

# How Do I Find Out If My Spouse Filed For Divorce?

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Dear Ask the Attorney:

How do I find out if my husband already started the divorce process?

(Anonymous)

***Our guest blogger today is Jennie L. Osborne, Esq. Jennie is Counsel to Einhorn Barbarito and a member of the Matrimonial Department where she concentrates her practice solely on family and matrimonial law. She was a member of the team who represented Governor James McGreevy in his divorce trial.***

Dear Anonymous:

A complaint for divorce must be filed in the county in which your husband (the spouse who files the complaint) resided when the cause of action arose, with some exceptions. Start by calling the court clerk's office in the Family Division of the county in which your husband resided at the time the cause of action arose. For example, if he filed a complaint based upon extreme cruelty, the cause of action would be deemed to have arisen three months after the last act of cruelty complained of in the complaint. If he filed a complaint based upon irreconcilable differences, the cause of action would have arisen after a period of six months of irreconcilable differences. If no complaint was filed in that county, you could also contact the clerk in the Family Division of the county in which you reside and/or the county in which the marital home is located. Your husband could have placed allegations in the complaint which would permit him to file in a county other than the one in which he resided when the cause of action arose.

If your husband did not reside in the State of New Jersey when the cause of action arose, then the complaint should be filed in the county in which you resided when the cause of action arose. This rule also applies to actions for dissolution of civil unions or termination of domestic partnerships.

If you think your husband has filed a divorce, you should think about obtaining competent legal representation from a matrimonial attorney.

Jennie L. Osborne