

Divorce In Nj A Self Help Guide

Divorce in NJ A Self Help Guide Navigating the process of divorce in New Jersey can be overwhelming and emotionally taxing. Whether you are initiating the divorce or responding to a spouse's filing, understanding your rights, responsibilities, and available resources is essential. This self-help guide aims to provide practical advice, step-by-step instructions, and helpful tips to empower you during this challenging time. By familiarizing yourself with New Jersey's divorce laws, the necessary paperwork, and self-advocacy strategies, you can approach your divorce with confidence and clarity.

Understanding Divorce Laws in New Jersey

Before diving into the process, it's crucial to understand the legal foundation of divorce in New Jersey.

Grounds for Divorce in New Jersey

New Jersey recognizes both fault and no-fault grounds for divorce:

1. **No-Fault Divorce:** Irreconcilable differences lasting at least six months. This is the most common reason cited.
2. **Fault-Based Divorce:** Includes reasons such as adultery, cruelty, desertion, addiction, or imprisonment.

Residency Requirements

To file for divorce in NJ, either you or your spouse must have lived in the state for at least 12 consecutive months prior to filing.

Types of Divorce

- **Uncontested Divorce:** Both parties agree on all issues. - **Contested Divorce:** Disputes exist on custody, property division, or support.

Preparing for the Divorce Process

Effective preparation can ease the process and help ensure your rights are protected.

Gather Essential Documents

Collect and organize relevant documents, including:

1. Marriage certificate
2. Financial statements (bank accounts, retirement accounts, debts)
3. Tax returns for the past few years

4. Pay stubs and proof of income
5. Property deeds and titles
6. Insurance policies
7. Custody agreements and school records if children are involved

Assess Your Financial Situation

Create a comprehensive picture of your finances to facilitate fair division:

1. List all assets and liabilities
2. Estimate monthly expenses and income
3. Determine your needs and priorities

Identify Your Goals and Priorities

Consider what outcomes are most important to you:

1. Custody arrangements
2. Division of property and assets
3. Alimony or spousal support
4. Child support

Filing for Divorce in New Jersey

The legal process begins with filing a complaint.

Filing the Complaint

- Obtain the necessary forms from the New Jersey Superior Court or online. - Complete the Complaint for Divorce, indicating grounds and relief sought. - Pay the filing fee, which varies by county.

Serving Your Spouse

- Legally notify your spouse of the divorce filing through personal service or certified mail. - Your spouse then has a specified time to respond (typically 35 days).

Responding to a Divorce Complaint

- If served, review the complaint carefully. - Consider consulting a lawyer or using self-help resources to file an Answer or counterclaim if needed.

Understanding and Handling Key Issues

Divorces often involve complex issues requiring careful consideration.

Child Custody and Visitation

- Focus on the best interests of the child. - Options include sole, joint, or shared custody. - Be prepared to develop a comprehensive parenting plan.

Child Support

- Calculated based on New Jersey's Child Support Guidelines. - Factors include income, number of children, and custody arrangements.

Property Division

- New Jersey is an equitable distribution state. - Property acquired during the marriage is generally divided fairly, which may not always mean equally.

Alimony and Spousal Support

- Considered when one spouse's financial situation warrants support. - Factors include duration of marriage, standard of living, and age.

Self-Help Strategies and Tips

While legal counsel is advisable, many aspects of divorce can be managed through self-help.

Utilize Court Resources

- Many courts offer self-help centers, forms, and guides. - Check your county's court website for online resources and workshops.

Stay Organized and Keep Records

- Maintain detailed records of all communications, financial documents, and court filings. - Keep copies of everything related to your case.

Negotiate and Communicate Effectively

- Use calm, respectful communication. - Consider alternative dispute resolution methods like mediation to reach agreements without lengthy court battles.

Educate Yourself

- Read reputable guides, books, and online resources about NJ divorce laws. - Attend workshops or seminars offered by legal aid organizations.

Consider Mediation or Collaborative Divorce

- These methods often result in less expensive, less stressful outcomes. - A neutral mediator

helps both parties negotiate terms.

Handling Emotional and Practical Challenges

Divorce can be emotionally draining; self-care and support are vital.

Seek Support

- Connect with friends, family, or support groups. - Consider counseling or therapy for emotional support.

Prioritize Children's Well-Being

- Maintain routines and provide stability. - Communicate openly yet appropriately about the process.

Manage Stress and Self-Care

- Engage in activities that promote relaxation. - Avoid impulsive decisions driven by emotion.

Finalizing Your Divorce

Once all issues are resolved, the court will issue a Final Judgment of Divorce.

Preparing for the Final Hearing

- Ensure all paperwork is complete. - Be ready to present your case and discuss agreements.

Understanding the Final Judgment

- It legally terminates your marriage. - Contains provisions regarding custody, support, and property division.

Post-Divorce Considerations

- Update legal documents such as wills, insurance policies, and bank accounts. - Follow through with any court-ordered actions.

Additional Resources and Support in NJ

- **Legal Aid Organizations:** Offer free or low-cost legal assistance. - **New Jersey Courts Website:** Provides forms, guides, and FAQs. - **Family Law Facilitators:** Help self-represented litigants navigate the process. - **Online Communities and Support Groups:** Share experiences and advice.

Conclusion

Divorce in New Jersey can be a complex and emotionally challenging process, but with careful preparation, knowledge, and strategic planning, you can navigate it more effectively. This self-help guide provides foundational steps—from understanding legal grounds and preparing documents to managing custody and property issues—empowering you to take control of your divorce journey. Remember, while self-advocacy is valuable, seeking professional guidance when necessary can ensure your rights and interests are protected. Stay organized, communicate clearly, and prioritize your well-being and that of your children as you move forward towards a new chapter.

Divorce in New Jersey: A Self-Help Guide to Navigating Legal Dissolution with Precision

Introduction: The Legal Reality of Divorce in New Jersey

New Jersey's divorce laws reflect a balanced framework designed to promote fairness, responsibility, and equitable outcomes in marital dissolution. Unlike some states with fault-only regimes, New Jersey operates under a strict "no-fault" system, allowing either spouse to initiate divorce without proving wrongdoing—though financial misconduct or criminal acts may still influence outcomes. This self-help guide provides an exhaustive roadmap for individuals seeking to understand, prepare for, and execute divorce in New Jersey, integrating legal mechanics, strategic self-navigation, and real-world application. With over 60% of divorce cases filed in New Jersey occurring through its superior court system, understanding the procedural architecture is not just advisable—it is essential. This guide explores the historical evolution, statutory foundations, practical steps, psychological and financial dimensions, and forward-looking strategies to empower individuals through one of life's most consequential legal transitions.

Historical Evolution of Divorce in New Jersey

New Jersey's journey toward modern divorce law reflects broader societal shifts. Prior to the 1970s, divorce was rare and heavily stigmatized, requiring proof of fault such as adultery, abandonment, or abuse. The 1970s marked a transformative era: influenced by the national feminist movement and legal reforms, New Jersey adopted no-fault divorce in 1975, becoming one of the first states to eliminate the need for blame-based grounds. This shift significantly reduced litigation time and emotional trauma, aligning with contemporary values of personal autonomy and mutual responsibility. Since then, statutory refinements—such as mandatory mediation, equitable asset division under the Community Property Act, and robust spousal support guidelines—have strengthened fairness and predictability. Today, New Jersey's divorce statutes emphasize rehabilitation, financial transparency, and child-centric outcomes, positioning it as a national model for balanced family law.

Statutory Framework: Foundations of New Jersey Divorce Law

The legal architecture of divorce in New Jersey is codified primarily in the New Jersey Division of Family Law under Title 2A of the New Jersey Statutes. Key sections include: - **Section 2: General Provisions** - Defines grounds for divorce, mandates procedural requirements, and outlines spousal rights. - **Section 3: Grounds for Divorce** - Affirms no-fault divorce as default, while reserving fault-based grounds only in limited cases (e.g., fraud, abandonment after 12 months). - **Section 5: Equitable Distribution** - Establishes the Community Property Act framework (adopted 2013), which mandates 50/50 division of marital assets and debts acquired during marriage. - **Section 8: Spousal Support** - Sets criteria for temporary and permanent alimony, emphasizing duration, need, and paying capacity. - **Section 12: Child Custody and Support** - Prioritizes the child's best interest, mandating joint legal custody unless contrary to safety or welfare. - **Section 20: Financial Responsibilities Post-Divorce** - Clarifies obligations for alimony, property division, and debt allocation. Beyond statutes, judicial interpretations and administrative rules—such as those issued by the Division of Family Law—add nuance to implementation. The state's courts operate under strict timelines: a minimum six-month waiting period post-filing to encourage reconciliation, though this may be waived for clear mutual consent. Understanding these legal pillars enables individuals to anticipate procedural hurdles and leverage statutory protections effectively.

Core Mechanisms: The Divorce Process Step-by-Step

The divorce process in New Jersey unfolds through several legally defined stages, each requiring strategic engagement:

1. Filing the Petition

Initiation begins with filing a Petition for Dissolution of Marriage with the appropriate family court. The petition must include: - Full legal names and addresses of both spouses - Date and location of marriage - Grounds (typically "no-fault" unless contested) - Specific requests regarding custody, visitation, asset division, debt allocation, and spousal support - Proof of service to the other spouse via certified mail or process server New Jersey courts now accept electronic filings, reducing processing delays. Filing fees range from \$300-\$500, waivable in cases of financial hardship or pro se status.

2. Service of Process

After filing, the respondent must be legally served. This requires: - Notice delivered by process server, public official, or certified mail with return receipt - Compliance with Rule 12 of the New Jersey Rules of Civil Procedure - Documentation of service to be filed with the court Failure to properly serve triggers procedural delays or dismissal; thus, precision in service is a cornerstone of timely resolution.

3. Response and Settlement Negotiations

Within 30 days of service, the respondent must file an Answer or Motion to Dismiss. Common responses include: - **Acknowledgment & Settlement** - Requesting immediate resolution on key issues like custody and asset division - **Counterclaims** - Challenging alimony requests or asset valuation - **Dismissal Motion** - Based on procedural defects or lack of jurisdiction. Mediation is strongly encouraged—New Jersey mandates 30 days of mediation before trial, reducing costs and fostering cooperative outcomes. Mediators, licensed through the New Jersey Mediation Association, facilitate dialogue on shared interests, not legal technicalities. Successful mediation can resolve up to 80% of cases without trial.

4. Discovery and Evidence Exchange

Post-mediation or pre-trial, parties exchange discovery materials under New Jersey Rules 17-21: - Financial disclosures (income, assets, liabilities, tax returns) - Property appraisals for real estate, businesses, and personal property - Witness statements and expert reports (e.g., forensic accountants for complex holdings) - Documentation of spousal conduct affecting custody or support. Thorough discovery prevents post-judgment challenges and ensures transparency. Legal counsel should guide clients in preparing responsive disclosures to avoid sanctions.

5. Trial and Judicial Resolution

If no settlement emerges, cases proceed to trial. The court evaluates: - Validity of filings - Admissibility of evidence under New Jersey Evidence Law - Application of statutory standards (e.g., equitable distribution, best interest of children) - Credibility assessments of witnesses. Judges apply a “50/50” fair division principle to marital assets, using tools like the Uniform Presumption of Equal Distribution. Expert testimony may be admitted to resolve technical valuation disputes. Trial duration varies—simple cases from 3-6 months; complex matters up to 18 months—depending on litigation depth.

6. Final Judgment and Post-Decree Obligations

Upon final order, the court issues a certified divorce decree. This document legally terminates the marriage, clarifies custody arrangements, confirms asset division, and schedules enforcement of support. Parties must file post-judgment motions to enforce custody or financial orders. Post-divorce responsibilities include: - Timely transfer of assets - Compliance with tax implications (e.g., capital gains on property sale) - Monitoring of support obligations. Understanding these stages enables proactive management, reducing uncertainty and

Divorce in NJ: A Self-Help Guide. Navigating the divorce process in New Jersey can be a complex and emotionally taxing experience. With a legal landscape that balances state statutes, case law, and individual circumstances, understanding the nuances of divorce in NJ is essential for those seeking clarity and control over their future. This comprehensive self-help guide aims to provide an in-depth overview of the divorce process, legal considerations, financial implications, and emotional support options for residents of New Jersey.

Understanding Divorce in New Jersey

Divorce, legally known as dissolution of marriage, is the process of terminating a marriage legally and establishing arrangements for custody, support, and division of assets. In New Jersey, divorce laws are governed by the New Jersey Statutes Annotated (N.J.S.A.) and are influenced by the state's commitment to equitable distribution rather than community property principles. Key Aspects of Divorce in NJ: - No-Fault Divorce: The most common route, where one party claims irreconcilable differences for at least six months. - Fault-Based Divorce: Grounds include adultery, extreme cruelty, desertion, or drug addiction. - Residency Requirements: One spouse must have lived in NJ for at least 12 months before filing. - Types of Divorce: Uncontested (mutual agreement) or contested (disputes over issues).

Preparing for Divorce: Essential First Steps

Before initiating legal proceedings, self-help strategies can simplify the process and reduce stress.

Assess Your Financial and Legal Position

- Gather financial documents: tax returns, bank statements, pay stubs, mortgage documents, and retirement accounts. - Understand your assets and debts. - Consider your current income, expenses, and potential support needs. - Consult with a legal professional or use reputable legal resources.

Determine Your Goals

- Custody arrangements - Child support expectations - Spousal support (alimony) - Asset and debt division

Consider Mediation and Alternative Dispute Resolution (ADR)

- Mediation can help couples reach amicable agreements outside court. - Benefits include lower costs, faster resolution, and better cooperation. - The NJ courts often recommend or require ADR before proceeding to trial.

Filing for Divorce in NJ: Step-by-Step

Understanding the procedural steps can empower individuals to navigate the system confidently.

Step 1: Filing the Complaint

- The spouse initiating the divorce files a Complaint for Dissolution with the Superior Court, Family Division. - Must include grounds for divorce and proposed arrangements.

Step 2: Service of Process

- The other spouse must be formally served with legal papers. - Service can be done via certified mail or through a process server.

Step 3: Response and Counterclaims

- The respondent has 35 days to file an answer. - They may also file counterclaims.

Step 4: Temporary Orders

- Requests for temporary child custody, support, or spousal support can be made early in the process. - Courts may issue orders to maintain status quo until final resolution.

Step 5: Discovery and Negotiation

- Exchange of financial affidavits, documents, and information. - Negotiations or mediation to settle issues.

Step 6: Trial and Final Judgment

- If parties cannot agree, the matter proceeds to trial. - The judge issues a final judgment, including custody, support, and property division.

Legal Considerations and Common Issues

Understanding key legal elements can help self-represented individuals prepare effectively.

Equitable Distribution of Assets

- NJ courts divide marital property fairly but not necessarily equally. - Factors include length of marriage, contributions, and economic circumstances. - Separate property (owned before marriage or inherited) is generally not divided.

Child Custody and Parenting Plans

- Best interests of the child standard guides custody decisions. - Types of custody: - Legal custody: decision-making authority. - Physical custody: where the child resides. - Parenting plans should specify schedules, decision rights, and communication.

Child and Spousal Support

- Child support is calculated using NJ's Child Support Guidelines. - Spousal support depends on factors like income disparity, duration of marriage, and standard of living.

Modifications and Enforcement

- Support and custody orders can be modified if circumstances change. - Courts enforce orders through contempt proceedings and other legal remedies.

Financial Planning During and After Divorce

Financial considerations are central to a successful transition post-divorce.

Budgeting and Future Financial Planning

- Reassess your income, expenses, and financial goals. - Open new bank accounts if necessary. - Update beneficiaries and estate plans.

Property Division Strategies

- Clarify what constitutes marital versus separate property. - Negotiate or litigate for equitable distribution. - Consider tax implications of asset transfers.

Retirement and Insurance

- Divide retirement accounts through Qualified Domestic Relations Orders (QDROs). - Ensure health insurance coverage is maintained for children and/or former spouse if applicable.

Emotional and Practical Support

Divorce impacts mental health and daily life; seeking support is vital.

Self-Help Resources

- Support groups for divorced individuals. - Counseling and therapy options. - Educational workshops on legal rights and financial planning.

Building a Support Network

- Family and friends. - Support organizations such as NJ Divorce Support. - Online communities and forums.

Self-Care Strategies

- Prioritize physical health through exercise and nutrition. - Engage in hobbies and activities that promote well-being. - Practice mindfulness and stress reduction techniques.

Legal Aid and Professional Assistance

While this guide emphasizes self-help, professional guidance can be crucial. - Legal Aid: Low-income individuals may qualify for free or reduced-cost legal services. - Consulting an

Attorney: For complex issues like high-net-worth assets or contested custody. - Financial Advisors: To assist with asset division and future planning.

Final Thoughts: Empowering Yourself Through Knowledge

Divorce in NJ is a process that combines legal, financial, and emotional challenges. While it may seem daunting, understanding your rights, options, and responsibilities can lead to more informed decisions and a smoother transition. Remember, self-help resources, coupled with professional support when needed, can make the journey less overwhelming. Being proactive—gathering documents early, exploring mediation, and seeking education—positions you to navigate the system confidently. Prioritize your well-being and the best interests of your children, and remember that many have successfully rebuilt their lives after divorce. With knowledge and support, you can move forward with clarity and resilience. Disclaimer: This article is for informational purposes only and does not substitute for legal advice. For specific legal guidance related to your circumstances, consult a qualified attorney familiar with New Jersey family law.

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The Quiet Storm: Divorce in New Jersey as a Mirror of Modern Society

In the humid twilight of northern New Jersey, where commuter trains rumble beneath the shadow of the Palisades and the skyline of New York bleeds into the horizon, a quiet transformation unfolds—one that few outside the legal chambers, family courts, and personal testimonies truly grasp. Divorce in New Jersey is not merely a legal procedure; it is a socio-legal phenomenon shaped by decades of demographic shifts, economic pressures, evolving gender dynamics, and a judiciary navigating the tension between tradition and individual autonomy. This is a story not just of marital collapse, but of a state grappling with the

consequences of rapid social change, and of individuals navigating a system designed in another era, now stretched to its limits. The origins of New Jersey's divorce landscape trace back to 1970, when the state became one of the first in the nation to legalize no-fault divorce under the Family Law Act. This reform was not born in isolation. It emerged from a confluence of post-1960s legal modernization, second-wave feminist activism demanding equality in property and custody rights, and a growing disillusionment with the stigma and procedural delays of fault-based divorce. Prior to 1970, New Jersey courts required spouses to prove grounds such as adultery, abandonment, or cruelty—conditions that often trapped women in unsustainable marriages and made legal separation a near-impossible burden. The shift to no-fault was radical: it recognized that love could dissolve without blame, and that the state's role was to minimize conflict, not enforce moral judgment. But the legal architecture established in 1970 was not a panacea. Early implementation revealed deep structural flaws. Courts were overwhelmed. Mediators were scarce. And the absence of mandatory reconciliation periods left many couples—especially those trapped in cycles of abuse or emotional detachment—with little choice but to sever ties immediately. By the 1980s, New Jersey's divorce rate surged, peaking at over 7 divorces per 1,000 residents annually, among the highest in the nation. This spike was not merely a statistical anomaly; it reflected a society in flux. The post-industrial decline of manufacturing hubs like Newark and Jersey City eroded economic stability, while rising divorce literacy—fueled by public education and media discourse—empowered individuals to demand legal recourse. Simultaneously, shifting gender roles challenged the traditional breadwinner-homemaker model, making marital incompatibility harder to reconcile with personal fulfillment. The economic underpinnings of divorce in New Jersey are both complex and revealing. Unlike states with strict property division rules or mandatory spousal support caps, New Jersey operates under a framework rooted in equitable distribution and community property principles. Marital assets, including home equity, retirement accounts, and business holdings, are generally split 50/50, a policy designed to prevent economic exploitation—particularly of women, who historically received less in settlements. Yet this fairness is often undercut by practical realities. The state's median home value, hovering around \$400,000 in recent years, means even modest houses represent significant marital assets. For low- and middle-income couples, especially those without prior financial literacy, navigating asset division without legal counsel can lead to long-term economic disadvantage. Studies from Rutgers University's Center for Family Policy show that divorced women in New Jersey are 30% more likely than men to experience poverty within five years of divorce, a statistic that underscores the gendered economic fallout often obscured by legal equality. The rise of self-help divorce in New Jersey further illustrates this tension. The state's adoption of self-help procedures—allowing uncontested divorces through automated filing systems and court-ordered document submission—was intended to streamline access and reduce costs. Yet these mechanisms, while efficient, risk exacerbating power imbalances. In cases of domestic violence or economic coercion, the absence of judicial scrutiny can leave vulnerable parties trapped in unenforceable agreements or exposed to retaliatory tactics. Legal scholar Dr. Elena Marquez, a leading authority on family law at Columbia Law School, notes: 'Self-help isn't neutral. It assumes equal agency, but in high-conflict or unequal-power relationships, it functions more as a procedural shortcut than a democratizing force.' This critique is echoed in support organizations like the New Jersey Family Law Center, which reports a 40% increase in

domestic violence cases involving divorce filings since 2015—cases where the speed and simplicity of self-help filings may hinder thorough evidence gathering. The geopolitical and demographic context of New Jersey adds another layer of complexity. As a state with one of the nation’s most ethnically diverse populations—over 30% foreign-born—divorce practices reflect a mosaic of cultural norms. In immigrant communities, particularly among South Asian, Latino, and East Asian populations, stigma around divorce remains potent, yet generational shifts are accelerating change. Younger cohorts, raised in a post-2010 era of heightened awareness around emotional well-being and gender equity, are more likely to pursue dissolution as a rational choice rather than a moral failure. This generational divergence creates friction within families, often manifesting in court battles where cultural expectations clash with legal rights. Judges in Essex and Hudson counties report increasing frequency of custody disputes rooted in conflicting parental visions of child-rearing, revealing how divorce becomes a battleground not just of law, but of identity and belonging. Industry impact is palpable across New Jersey’s legal ecosystem. Family law firms, once a niche sector, have grown into a multi-billion-dollar industry, with over 1,200 registered practices statewide. The self-help revolution has spurred innovation—online filing portals, AI-driven legal bots, and virtual mediation platforms—but also raised concerns about quality control. The Division of Family Law, part of the New Jersey Supreme Court, has struggled to keep pace with demand. Backlogs in scheduling hearings, especially in rural counties like Salem and Passaic, mean that a couple filing a no-fault divorce may wait 18 to 24 months for a preliminary hearing—time that often correlates with escalating emotional and financial strain. Meanwhile, pro bono initiatives, such as the statewide ‘Right to Divorce’ campaign, attempt to mitigate access gaps, though funding remains precarious. Expert perspectives reveal a judiciary in transition. judges trained in the 1980s or earlier often emphasize reconciliation efforts and moral counseling, while newer jurists prioritize efficiency, clarity, and victim protection. This evolution mirrors broader shifts in legal philosophy—away from paternalistic intervention toward procedural fairness and individual empowerment. Yet the judiciary faces mounting pressure. Surveys by the New Jersey Judicial Council indicate that 68% of family court judges report burnout, citing caseloads exceeding 5,000 cases annually. The emotional toll of reviewing traumatic testimonies, particularly involving child abuse or financial fraud, compounds the strain. One retired judge, speaking anonymously, remarked: ‘We’re not just processing paperwork—we’re holding pieces of lives in ruins. The system isn’t failing;

Questions & Answers About divorce in nj a self help guide

N o	Question	Answer
1	What are the first steps to take when considering divorce in New Jersey?	The first steps include gathering all relevant financial and legal documents, understanding New Jersey divorce laws, and consulting with a qualified family law attorney to explore your options and begin the filing process.

2	How is child custody determined in a New Jersey divorce?	Child custody in New Jersey is determined based on the best interests of the child, considering factors such as the child's needs, the parents' ability to care for them, and stability. Courts often encourage joint custody unless safety or welfare issues arise.
3	What is the divorce process like in New Jersey for uncontested cases?	In uncontested divorces, the process is streamlined. Parties agree on key issues like property division and child custody, file a joint complaint, and submit a Settlement Agreement. The court then reviews the paperwork before granting the divorce, often with minimal court appearances.
4	Are there any required waiting periods or residency requirements for filing for divorce in NJ?	Yes, New Jersey requires at least a 12-month residency period before filing for divorce, and there is a mandatory 30-day waiting period after the judgment for divorce before it becomes final.
5	How can I protect my financial interests during a divorce in NJ?	To protect your financial interests, gather detailed records of assets and debts, consider mediation to reach fair agreements, and work with an attorney to ensure proper division of property and alimony arrangements that suit your situation.
6	What resources are available for self-help and support during a divorce in New Jersey?	Resources include the New Jersey Courts Self-Help Center, online guides, local family court clinics, and support groups. Consulting legal aid organizations can also provide guidance if you cannot afford an attorney.

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Divorce In Nj A Self Help Guide

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