

THE NO CONTEST DIVORCE

Sometimes there is no disagreement between the Petitioner and Respondent about the Divorce, about the children or about the division of property and debts.

Usually, the Respondent is given 30 days to file a written response with the Court, setting out any points of disagreement. Where there is no disagreement, the Respondent may wish to file a “Response and Waiver” form with the Court instead of an ordinary Response.

The “Response and Waiver” tells the Court that the Respondent has carefully read the divorce Petition, understands what it says and agrees with the statements in the Petition. The form also tells the Court that the Respondent does not wish to be notified of any hearings and that the Court can enter a Final Decree right away.

The “Response and Waiver” must be signed before a Notary Public to be sure that it is true and correct. And a copy of the form must be given to the Petitioner as well as filed with the Court.

The Court will always carefully examine any other documents presented -- such as a Final Decree, a Marital Settlement Agreement, a Parenting Plan or any Child Support Agreements -- to make sure that they are reasonable and fair to all parties. But -- where the Respondent files a “Response and Waiver” and indicates agreement on all the documents by signing -- the Court will usually accept the parties’ decision.
