

CHEAT SHEET:
HOW TO MAKE
ANY DIVORCE GO
UNCONTESTED
WITHOUT HARMING THE KIDS
OR YOURSELF!



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I have been doing divorces for a long time now and in all my years I have witnessed just about every type of arguments or allegations that you can possibly imagine.

I have heard people accuse their spouse of being alcoholic, violent, of having anger management issues, allegations of molesting the kids, and even allegations of attempting to commit murder of a spouse by food poisoning.

After years and countless divorce cases I have come to some conclusions about what causes a divorce to become contested.

What This Cheat Sheet Is Not Intended For...

This cheat sheet is in no way intended as legal advice or an invitation to begin an attorney-client relationship. Every case is different with its own individual fingerprint and there is no substitution for getting advice from a knowledgeable divorce attorney about your specific situation.

This cheat sheet is also not an across-the-board guarantee that your case will be uncontested. I am not promising that your case will be uncontested, however, I am saying that if you follow the advice in this cheat sheet you will have the keys necessary to make any divorce go uncontested and not cause emotional harm kids or yourself.

This cheat sheet assumes that there are no allegations of domestic violence, addiction, anger issues, child abuse or neglect, or any other serious allegation that would require court involvement.

This cheat sheet assumes that you and your spouse have decided not to continue as a married couple, that none of the above allegations are present, and that you are both at least a little open-minded to the possibility of an uncontested divorce.

In my experience, everybody is open-minded to an uncontested divorce but just lacks the ability keep their wits about them throughout the divorce process and not let their emotions run the show.

What Is the Definition of Uncontested Divorce?



The most basic definition of an uncontested divorce is a divorce where both parties agree on all legal issues to the point where they can clearly put their agreement on paper, sign and notarize, and provide to their lawyers without any court involvement or litigation.

A contested case exists where there is even one small legal issue that the parties cannot agree on. Examples of these types of legal issues include, but are not limited to, alimony, child support, holiday timesharing, who claims the kids for tax purposes, which parent will be used for school zoning, and many others.

Very often, the case will start out contested and as the parties move through the process, they will reach an agreement at some point in the divorce process prior to trial. When this happens, a contested case transitions into an uncontested case.

This is fine too. Though it would be ideal if the parties could agree on everything from day one sometimes, they need to experience the litigation process a little to get their expectations in a realistic place.

If a case ends up in trial, then efforts at reaching an uncontested settlement were not successful and the case is totally contested.

Why Do Cases Become Contested?

I have seen cases that I swore would be highly contested suddenly become totally uncontested cases. At the same time, I have seen cases that did not have a hint of conflict suddenly blow up into highly contested messes.

I don't make any assumptions on how a divorce will turn out until I am holding the agreement and I see the notarized signatures of both parties. Only then, will I get my hopes up that the case has become uncontested. I have seen and witnessed many different causes for a case to become high conflict and I have made note of them all.

At its very core a divorce is an extraordinarily emotional process. People are losing their spouse, time with their children, half of their household income in many cases, half of their retirement savings in many cases, and they are in jeopardy of making support payments to their soon to be ex-spouse just to name a few.

If you think about it a divorce involves the two things that you should never threaten for a person which are their spouse and their money, but here you are in one fell swoop having to deal with people who are having both things threatened under many different types of circumstances.

Because of this fact most people involved in contested divorces are allowing their emotions to control all their thoughts and decisions in the case.

We Are Highly Emotional



As humans we are very emotional creatures. Anyone reading this cheat sheet can probably easily recall at least a few times in their life where anger or heartbreak caused them to do or say things that were completely out of character for them.

If you remember how that felt and how you acted just imagine that situation on mega steroids and that is where many divorcing people remain emotionally for months and even years at a time as they go through their divorce.

Having to make decisions about what custody plan to advocate for, how much alimony to request, or how to divide assets while in such an emotional state is not only difficult, but, nearly impossible to do in a rational and realistic way.

Just Being Aware of the Problem Can Make an Enormous Difference

I believe that anyone going through divorce is tremendously benefited by simply being aware of the statements made in the section above.

Just having a conscious understanding of the danger that is posed by allowing emotions to control the divorce is the biggest step.

As humans we are highly emotional that is true, however, we are also logical and we have to make sure that as we're going through the divorce process we are allowing logic to be the final filter that we run all decisions and conduct through.

I don't think it is healthy to completely bottle up emotions in fact, I think that getting out the hurt through the divorce process is going to be very important for healing to occur.

That being said, most divorcing couples could benefit more from sitting down with a good therapist once a week through the divorce process in order to properly process their emotions rather than using conflict in the divorce process to unconsciously validate their emotional hurts.

In summary, just be aware of the danger that is present when your emotions run the show during a divorce. Remind yourself occasionally of this fact.

Print the above section and tape it to your bathroom mirror and read it once a day in the morning while you're brushing your teeth. Though that may sound silly to some people that small reminder each day can, in many cases, mean the difference between an all out insane war of a divorce versus a much more peaceful process.

But I Can't Control My Spouse

I know what you're saying here. "But Sean, I can do all the feel-good stuff I want but what if my spouse is going crazy during the divorce?"

This is absolutely correct you cannot control your spouse but what you can control is the example that you set for them as well as whether or not you choose to pour gasoline on the flames of their emotions through this process.

What I mean is this, if you're both spinning out of control emotionally during the divorce you are both basically pouring fuel on the emotional flames of each other and perpetually increasing the conflict more and more each day.

But what if only one of you was emotionally out of control while the other was completely calm, rational, polite, and reasonable? In that situation you are going to have far less conflict and far greater odds of peace in your divorce case.

The Other Big Factor; The Lawyer



Aside from the reasons stated above, the second biggest cause of conflict in divorce is choosing the wrong lawyer to represent you.

The lawyer is in a position of great trust for most of their clients.

Divorcing parties look to their lawyers for guidance as to what is fair and equitable under the law and what they should even be asking for in the first place.

There are many lawyers out there unfortunately who understand that the advice they give to their clients can greatly impact the profitability of the case for the lawyer.

Here's what I mean, let's say your spouse sends over a settlement proposal and other you look it over and thinks of yourself "I might be able to agree to this with a few small tweaks". However, your lawyer jumps up and says "oh no, absolutely not. There is no way I'm letting you agree to this this is total BS".

This is a very common occurrence in divorce and the problem is that the more the case litigates the more money the lawyer makes. The less the case litigates the less the lawyer makes.

There are times when a case should litigate, but you are not in a position to know the difference and you must find a lawyer who you can trust to have your best interest in mind.

Having your best interest in mind goes a lot further in my opinion than just fighting for every dime that you could go after.

What most attorneys fail to recognize is the fact that there is value to an early settlement. The time and emotional energy that the client saves by settling the case early has a value to a lot of people. It's hard to put an exact price tag on it, however, many divorcing spouses would rather leave that dime on the table than get 500 gray hairs fighting over it.

That's the part that many divorce lawyers completely overlook and if they are not making their clients aware of this phenomenon then this is a red flag.

When you sit down with any divorce attorney for consultation ask them what their settlement rate is for divorce cases. If it's 50% or more that is good, if it's 75% or more, even better.

If their settlement rate is less than 50% that is a sign that you are talking to someone who does not understand the value of settling cases. If their settlement rate is 25% or less then you are talking to somebody who is not open-minded to settlement and that lawyer is probably not a good fit for you.

A little about us



My name is Sean Smallwood and I am the owner of Sean Smallwood, P.A. a family law and divorce law firm located in Orlando Florida. We practice exclusively in divorce and family law and we have a high percentage of our cases that settle amicably without going to trial.

Most of the time, when folks come to us wanting to get a divorce, I will offer to refer them to marriage counseling prior to making the decision to file for divorce. This is one of the many ways that we try to show our clients that we put their best interest first and not our own.

If you are facing a divorce or other family law issue in Central Florida, then call us today to schedule a consultation at 407-574-6155. You can read more about us and our firm at www.affordablefamilylawyer.com

Thank you for taking the time to read our cheat sheet we hope that this has added some value to your situation and it is our prayer that if you do have to go through the divorce process that you will get through it in a way that is dignified, that minimizes your emotional hurt, and that protects your children.

Sincerely,

Sean Smallwood