

# Six Steps to Getting Divorced in New Jersey After Mediation



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You have gone through the mediation process, and now have a Memorandum of Understanding (MOU). In this article, I have provided information regarding the next steps in the divorce process, after mediation.

Legal Services of New Jersey (LSNJ) has published a book entitled A Self-Help Guide to Divorce in New Jersey. Information from this book is posted on the web at

<https://proxy.lsnj.org/rcenter/GetPublicDocument/Sites/LAW/Documents/Publications/Manuals/Divorce.pdf>. I have used the LSNJ book as a reference in writing this article. I thank the contributors Deborah Fennelly, Nancy Goldhill, Donna Hildreth, and Mary McManus, for their work on this excellent resource. I also thank Cherie A. Hiller-Moss, Esq., and Gale A. Wachs, Esq., APM, for their guidance in writing this article.

This article does not take the place of legal advice, and I recommend that each party to the divorce consult with their own attorney for guidance during the mediation and divorce process.

**Step 1: Getting the MOU Reviewed by Your Separate Attorneys:** The first step in the process is to have your MOU reviewed by your separate attorneys. In my experience, most questions that arise in the attorney review process can be addressed over the phone. In some situations, you might return to mediation to address points raised by your attorneys.

**Step 2: Filing the Divorce Complaint:** If the divorce complaint has not already been filed, the Plaintiff's attorney will file the complaint. It is important to remember that under most circumstances, the grounds for divorce are not important to your property and custody settlement. A complaint is usually filed in the county where you lived at the time that your cause of action for divorce arose. The complaint is the document that begins your case and presents your situation to the court.

The complaint also contains what you are asking the court to order. This is called legal relief. For example, you can ask the court to grant alimony and/or child support, divide property, divide debts, allow you to change your name, order custody or parenting time, etc. You do not need to specify the details in

the complaint; you will do that when you prepare the Property Settlement Agreement.

The Court charges a filing fee when you file the complaint. The current filing fee for a divorce complaint is \$300, plus an additional \$25 for the Court's Parents Education Program, if applicable. Once the complaint is filed, the court will send you a copy of your complaint with a docket number, and your attorney will send a copy to your spouse or his/her attorney.

**Step 3: Receiving and Processing the Divorce Complaint:** The person in the divorce who is the Defendant has 35 days to respond to the Divorce Complaint. The quickest way to move your divorce along is to send back a signed and notarized acknowledgment of service as soon as you receive the complaint. After the Plaintiff and/or his/her attorney receives the signed and notarized Acknowledgment of Service form back from the Defendant's attorney, they must file it with the court.

**Step 4: Preparing the Property Settlement Agreement (AKA The Marital Settlement Agreement):** If you were not mediating, you would now be preparing for a Case Management Conference with the court to decide what documents need to be exchanged for discovery, etc. However, since you have already provided disclosure of financial information in mediation and have also agreed upon the important issues for your divorce, either the attorney for the Plaintiff or the Defendant will now prepare a Property Settlement Agreement based on the Memorandum of Understanding. The PSA will incorporate information from the MOU regarding custody and parenting time, alimony, equitable distribution of assets, etc. Because both parties have signed the PSA, the Court sees that this is an uncontested divorce, and usually fast tracks the divorce.

**Step 5: Attending the Divorce Hearing:** A few counties in New Jersey grant divorces without a hearing. However, in most counties in New Jersey, the Plaintiff and his/her attorney are required to appear at the Final Hearing. The Defendant may or may not be required to appear at the Final Hearing. Whether the Defendant needs to appear will largely depend on his/her attorney's response to the Divorce Complaint. At the Final Hearing, the Plaintiff's attorney will ask questions of the Plaintiff regarding the parties' marriage, the cause of action, and the terms of the Property Settlement. The judge presiding over the case may also ask a few questions to clarify the same.

**Step 6: Receiving the Final Judgment of Divorce with the Gold Seal:** During the Final Hearing, one of the parties' attorneys will present the Court

with a document called the Final Judgment of Divorce. This document is merely the order that the judge signs, stating that the parties are legally divorced, and that they signed a Property Settlement Agreement which they intend to abide by. Usually, the judge signs the Final Judgment of Divorce at the hearing, and you leave the Court with the signed document that very day. Occasionally, the Judgment of Divorce is submitted after the Final Hearing or the judge signs the Judgment at a later date. In either case, the signed Judgment will be sent to your attorney, and you will soon receive a certified copy of the Final Judgment of Divorce, with a gold seal, indicating that your divorce is final. You are now free to remarry!



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