
- New York Divorce FAQ's -

1. What are the grounds for a divorce?

New York has seven grounds for divorce. Four of the "grounds" are based on the "fault" of one of the parties cruel and inhuman treatment, abandonment for one or more years, imprisonment for three or more years, and adultery. The other grounds one year of living apart under a separation judgment granted by a Court, or under a separation agreement signed by the parties, and irretrievable breakdown of the marriage enable us to obtain a "no-fault" divorce, in which neither spouse is judged to be at fault.

2. Can I represent myself?

You can represent yourself, but the law is so complex, and you stand to lose so much if you do not know what you are doing or understand the consequences of your actions, that it would be very unwise to do so.

3. How much will a divorce cost?

Where the divorce is contested attorneys usually charge at an hourly rate, ranging from \$250 an hour for inexperienced attorneys to \$850 an hour for the most experienced experts in the field. They usually require an advance retainer, which is an initial deposit against which you are billed.

If you have substantial assets you might have to retain experts to value your or your spouses business, professional degree, professional license, or pension. A real estate appraisal may also be necessary if you or your spouse own a home or real estate.

Additional expenses may be incurred for transcripts of depositions, subpoena fees and for out of pocket disbursements. A complex contested divorce, with substantial issues can become quite expensive.

4. How long must I reside in New York before I can begin my divorce action?

An action for divorce may be maintained only when:

- **The husband and wife were married in New York, and either of them is a resident of New York when the action is begun and has been a resident of New York for a continuous period of one year immediately before the commencement of the action, or**
- **The parties have resided in New York as husband and wife, and either of them is a resident of New York when the action is begun and has been a resident of New York for a continuous period of one year immediately preceding the beginning of the action, or**
- **The grounds for divorce occurred in New York, and either party has been a resident of New York for a continuous period of at least one year immediately before the beginning of the action, or**
- **The grounds for divorce occurred in New York, and both parties are residents of New York at the time of the commencement of the action, or**
- **Either spouse has been a resident of New York for a continuous period of at least two years immediately preceding the commencement of the action.**

5. How long will it take to get divorced?

A simple uncontested divorce can be processed within 30 days. A complex contested divorce action, involving contested custody, valuation and property issues can take from one to three years.

6. Will anybody have access to the papers filed in court?

No. The privacy accorded matrimonial matters is a recognition of the inherently personal nature of these proceedings. The law prohibits the clerk of the court and the court reporter from allowing anyone, other than a party, or the attorney or counsel of a party, except by order of the court, to examine or copy of any of the pleadings, affidavits, findings of fact, conclusions of law, judgment of dissolution, written agreement of separation or memorandum, or testimony.

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