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A LAW FIRM DEVOTED TO DIVORCE & FAMILY LAW MATTERS

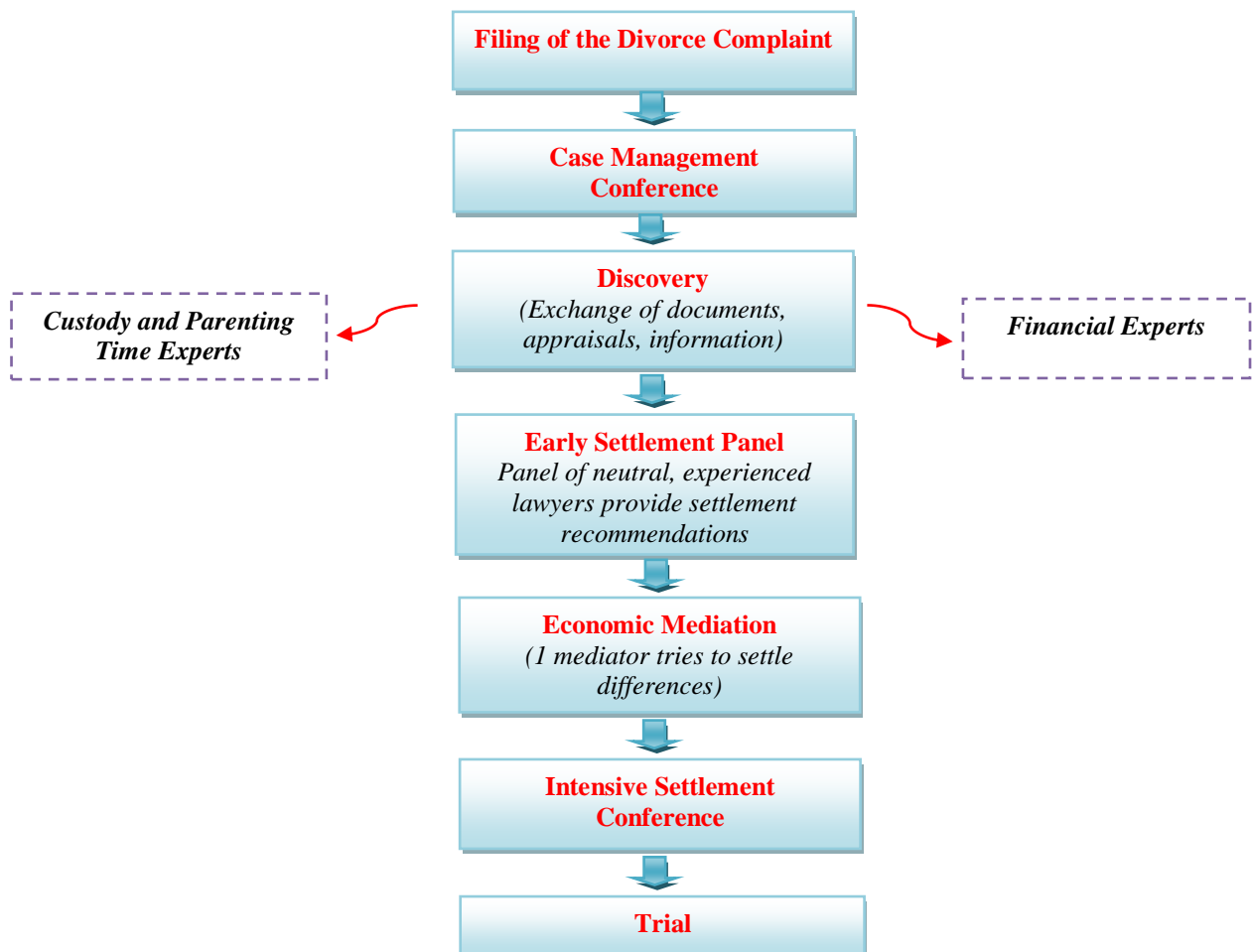


# The 7 Step Divorce Process in New Jersey



Filing for divorce in New Jersey is similar to filing for divorce in other states, but with a few important exceptions. The goal of an experienced divorce attorney is to help you transition from marriage to divorce as smoothly as possible. For some, this happens quickly and without a great deal of strife, but for others the divorce process can be long and frustrating. Understanding what to expect from the moment you file for divorce to when the time arrives for you to begin a new life can make the transition just a bit easier. Our firm understands how difficult divorce is on a family. We offer experienced legal representation and guidance for our clients with respect to your rights and your family's unique needs and goals to help you through this difficult time. The chart below presents the 7 possible steps in a divorce litigation. Many divorce cases can be finalized simply with the first two steps, which should be the ultimate goal. However, in some cases, when the two parties do not agree, further steps are required to best serve your needs.

## 7 Step Divorce Process



## Filing the Complaint for Divorce

New Jersey divorce litigation begins when one spouse files a Complaint for Divorce against the other. Generally, the Complaint is filed with the New Jersey Superior Court in the county in which the filing party lives. If you are the one filing the Complaint, you and your attorney will fill out the necessary documents and submit them to the Court. The Complaint documents include your contact information, the grounds for which you are requesting the divorce, and information about medical, life, and other types of insurance coverage.

The Complaint is then served upon the non-filing spouse (your husband or wife). The Court will expect you to file written verification that the Complaint was served. The non-filing spouse then has a specific amount of time to file their Answer (response) to the Complaint.

## Case Management Conference



Next, the Court will need to get a sense of what issues are involved in your divorce. To do so, the Court will schedule a Case Management Conference. This is the first court appearance and both spouses are usually expected to attend depending on the county. Essentially, the purpose of the Case Management Conference is to give everyone a clear understanding of what decisions need to be made in the divorce. The court will issue a Case Management Order formalizing what tasks need to be accomplished, and the timeline for completing each task.

The Case Management Conference also gives attorneys and their client an opportunity to make a good first impression on the Judge assigned to your case. Through your attorney, you will be able to give the Judge your input and possibly settle some of the issues at hand.

If necessary for your case, the Judge will also direct you and your spouse to begin working with outside professionals called “experts.” It is common for two types of experts to become involved in divorce cases:

### ***Custody and Parenting Time Experts***

Divorcing parents are given an opportunity to make short and long-term decisions about legal and residential custody of their children, as well as the parenting time schedule. If custody and parenting time issues are unresolved at the time of the Case Management Conference, the Judge may schedule a free mediation session at the courthouse. If that mediation fails, the parents may need to undergo an evaluation to determine what arrangement is in the children’s best interest.

## **Financial Experts**

Sometimes, it may be necessary for financial professionals, such as forensic accountants or business valuation experts, to become involved in your case. A financial expert reviews the couple's personal financial records (and business records, if applicable) and provides guidance on spousal support, the value of a business interest, and other issues related to finances.

Of course, not every case will require the use of experts. You should discuss the specifics of your case with your attorney prior to the Case Management Conference to determine whether experts will be necessary.

## **Discovery**

The third step in the New Jersey divorce process is discovery. This step is necessary if the parties cannot reach an agreement. This is an opportunity for each spouse's legal team to become familiar with the details of the marriage and gather information for the negotiations. Information and documentation is exchanged regarding income, financial assets, debt/liabilities, real estate, and other financial issues. Each spouse completes a Case Information Statement, which is a document that provides a summary of your income, expenses, assets, and debts. The court assigns a deadline for the completion of discovery, which must be complied with.



Discovery includes a great deal of back-and-forth between your attorney and your spouse's attorney. Each side will be given the opportunity to issue discovery requests, which include Interrogatories (a series of detailed questions) and Notice to Produce (a list of documents to be provided to your attorney). The Judge will assign a deadline for answers to be provided. If necessary, your attorney can issue subpoenas and conduct depositions to allow attorneys to gather even more information.

Some couples are able to reach a settlement during the discovery phase. If so, the attorneys finalize the paperwork memorializing the settlement (usually called a Property/Matrimonial Settlement Agreement) and the next step becomes an appearance in court at an "Uncontested Hearing" to finalize your divorce. Unfortunately, not all divorces are that simple and couples often have different ideas about what is fair in their divorce settlement.

## **Early Settlement Panel**

Litigants unable to reach an agreement by the discovery deadline must appear before an Early Settlement Panel to discuss the details of the case and the unresolved issues. The panel consists of two or three experienced,

neutral divorce attorneys or retired judges who make recommendations regarding your divorce settlement after reviewing both parties' settlement proposals. If you and your soon-to-be former spouse reach an agreement based on the Early Settlement Panel's recommendations, a Judge can finalize your divorce, sometimes within hours.

## Economic Mediation



If your case is not settled at the Early Settlement Panel, the next step is "post-panel" economic mediation. The mediation is with one neutral attorney who provides the first two hours of service at no charge. Subsequent time spent by the mediator is charged to each side equally (50-50). The purpose of this mediation is to resolve the economic issues in a case, such as equitable distribution of marital property and support.

Benefits of mediation include confidentiality, the opportunity to create a mutually acceptable agreement, and a chance to take an active role in resolving the divorce dispute. Mediation can also save the parties the time and money of further court appearances.

## Intensive Settlement Conference

If "economic" mediation fails, the Judge will schedule your case for an Intensive Settlement Conference (ISC). The ISC is held at the courthouse and with the Judge who in most cases would hear your trial. All parties and attorneys are expected to attend the ISC. During the ISC, the attorneys will discuss the unresolved issues with the Judge and convey the Judge's settlement recommendations.

It is important to know that the Judge does not hear testimony from you or your spouse at the ISC, or make any formal decisions. Rather, the Judge may indicate how they typically rule on the issues presented in your case. The Judge may offer his or her initial impressions of the case to your attorneys, with the caveat that they will keep an open mind should the matter proceed to trial. New Jersey courts require at least one Intensive Settlement Conference before a trial is scheduled.



## Trial

If the Intensive Settlement Conference is unsuccessful, your case proceeds to trial. At trial, the Judge will hear testimony from you and your spouse, any experts who have been involved, and review documents admitted into evidence by both sides. The New Jersey Rules of Evidence apply and are generally enforced. Your attorney will make a legal argument on your behalf. The role of the Judge is to make findings of fact (there is no jury), then apply the law to those facts. In so doing, the Judge makes decisions

about the unresolved issues in your case. The Judge will issue a written opinion and a Judgment of Divorce incorporating the court's directives. It is very important to know that trials are expensive and time-consuming, so it is in the best interest of the divorcing couple and the court system to avoid them whenever possible.



Are you considering divorce? Have you begun divorce proceedings in New Jersey and you want the reliable assistance of an experienced divorce attorney? Galit Moskowitz can help, together with her team of experienced lawyers.

Ms. Moskowitz has been practicing exclusively in the area of family law for more than 15 years with a focus on custody, child support, spousal support, equitable distribution, dissolution of civil unions and domestic partnerships, palimony, domestic violence, grandparent visitation, and international child abduction. She is admitted to practice law both in New Jersey and New York states, and is a fluent speaker of Hebrew. Ms. Moskowitz has been recognized for her work as a New Jersey Family Law attorney by various independent legal organizations including **AVVO**, and **(201) Magazine**. She was recently a distinguished speaker at **NASDAQ** in New York City, and as seen on **ABC Channel 7 News**.

For more information or to schedule a consultation, contact us at **(201) 488-3388** or by email at [g.moskowitz@lawgroupm.com](mailto:g.moskowitz@lawgroupm.com). For more information you can visit us on the web: [www.DivorceLawyers1.com](http://www.DivorceLawyers1.com).

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