

# Been Served with Divorce Papers in New Jersey and Not Sure What to Do? We Do



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# Welcome

If you find yourself in need of legal advice and counsel, you will be in good hands at our law firm.

I have been practicing law since 1980. Our firm provides personalized service to all our clients. Our clients' needs are our highest priority and your calls and emails are returned promptly to better serve you. We are always ready to address your needs and concerns and answer any of your questions.

Our clients often refer their friends, family and co-workers to our New Jersey law firm. We also receive many referrals from other lawyers, who trust that we will take care of their client's legal needs with dedication equal to theirs. These referrals are evidence of the positive reputation we have established inside and outside of the legal community.

We serve clients in Bergen, Passaic, Hudson and Essex counties and throughout the State of New Jersey.

Whatever legal problem you are faced with, we will help you choose the best course of action. We use our skills and knowledge to protect your rights, interests and goals throughout your case.

*Walter K. Schreyer*



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Has your marriage been on rocky terrain for some time now without any type of reconciliation in sight? Has your spouse expressed a desire to end your marriage or has he or she taken the definitive step of serving you with divorce papers? Chances are you feel pretty overwhelmed right now, even if you suspected something like this was coming your way.

Knowing you are having marital problems and actually facing court documents requesting your marriage end are two very different things for many people and when the official proceedings actually begin, your entire life can feel as if it is spinning out of control. If you are in this situation and looking for support in the upcoming weeks and months ahead of you, we can help.

It surprises many to realize just how much they did not know about divorce until they are making their way through the end of their own marriage, which is why it is so important to work with an experienced, knowledgeable attorney. Divorce laws in New Jersey are relatively straightforward, but there are still several important things you need to know.

## Requirements and Grounds for Divorce in New Jersey

At least one spouse is required to live in New Jersey for at least a year before they are eligible to file for divorce in the state, with the exception of adultery.

New Jersey offers at-fault and no-fault divorces, so neither spouse must show any wrong-doing to be granted a divorce. No-fault divorce is an option when there are no allegations of wrongdoing. Couples simply state they have irreconcilable differences and this has been the case for at least six months and there is no hope of reconciliation.

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If either party wishes to file at-fault grounds, their choices include:

- Adultery
- Abandonment of at least one year
- Mental or physical cruelty (New Jersey requires a spouse to wait at least three months after the act to file for an at-fault divorce)
- Separation of at least 18 consecutive months
- Alcohol or drug addiction of at least one year
- Institutionalization or imprisonment of at least one year
- Sexual misconduct

New Jersey does allow legal separation for couples wishing to live separate lives but not officially divorce. Legal separations create a binding legal agreement and allow for guidelines pertaining to spousal support, custody, and child support payments. If you or your spouse prefers a legal separation to an official divorce, it is still important you work with an experienced attorney as the processes for each are similar.

Assuming the petition for divorce was not jointly filed since you were served with divorce papers, you have 35 days to respond to your spouse's request for a divorce. A phone conference might be held with a judge once you respond to establish a timeline and determine how likely it will be for you and your spouse to reach an agreement before your case reaches the courtroom. If you are unable to reach an agreement, it will be up to the judge to determine issues related to division of property, child custody and support, and spousal support or alimony.

Shortly after the petition for divorce is filed temporary decisions are made regarding issues related to children, alimony, and division of property. For instance, within just a few days after divorce proceedings begin, the decision will be made where your children will live, when you or your spouse will have the right to visit the children, whether you or your spouse will remain in the marital home, and whether payments will be needed for any reason. These temporary arrangements are extremely important and you should work with your attorney during this time to negotiate the arrangements. In many cases, the temporary arrangements are used as a basis for determining the long-term settlement.

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## Child Custody and Support

The well-being of your children in a divorce is perhaps the most important issue you face. It is imperative you work with an attorney that understands that your children are your most important priority and that protecting your parental rights is essential.



New Jersey uses no preferential treatment regarding gender when it comes to child custody. Every effort is made to place the child with his or her mother, but custody is determined on a case by case basis. The wishes of the child and the ability of either parent to look after the child are also important factors.

Child support is determined by using pre-established guidelines that take into account income, the needs of the child, and the current standard of living the child enjoys. Every effort is made to ease the transition of divorce for the child and create as close a situation as possible to what the child's life would have been had his or her parents remained married.

If you would like to know more about ending your marriage in New Jersey or you have questions about the divorce process, Walter Schreyer can help. Walter has been working in solo practice since 1980. He has been a municipal public defender in the Borough of Norwood since 1982 and operates his firm out of Westwood, New Jersey. He is familiar with both the New Jersey and New York court systems. In addition to family law, his firm also specializes in personal injury, criminal defense, commercial transactions and litigation, and civil law.

For a free consultation or to learn more, contact Walter at 201.664.0701 or by email at [walterkschreyer@aol.com](mailto:walterkschreyer@aol.com).

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