



The Difference between a Dissolution and a Divorce –

Both a dissolution (not a “dissolutionment”) and a divorce terminate the marriage contract between a husband and a wife. However, in a dissolution, the parties involved reach an agreement regarding all aspects of property division, parenting issues and support issues prior to filing a joint Petition with the Court to terminate the marriage. In a divorce, one party files a Complaint with the Court requesting to terminate the marriage and the Court will then attempt to facilitate an agreement between the parties as to all of the relevant issues. In the event that a resolution on some or all of the issues cannot be reached, a Trial will be held and the Court will make a determination of the unresolved issues. Because each case, each party and each set of facts is unique, whether your case should be handled as a dissolution or a divorce is an issue which should be discussed with your attorney.

In the event that you decide to attempt a dissolution, you should do so with the understanding that, at some point, you may have to forgo that route and file a Complaint with the Court. While it is a wonderful idea that you and your spouse can come together and reach an agreement on all of your outstanding issues, it does not always work out that way. Further, unless a Complaint has been filed, your spouse is under no obligation to provide documents requested by your attorney which may be necessary to reach a settlement nor does your attorney not have the ability to subpoena documentation and/or information from financial institutions or other individuals. In addition, unless a Complaint has been filed, you cannot seek the assistance of the Court to help you resolve any disputes which might arise in the settlement process.

In order to reduce the likelihood that you waste time and money attempting a dissolution only to discover months or years later that a dissolution is not going to happen, you should discuss a time-frame with your attorney at the onset of your representation in which you are going to try to reach a settlement. Once that time-frame has expired, you and your attorney should reevaluate whether a dissolution is the best option for you.