

FOREWORD

THIS DIVORCE PACKET MAY NOT BE FOR YOU

1. Individuals who seek a divorce are often represented by an attorney. This packet is designed so that you may be able to represent yourself and complete your divorce without an attorney.
2. This packet is intended for use only by a person who believes that his or her divorce will be uncontested.

WHAT IS AN UNCONTESTED DIVORCE?

An *uncontested divorce* occurs when: **(a)** there are no disagreements between you and your spouse over any financial or divorce-related issues (i.e., child custody and support, division of marital property or spousal support); and **(b)** your spouse either agrees to the divorce, or fails to appear in the divorce action.

You may sue for divorce thinking that the proceeding will be uncontested, but discover later that your spouse has decided to contest (“*fight*”) the case. If this occurs, you may wish to consult an attorney, or you may proceed on your own without an attorney. In either situation, this packet should not be used. Many of the forms in the packet apply only to cases where your spouse either **(1)** consents to a divorce; or **(2)** where your spouse does not appear to oppose the divorce.

L If you decide to use this packet and to represent yourself:

- # You will not have the benefit of an attorney’s expertise and advice concerning issues related to divorce proceedings, including, for example, division of marital property, liability for joint debts, child custody and support, spousal maintenance, insurance benefits, and orders of protection or enforcement of the provisions of the divorce judgment that deal with these issues.
- # You may risk losing certain rights stemming from the marital relationship that are not readily apparent to a person who is not an attorney.

Example: If your spouse is entitled to a pension at his or her job and if you do not seek your share of it in your divorce proceeding, you may lose your right to claim a share of it in the future.

In addition, if you do not know where your spouse is and you are unable to have the divorce summons served upon him or her personally, there may be alternative methods of service for which you may need the services of an attorney. If you are unsure, after reading the instructions, whether you have grounds for divorce or whether you meet the residency requirements, you may need the services of an attorney. The same is also true if you already have a foreign divorce (one granted outside the State of New York), if there is another matrimonial action pending or if you are under the age of 18 years. You should consult with an attorney in any of these circumstances *before* using the procedures outlined in this packet.

If you decide you need an attorney and you do not know of one, you should contact your local bar association for a referral to a matrimonial attorney. In addition, the New York State Bar Association provides a lawyers' referral service for individuals seeking attorneys in a variety of areas, among them matrimonial law. The State Bar Association's toll-free telephone number is 1-800-342-3661. If you meet certain financial and other eligibility requirements, you may be able to obtain advice or representation from your local legal aid organization.

Employees of the New York State Courts are not allowed to give legal advice, although they will certainly assist you with informational requests concerning the processing of papers.