

How to File for Divorce:

If you would like a divorce and are representing yourself (“pro se”), the following is an overview of the grounds and procedure for filing for divorce.

Grounds for Filing for Divorce:

In the state of New Jersey, you can obtain a divorce based on a number of different grounds (reasons), such as:

- **18-month separation**
- **Desertion**
- **Extreme Cruelty (mental or physical)**
- **Irreconcilable Differences**
- **Adultery**

Any one of the above grounds is sufficient cause for filing, but the complaint may include more than one ground, if applicable to your case.

Procedure for Filing:

Step 1: Preparing the Complaint

There is a certain legal format that your complaint (divorce document) must follow. You may obtain an information packet, entitled “Instructions for Filing for Divorce,” at the Family Intake Desk in the Morris County Courthouse. The courthouse is open Monday – Friday, 8:30 am – 4:30 pm. Legal Services of New Jersey also provides a publication, “Divorce in New Jersey: A Self Help Guide.”

Step 2: Filing the Complaint

Once your complaint is completed, you must send it to the Court to be filed.

Send it to:

Superior Court of Morris County
Family Division - Family Direct Filing
P.O. Box 929
Morristown, NJ 07963-0929

You must send the **original** and **two copies** of the complaint, along with any other required documents, the applicable filing fee (see below), and a **self-addressed, stamped envelope** so the court can send you a copy of the filed complaint.

You must include the filing fee, currently \$300. An additional \$25 parent education workshop fee may apply if your request involves child support, parenting time, or custody of children. The fee should be paid by check or money order, payable to “Treasurer, State of New Jersey.” If you wish to pay in cash, you must do so in person at the Finance Division offices in the Morris County Courthouse.

Step 3: Serve the Complaint

Once you receive a copy of the filed complaint from the court, your spouse (“the defendant”) will have to be served with the paperwork. To do this you will have to prepare the Summons (again you can get a sample from the Courthouse) and contact the Sheriff’s Department of the county where the Defendant resides in order to have service made.

Once the defendant is served, you will receive from the Sheriff’s Office a Proof of Service. Keep this document because you may have to use it in the future as proof that the defendant was served.

Process After Serving the Complaint:

The defendant has 35 days to respond to the complaint. If the defendant does not file an answer, you may file a DEFAULT against the defendant, meaning that you may get your Judgement of Divorce before a judge without the defendant being present. Default judgments are not automatic: you, as the plaintiff, must submit a formal Request to enter Default and a Certification of Default. These forms and the process for filing are described in the “Instructions for Filing for Divorce” obtained from the Family Intake Office at The Morris County Courthouse. These instructions also describe other ways in which the defendant may respond and the procedures that will be followed based upon the defendant’s response.

This is the general format for filing for divorce. Keep in mind that if there are any issues that need to be resolved in the divorce (eg. division of property, child custody, child support), additional paperwork may have to be filed. Refer to the “Instructions for Filing for Divorce” for additional information.