

THE POSITIVE DIVORCE MOVEMENT

The Positive Divorce

The Smart Way to Get the Peace You Deserve

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The Positive Divorce: The Smart Way to Get the Peace You Deserve

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Looking back on 2020, we saw a year marked by virulence in America, both from COVID-19 and from bitter contention running rampant. Cupid did not escape unscathed either, with couples parting ways at unprecedented levels. As we anticipated a new dawn, we were gifted with the opportunity to bring a kinder reality to the process of separating and divorcing. That opportunity has not expired. It is still here, and it is still the smarter path.

The application of spiritual principles can remove toxicity from the D-word, sparing all parties, including any children, unnecessary emotional and mental trauma. It also results in significant savings and a faster process. My goal is to help people going through a split, whether married or not, find the smartest, most pain-free path to freedom and to their ultimate life goals. Toward that end, I offer simple, step-by-step guidance to dissolving unions without the need for attorneys.

The real cost of a contentious divorce

As one of life's most stressful events, breakups, especially contentious ones, take painful tolls on every aspect of life: emotional, financial, physical, and spiritual. Nationally, a typical divorce runs about \$15,000, and that is low compared to most metropolitan areas. It goes well north of that when there are children or contested divisions of assets. Hostilities are often stoked by attorneys who think they are acting in their clients' best interests, or who "churn the file." As a family law attorney, I have witnessed how divorce can turn two people who once genuinely cared about each other into mortal enemies.

I once represented a former husband in a divorce so full of discord that it lasted over six years post-judgment, cost more than half a million dollars, and led the eldest daughter to attempt suicide. This kind of behavior is atrocious, and the wounds it causes can take years to heal.

Why conflict hurts children most

Children should always be shielded from the discord. Research indicates that high levels of parental conflict during and after a divorce are associated with poorer adjustment in children, while children fare better when parents limit conflict or minimize the child's exposure to it. If you have kids and are dissolving your union, remember that because of your children you will always be in each other's lives. There will be school plays and graduations. It is in everyone's best interest to have a civil, and if at all possible, cordial relationship.

A grounded, spiritual approach to separating

None of that is necessary if you prioritize the most important thing in life: peace of mind. Change the old narrative and shift the paradigm from tension and hostility to empathy and compassion. Accept that the relationship is over and give yourself space to grieve. Acknowledge that your partner is not your enemy. Exercise integrity throughout, to preserve your dignity and self-respect. You can fight injustice without meeting fire with fire.

"Simplicity, patience, compassion. These three are your greatest treasures."

You do not need attorneys to dissolve your union

Once you decide to split up in a quick, efficient, and inexpensive manner, you and your partner have the capacity to complete the legal process on your own. Only a judge can formally enter the judgment that dissolves a marriage or establishes parental rights. Online services such as TheQuickDivorce.com help you navigate the process and the paperwork. At the end of the day, only you know the best timesharing and financial arrangements for your family, so whether lawyers are involved or not, you always have the last say in your own negotiations.

2023 Florida law update: timesharing and alimony

Since this paper was first published, Florida changed two areas of family law that matter to almost every divorcing parent and spouse. Understanding them makes the case for an amicable, agreed divorce even stronger, because when you agree, you decide these things yourselves instead of leaving them to a judge.

Timesharing: a presumption of equal 50/50 time. Effective July 1, 2023, Florida law now starts from a rebuttable presumption that equal time-sharing, roughly 50/50, is in the best interest of the child (Fla. Stat. 61.13). A parent who wants something other than equal time must show, by the greater weight of the evidence, that equal time-sharing is not in the child's best interest. Florida still uses the terms time-sharing and parental responsibility rather than "custody," and every case with minor children still requires a written parenting plan. If you and your co-parent agree on a schedule that works, you can build it into your own parenting plan. If you fight, the court now begins from 50/50.

Alimony: permanent alimony is gone. Also effective July 1, 2023, Florida eliminated permanent alimony (SB 1416). Three forms remain: bridge-the-gap (short-term transition help, capped at 2 years, not modifiable), rehabilitative (tied to a written plan, capped at 5 years), and durational (fixed-term). Durational alimony is generally not available for marriages under 3 years, and its length is capped relative to the marriage: up to 50% of a short-term marriage (under 10 years), 60% of a moderate-term marriage (10 to 20 years), and 75% of a long-term marriage (20 years or more). A court must still find both a genuine need and an ability to pay. Spouses in an amicable divorce can agree on alimony, or that neither will pay it, and put that in their marital settlement agreement.

The point is not to master these statutes. It is to see that Florida law now decides much of the outcome by default. So before anyone spends money fighting, it is worth asking what is actually left to

fight over.

Practical steps: the ALIET and PEACE method

Before you meet, get a clear picture of your finances by reviewing your Assets, Liabilities, Income, Expenses, and Time-sharing (ALIET). Then work through the PEACE acronym together:

- Parenting Plan
- Equitable Distribution
- Alimony
- Child Support
- Everything else (such as a special-needs child)

Meet in a neutral location in two-hour increments. Put on paper everything you already agree on first. If you have children, prioritize their best interest, always. Speak with respect, empathy, and compassion, and focus on neutral facts. If you start losing your peace, take a break. It is better to slow down than to blow up a good agreement over a single dispute.

Choosing your online package

Once you have the framework of your agreement, you complete the paperwork that fits your situation: a marital settlement agreement, a marital settlement agreement plus a parenting plan, or a parenting plan for unmarried co-parents. The Quick Divorce sends you the documents that match your profile, along with a financial affidavit, an equitable distribution worksheet, and, if you have children, the UCCJEA form. After you complete and upload them, you receive the required pleadings and notices to finalize your case. You pay the court's filing fee directly to the Clerk of Court, which varies by county.

A new beginning

It is not that the process will always be easy, only that we do not have to make it worse for each other.

"If powerful men and women could remain centered in the Tao, all things would be in harmony. The world would become a paradise. All people would be at peace, and the law would be written in their hearts." (Tao Te Ching, Lao Tzu, translated by Stephen Mitchell.)

The Quick Divorce is a self-help document preparation service for Florida residents, founded and designed by Aliette Hernandez Carolan, Esq., a Florida-licensed family law attorney. It is not a law firm and does not provide legal advice. This white paper is general information and reflects the author's perspective; it is not legal advice, and Florida law can change. Confirm your situation with a licensed Florida attorney.