



Divorce

The legal divorce process should provide a pathway to independence. We work to reform the system so that when women seek divorce, they achieve autonomy and financial stability through a process that is as easy as possible.

Background:

When families have separated, the legal divorce process settles debts, divides assets, and establishes a predictable future for children. But, for women living in poverty, the current process in New York is unnecessarily complicated and time-consuming, often stripping agency from the parties seeking divorce, and leaving women worse off financially.

There are typically more than 50,000 divorces in New York every year, and helping women secure a divorce is a core service offered by Her Justice. As currently structured, the divorce process is not meeting the needs of women like our clients.

In divorces where there is legal disagreement (contested divorce), legal representation helps improve the efficiency of the process and fairness of the outcome. Yet many women must navigate this difficult system on their own.

For all divorces, there is a lack of publicly available data on the nature and dynamics of cases and their outcomes. The courts release very little information, making it difficult to identify the most promising reforms.

OUR POLICY AGENDA SUPPORTS:

Increased access to representation in cases involving dispute or disagreement:

- Additional New York State and City funds earmarked for legal services and pro-bono legal representation in divorce cases for women living in poverty.

A simplified court process for resolving uncontested divorces and those involving children or financial issues:

- In uncontested divorce cases where there is a child support or child custody order already in place or an agreement between the parties, the court should not re-litigate the issues as part of the divorce proceeding, unless requested by a party with a valid legal basis.
- A simplified court structure in New York for resolving divorce and family law issues so that the process and outcomes are efficient and consistent for the benefit of litigants and courts alike.



Increased transparency on the part of the courts regarding case characteristics and outcomes:

- The courts should collect and publicly release a wide range of information that would be helpful to policymakers, including demographic information for parties, duration of cases, rate of legal representation, and financial and child-related outcomes.

OUR POLICY AGENDA OPPOSES:

Barriers that undermine self-determination by making it harder than necessary to obtain a divorce:

- Burdensome New York State requirements that serve no purpose, like having to publish a printed notice of divorce, rather than allowing for more user-friendly options such as notice via email or through social media.
- Overly complicated and repetitive divorce forms, containing unnecessarily technical and legal language and requesting information beyond what is necessary for the court to fulfill its statutory obligations.

Rules or regulations that restrict choice for women seeking divorce:

- For example, proposed New York State legislation that would limit agency, such as requiring plaintiffs to file for divorce in their county of residence, removing the choice of where to file.