



New Jersey Judiciary
Descriptive Material (R. 5:4-2(h))
Divorce or Dissolution - Dispute Resolution Alternatives to
Conventional Litigation

Resolving issues concerning your divorce or dissolution matter can be expensive and difficult. You are receiving this document because you are a party to a divorce or dissolution matter (FM docket). Cases filed in the FM docket include: divorce from marriage, dissolving a civil union, terminating a domestic partnership and annulment. Only a judge can grant a divorce or dissolution of a relationship. You also may need to address the following issues: division of your property and your debts, alimony, child support, custody and parenting time. A judge can decide all of your issues at trial. However, there are other methods to resolve these matters. These methods may also be more efficient, less expensive, offer privacy, and may reduce the level of conflict between you and the other party during your court case. You are encouraged to discuss alternate resolutions with your lawyer.

What follows are short descriptions of the other methods you may use to help you resolve your case.

Mediation¹

Mediation is a way of resolving differences with the help of a trained, independent third party. The parties, with or without lawyers, are brought together by the mediator in a neutral setting. A mediator does not represent either side and does not offer legal advice. Parties are encouraged to hire a lawyer to advise them of their rights during the mediation process. The mediator helps the parties identify the issues, gather the information they need to make informed decisions, and communicate so that they can find a solution agreeable to both. Mediation is designed to assist with settling court cases in an informal, cooperative manner. The court maintains a roster of approved mediators or private non-roster mediation services also are available. The judge will make the final determination as to whether to grant the divorce or dissolution.

Arbitration

If arbitration is selected, the parties will waive their right to having the court decide the issues that will be resolved in arbitration. In this process, an independent third party decides issues in a case. The parties select and hire the arbitrator and agree on which issues the arbitrator will decide. The arbitrator's decision is binding and final. While an arbitrator may decide some issues, the judge will make the final decision to grant the divorce or dissolution.

Collaborative Law Process

The collaborative law process allows parties represented by lawyers to work together to resolve disputes without court involvement. The parties and their lawyers meet and, as needed, consult with experts who are not lawyers but are professionals in their fields. These experts may include certified financial planners, certified public accountants, licensed clinical social workers, psychologists, licensed professional counselors, licensed marriage and family therapists, and psychiatrists. All participants understand and agree that this process is intended to replace traditional divorce or dissolution proceedings. The parties further understand the collaborative law process will end if either party files a divorce or dissolution complaint. Upon termination of the collaborative law process, the parties are not permitted to hire any lawyers or law firms that represented them in that process for purposes of the divorce or dissolution.

¹ The Court's policy against the mediation of matters in which a temporary or final restraining order has been entered pursuant to the Prevention of Domestic Violence Act remains in effect.

Use of Professionals

As part of or in addition to the methods described above, parties in a divorce or dissolution matter may seek the assistance of skilled professionals to help resolve issues. These professionals may help the parties resolve all or some of the issues in the case. While this approach may resolve some issues, the judge will make the final decision to grant the divorce or dissolution.

Combinations of Alternatives

Depending on your circumstances, it may be helpful for you to use a combination of mediation, arbitration, collaborative law and/or skilled professionals to resolve issues in your divorce or dissolution matter.

Conclusion

Just as every relationship is unique, every divorce or dissolution is unique. The specific circumstances of your case determine what methods are best suited to resolve your issues. You are encouraged to ask your lawyer about whether mediation, arbitration, collaborative law or the use of professionals may assist you in resolving issues in your divorce or dissolution.