



# 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.

Legal Services of the Hudson Valley

**Phone: 1-877-574-8529**

Email: [info@lshv.org](mailto:info@lshv.org)

Website: [www.lshv.org](http://www.lshv.org)