

Uncontested Divorce in Alabama

What is an uncontested divorce?

An [uncontested divorce](#) means that one spouse, the “plaintiff,” is filing for divorce based on no-fault grounds (i.e., incompatibility, irreconcilable differences), and the other spouse, the “defendant,” is not contesting the divorce. For an uncontested divorce to be successful, both parties must be able to reach an agreement on all of the major issues involved in the divorce, and both parties must be willing and available to sign all necessary documents. This is usually by far the most inexpensive way to obtain a divorce, and in most cases, neither of you will have to appear in court.

Do I Qualify?

Generally, you must meet the following criteria to file for an [uncontested divorce](#) in Alabama:

- If your spouse is not a resident of Alabama, you must have been an Alabama resident for at least six months before filing.
- You must be able to locate your spouse, and he or she must be willing to sign your divorce paperwork.
- You must be able to reach a mutual agreement on all issues arising out of your divorce including child custody and division of all property and debt. Child support is generally determined automatically using the child support guidelines and is usually not subject to negotiation.

How Do I Start the Process?

Once you have determined that you and your spouse are most likely good candidates for filing an [uncontested divorce](#) (you have reached an agreement on most issues or believe that you will eventually reach an agreement without going to court), you should contact an attorney who is experienced in family law. You may be able to get a recommendation for a good attorney from a friend who has been through the process or you can start with the phone book or an internet search. You should find an attorney that you are comfortable with and who is willing to provide information as well as listen to your needs and concerns.

Most family law attorneys in Alabama provide uncontested divorces, although their fees can vary dramatically. If price is a priority, call around to get estimates or ask for a consultation. Some attorneys who do a higher volume of uncontested divorces use a flat fee, charging a set rate for your uncontested divorce which usually covers answering your questions and preparing and filing your paperwork. The price often ranges from several hundred dollars to several thousand. Other attorneys charge by the hour and may or may not require an up-front retainer fee.

Many couples obtain an [uncontested divorce](#) with only one attorney involved, but you should be aware that the same attorney cannot represent both you and your spouse. While you can choose to share all information openly with your spouse if you are cooperating in the process, the spouse that hires and consults with the attorney will be considered the attorney’s client, and he or she can only give legal advice and guidance to that party. It is very common in uncontested divorces

for the non-represented spouse to choose to save money and time by not hiring his or her own attorney, but it is always in their best interest to hire someone to advise them of their rights and look over any divorce paperwork before signing.

What Information Will My Attorney Need?

At a minimum, you will need to provide your attorney with:

- Full name, address, telephone number, birth date, and social security number of each spouse.
- Date, county, and state of your marriage.
- Number of previous marriages for each spouse and how your last marriage ended (death, divorce, etc).
- Occupation, employer's name, address, and phone number for each spouse.
- Description and value of any real estate or other property and information about how it will be sold or divided.
- Description and amount of any debt and information about who will be responsible for its payment.

(Applicable only if you have children together)

- Full name, birth date, and social security numbers of your children.
- Monthly gross income (before taxes) for each spouse including the primary job and all other sources of income.
- Amount (if any) paid by either spouse for alimony or child support for a previous relationship.
- Amount (if any) paid for child care and health insurance for children.
- Information regarding who will have custody of the children, who will be responsible for paying for health insurance and uncovered medical expenses, and who will claim the children for tax purposes.

For more information, see <http://www.mobilealabamadivorce.com>