



WHAT IF MY SPOUSE CONTESTS MY DIVORCE?

CONTESTED DIVORCE

A contested divorce is when

- one spouse does not want to get divorced or
- the spouses do not agree on the terms of the divorce.

For example, you might not agree on child custody and visitation, child support, spousal support, or property division. In a contested divorce, the court (or judge) will try to get you both to agree. Otherwise, the court may decide for you.

A LAWYER IS VERY HELPFUL IN A CONTESTED DIVORCE

A lawyer can help you understand your rights and duties, and represent you in court. If you can't afford a lawyer, search for free or low-cost legal help. Keep a list of your efforts to find a lawyer, so the judge knows you tried.

If your spouse earns a lot more than you, you can also ask the judge to order your spouse to pay your lawyer's fees. This way, you may be able to hire a lawyer even if you cannot afford one yourself. If you are the one who earns more money,

your spouse may ask the judge to make you pay their lawyer's fees.

WHAT HAPPENS IN A CONTESTED DIVORCE?

After you file for divorce, your spouse may file a "Notice of Appearance" with the court to contest the divorce. The Notice can include a response to your divorce papers.





CONTESTED DIVORCE CONTINUED...

PRELIMINARY CONFERENCE

If you can't agree on the divorce or the terms, then one of you may file a "request for judicial intervention" to ask the court to help. The court will schedule a meeting between you, your spouse, and a judge or court lawyer. This is a preliminary conference."

If you cannot agree about the divorce at the preliminary conference, the court will

- order you to exchange (share) financial information and
- set a date for a "pretrial conference."

PRETRIAL CONFERENCE

At the pretrial conference the court will try again to resolve your disagreements. If you still can't agree about the divorce, the court will schedule a hearing.

COURT HEARING

At the hearing, you will need to give evidence to support your claims. This may include:

- financial documents, such as tax returns, bank statements, employment records
- evidence related to child custody, support, and visitation
- documents on property division, such as receipts for household goods, appraisals, and more..

IMPORTANT:

Attend all court conferences and hearings, and meet all the deadlines. If you miss a court date, the judge can dismiss your case or your spouse wins with a default judgment. Answer all requests from your spouse's lawyer or the court.

If you do not have a lawyer and are struggling to represent yourself, you can ask the judge for help. The judge may be able to appoint a lawyer or give you more time to find one.

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