

no fault divorce

n. divorces (dissolutions) in which neither spouse is required to prove "fault" or marital misconduct on the part of the other. To obtain a divorce, a spouse must merely assert incompatibility or irreconcilable differences, meaning the marriage has irretrievably broken down. This means there is no defense to a divorce petition (so a spouse cannot threaten to "fight" a divorce), there is no derogatory testimony, and marital misconduct cannot be used to achieve a division of property favorable to the "innocent" spouse. Increasingly popular since the 1960s, no fault divorce is in effect in every state except Illinois and South Dakota.

Nebraska is a "no fault" state. Teresa and Michael have been handling divorce cases for many years. They strive to find equitable solutions regarding property and fair, reasonable solutions regarding parenting time and child support when needed.

In Nebraska, there is a 60-day waiting period after all parties have been submitted to the jurisdiction of the court. An uncontested divorce could be finished just after the 60-day period while more involved cases could take substantially longer. Many factors determine how long a case could take to become final. A few things to take into consideration are:

- (a) Whether there are children involved;
- (b) If there are a lot of assets and/or debts to be divided;
- (c) Whether the parties will agree on most issues or if there will be more disagreements; and
- (d) Being an active participant in your case by responding to emails, letters and phone calls in a timely fashion will help to keep the case moving toward a conclusion.

When children are involved in the divorce, each parent will be required to attend a parenting class. Information about available classes can be found on our Web Resources page.