

Frequently Asked Questions about **Negotiation**

Many individuals facing a family law dispute worry that everything will have to be decided in a courtroom. In reality, most cases are resolved through direct negotiation, with the help of attorneys. Understanding the process can make the experience less overwhelming.

Do I have to go to Court to resolve my family law matters?

Not always. Many family law matters - such as child custody arrangements, property division, and financial issues - are resolved outside of court through negotiations.

What role does an attorney play in negotiations?

Your attorney serves as both an advocate and a legal advisor. They help you understand your legal rights, explain possible outcomes both inside and outside of the courtroom, go over strategy, and draft legally-binding agreements or orders.

How do negotiations actually work in family law?

Negotiations generally occur through written proposals, phone calls, or meeting between attorneys and the parties. Offers and counteroffers are exchanged until an agreement is reached. Once terms are settled and agreed upon, the attorneys will memorialize the agreement in an agreement or consent order for both parties to sign.

What issues can be negotiated without a Judge?

Nearly all aspects of family law can be resolved through negotiation, including: Child custody, child support, spousal support, as well as division of property, debts, and retirement or other investment accounts.

How long does the negotiation process take?

The amount of time it takes for a negotiation process to prove successful depends on the cooperation of both sides, the complexity of the issues, and the response times of both sides for document or information requests as well as for settlement proposals or counterproposals. This can take a few weeks, months, or even years.

What are the benefits of resolving my case through negotiation instead of going to Court?

Negotiation gives you more control and more creativity over the outcome. It helps reduce stress, save money, and is usually faster than litigation through the Court. Generally, it also helps preserve relationships, especially when children are involved. In Court, a Judge makes the final decisions about your children, your finances, and your future with the limited tools that the law allows. Due to this reality, most people are not satisfied with the result in a family court trial, even if they were the prevailing party.

