was submitted by Rose Morin of Florida.