



Dissolution Versus Divorce: What's the Difference?

By Ryan Nowlin

When someone decides that it is time to terminate his or her marriage, it can be overwhelming to think about how to proceed with next steps. One of the first questions that a person may ask is: *"What is the difference between a dissolution and a contested divorce?"* The short answer is that they are distinctive types of vehicles that ultimately take you to the same destination. However, a person's particular circumstances will dictate which option is best for them.

A dissolution may occur when both spouses want to move forward with terminating the marriage and they agree on all terms (for instance, issues relating to child or spousal support, division of property and debt, and parental rights). The spouses negotiate the terms of a separation agreement (dealing with all the financial issues) and, if applicable, a shared parenting plan (addressing all parental matters). Once those documents are finalized, they are submitted to the Court with a petition for dissolution, which essentially requests that the terms of the agreements be converted into an Order of the Court. Several weeks later, the Court will hold a final hearing of dissolution, and the marriage is terminated.

In the event that one of the spouses does not want to move forward with the divorce, or if the parties are too far apart on the terms of the potential agreements, one spouse may move forward with filing a complaint for divorce, which starts the contested divorce process. It is essentially filing a lawsuit against a spouse, asking the Court to terminate the marriage. The contested divorce process ends in one of three ways: (1) the filing party has a change of heart and dismisses the complaint; (2) the parties reach an agreement on all terms and the matter is converted to an uncontested divorce; or (3) the Court will have a trial to resolve any issues still in dispute between the spouses.

Both processes can be time-consuming and involve many legal hurdles, but they don't have to. If you or someone you know needs assistance navigating either process, contact the lawyers at SSSB today for further information and help with determining your best course of action.