

One-attorney divorce saves money, but agreement is vital, lawyer says

By Shelley Stall
Student Legal Services Lawyer

Question: I have been married for about two years. The only thing my wife and I both agree on is that we want a divorce. How much does it cost and how long does it take? We can't afford to hire a lawyer. Is there some way we could file the divorce papers ourselves?

Signed S. L.

Answer: Dear S.L.: The cost of a divorce in terms of attorneys' fees depends on how much time the attorneys must spend working on the case. If you and your wife do not have children and you already have agreed on how to divide your personal property and debts, the cost of your divorce will include the filing fee of \$56 and an attorney fee averaging between \$300 to \$500. One attorney can do the divorce as long as you and your wife agree on property division. If a disagreement arises, the attorney ethically can represent only one of you. The other spouse will have to hire another attorney. The most expensive divorces are those in which couples cannot agree on alimony, child support, child custody and property division, especially when a lot of real estate and personal property is involved.

If everything runs smoothly, getting a divorce takes at least eight months. The court can hear a divorce case only if the husband or wife has lived in Nebraska for one year before filing for divorce or if the couple were married in Nebraska and have lived here continuously.

After the petition is filed, the non-filing spouse must be served a copy of it by the sheriff or sign a "voluntary appearance" agreeing that the court can hear the case. A court date can be set 60 days later.

The court appearance in an uncontested default divorce may take only about 10 minutes. The petitioning spouse takes the witness stand and the attorney asks questions about the marriage, the attempts at reconciliation and the property settlement. The non-petitioning spouse does not have to be present in court as long as he or she has received notice of the court date and has signed the property settlement.

The judge must find that the marriage is broken and that the couple has made very reasonable attempts to reconcile before the decree can be granted. The judge also must approve the property settlement. The judge usually signs the decree when the case goes to court. The divorce becomes final six months from that date. Spouses may not remarry during that six-month period.

Laypersons can represent themselves in a divorce action, but that takes a lot of time and sometimes is unwise. Couples contemplating doing their own divorce should check the legal services available. They may qualify for free or less expensive representation. Here are some

sources to consider:

- Student Legal Services, Nebraska Union 335, 472-3350. Handles uncontested divorces for currently enrolled students when children are not involved.

- Legal Services of Southeastern Nebraska, Suite 825, Terminal Bldg., 435-2161. Currently handles divorces for those who meet poverty income guidelines. Usually has a waiting list and limits cases to those involving custody disputes or abuse.

- Nebraska State Bar Association Referral Service, 475-7091. This service puts clients seeking a divorce in contact with attorneys who have volunteered to provide legal services free or at minimal

cost.

- Lincoln Bar Association Referral Service, 435-2995. This service provides names of a Lincoln attorneys who have placed their names on the referral list. The attorney will charge \$15 for the first visit. After the first visit, the fee will be set by agreement between the client and the attorney.

- Yellow Pages of the Lincoln Telephone Book lists Lincoln attorneys alphabetically and by specialty.

If you have a legal problem or question for this column, send your letter to Ask Your Attorney, c/o Shelley Stall, Student Legal Services, Nebraska Union 335.

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Police Report

The following incidents were reported to UNL police between 1:42 and 9:43 p.m. Wednesday.

- 1:42 p.m. — Wallet reported stolen from Nebraska Union.
- 1:48 p.m. — Billfold reported stolen from Fairfield Hall.
- 2:09 p.m. — Two calculators reported stolen from Nebraska Hall.
- 7:21 p.m. — Smell of smoke reported at Lyman Hall. Smoke was thought to be coming from a machine. Case was turned over to maintenance.
- 9:43 p.m. — Telephone reported stolen from Bancroft Hall.