



Jewish Divorce Basics

This guide is written for women in the Orthodox Jewish community. While women are more likely to become victims of Get refusal (where one spouse refuses to release the other in divorce), men can be victims as well. In addition, there are differences in how Jewish law surrounding divorce is understood in different communities. You should consult with your personal religious advisors for more information.

Table of Contents

Page 1:

- Definitions of Key Terms
 - I want a divorce. How do I get one?
-

Page 2:

- Do I need a Get?
 - How do I obtain a Get?
 - Who can start the Get process? How can I do this?
-

Page 3:

- What will happen at the Get ceremony?
 - Will I receive proof that the Get took place?
 - Are there special requirements for the Get document?
 - Can I bring anyone with me to the Get ceremony?
 - Do my husband and I have to be in the same room for the ceremony?
-

Page 4:

- How much does a Get cost?
- My husband refuses to give me a Get. What can I do?
- Can the Beit Din force my husband to give me a Get?
- Can I remarry as soon as I have the Get?

Page 5:

- Can the Beit Din help me with other issues related to my divorce?
 - Do I have to follow the Beit Din's decision?
 - What is a halachic prenup?
-

Page 6:

- Are halachic prenups enforceable?
 - We did not sign a prenup before we got married. Can we still sign one?
 - Where can I go for help?
-

Pages 7-8: Additional Resources

Page 9: Notes



I want a divorce. How do I get one?

In general, Jewish couples who were married religiously and civilly must go through two divorce procedures: Jewish and civil. A Jewish divorce means that you are divorced under **halacha**, or Jewish law. A civil divorce means that you are divorced under the laws of your state.

In Orthodox Judaism, only the husband has the power to issue a Jewish divorce. The husband ends the marriage by giving his wife a **Get**. A Get is a document that formally ends a marriage under Jewish law. A wife must receive the Get willingly in order for the divorce to be final.

For more information on civil divorce, see the Family Legal Care guide "**Uncontested Civil Divorce Basics for the Orthodox Jewish Community**," which is available at familylegalcare.org.

Definitions of key terms

Agunah (plural: Agunot): A woman who is "chained" to her marriage due to her husband's refusal or inability to give her a Get

Beit Din (also: Beis Din or Beth Din; plural: Batei Din): A Jewish court with three rabbis

Dayan (plural: Dayanim): A rabbinic judge in Beit Din

Din Torah (also: Dinei Torah): A formal proceeding in Beit Din

Get: A document that formally ends a marriage under Jewish law

Halacha (also: Halakha): Jewish law

Heter Arkaos (also: Heter Arkaot): A document that gives you permission to petition a civil court instead of a Beit Din

Ketubah: A Jewish marriage contract that specifies a husband's responsibilities to his wife

Mamzer (plural: Mamzerim) – An illegitimate child born of a religiously forbidden relationship

Mesader Gittin: A rabbi who officiates the Get ceremony

Ptur: A document issued by a Beit Din after the Get ceremony which serves as proof that a man and woman are divorced under Jewish law

Seruv: An order of contempt from Beit Din

Shtar Berurin: An agreement to arbitrate, or settle your case, in Beit Din

Sofer (also: Sopher): The scribe who drafts the Get

Zabla: A Beit Din panel created to hear a single case



Do I need a Get?

Without a Get, you are still married under Jewish law. This is true even if you have been separated for some time or got divorced in civil court. Issues may include:

- You cannot remarry within the traditional Jewish community;
- Any children you have in the future will be **mamzerim**, or illegitimate, which has consequences in Jewish law; and
- In many communities, starting a new intimate relationship is a serious violation of Jewish law.

Generally, before a civil court in New York will grant a divorce, the person who filed for divorce must remove any **barriers to remarriage**. A barrier is anything that prevents you from remarrying according to your religion. You should discuss this issue with your attorney. If you are representing yourself, consult with one of the resources at the end of this guide for advice.

How do I obtain a Get?

You and your husband must go through a special Get ceremony. You do not need to be at the ceremony together. The Get ceremony usually takes place at a **Beit Din** or at an agreed-upon location. A Beit Din is a Jewish court. The ceremony is led by a rabbi known as the **mesader gittin**.

Who can start the Get process? How can I do this?

Either you or your husband can start the Get process. To do so, contact a Beit Din. Once you open a case with the Beit Din, the Beit Din staff will reach out to your spouse. If your spouse agrees to schedule a Get ceremony, the Beit Din will work with you to choose a date. If your spouse wishes to go to another Beit Din, you can decide whether or not to agree to the other one. Or, you could create a **Zabla**. A Zabla is a combination Beit Din. In a Zabla Beit Din, each of you choose one **Dayan**, or rabbinic judge. The two Dayanim then choose a third.



It is important to know that procedures vary among Batei Din. Once you agree to a Beit Din, you will not be able to change your mind. Choose the Beit Din carefully.



What will happen at the Get ceremony?

At the ceremony, your husband will instruct the **sofer** to write the Get on his behalf. The sofer is the scribe. Your husband will hand the Get to you (or an assignee) in front of two witnesses.

The rabbis may ask both of you questions. For example, they may ask whether you go by any other names. This is to ensure there are no issues with the Get document. The document can only be used for you and your husband. They may also ask questions to make sure that you both are going through the ceremony by your own free will. Once you accept the Get from your husband, your religious marriage ends. The whole ceremony usually takes about an hour.

You typically do not need to sign anything or do anything else. If you are asked to sign other documents, such as a settlement agreement, you should consult with an attorney first. In general, arbitration and settlement documents are legally binding. This is true even if they are written in Yiddish or Hebrew. For this reason, you should carefully research a Beit Din before committing to it. There are resources in this guide that may be able to help.

Will I receive proof that the Get took place?

Yes. The Beit Din will destroy the Get document by cutting it. This is so that no one can question whether the Get document is valid. Instead, you will receive a certificate known as the **ptur**. The ptur is proof that you and your husband are now divorced under Jewish law. It is also proof that both of you are free to remarry. Usually you receive the ptur after your civil divorce is finalized.

Are there special requirements for the Get document?

Yes. Traditionally, the Get is a 12-line document in Aramaic. The scribe must write the document under the supervision of a Beit Din and in the presence of two witnesses. The Get document is written specifically for one couple. The language of the Get is general and does not involve any professions of faith.

Can I bring anyone with me to the Get ceremony?

Yes. Both you and your husband can bring another person to the ceremony for support. You can bring a friend, family member, or advocate. Some organizations can connect you to a volunteer advocate. Contact One Step Forward at 1-844-673-5463 for more information. One Step Forward offers free support, guidance, and resources to anyone going through a Jewish divorce.

Do my husband and I have to be in the same room for the ceremony?

No. The husband and wife typically are in the same room for the Get ceremony. However, if you have safety concerns or other reasons why you cannot be in the same room, ask the Beit Din for a separate room. You can even ask for a different location altogether. If you and your husband are in different locations, the Batei Din will work together to conduct the ceremony.





How much does a Get cost?

In New York, a Get can cost around \$700. If the Get is given and received in two locations, the cost can be as high as \$1,500. The husband and wife usually split this cost. If you cannot afford to pay for the Get, there are resources that can help. Call One Step Forward at 1-844-673-5463 to learn more.

My husband refuses to give me a Get. What can I do?

A woman whose husband refuses to give her a Get is called an **Agunah**. The plural is **Agunot**. Agunah means “chained” in Hebrew.

There are resources in your community that can help if your husband refuses to give a Get. Some communities place legal, social, or financial pressure on husbands who refuse the Get. For more information on what to do if your husband refuses the Get, call One Step Forward at 1-844-673-5463. One Step Forward can help you open a Beit Din procedure, publish a Beit Din order, and create a strategy for pursuing a Get. You do not need to wait until you are done with your civil divorce to begin this process.

Can the Beit Din force my husband to give me a Get?

No. Your husband must give you the Get by his own free will. The Beit Din can issue a **hazmana**, or summons, for your husband to appear in Beit Din to discuss the Get. A summons is a document telling someone that he or she must appear in Beit Din. The Beit Din can also issue a ruling that a Get is required.

If your husband ignores multiple summons, the Beit Din may issue a **seruv** against him. A **seruv** is a document stating that a person refused to comply with the Jewish court. The person is in contempt of court. Violating a **seruv** has Jewish legal implications and can lead to communal or synagogue sanctions.

The rules on this process are complicated. You should seek expert advice as you go through this process. For a list of resources that can help, see the end of this guide.

Can I remarry as soon as I have the Get?

Generally, you cannot remarry until both the Jewish and civil divorces are complete. Under Jewish law, you must wait at least 92 days after you receive the Get before you can remarry. Under New York law, you can remarry as soon as the civil court enters the judgment of divorce.





Can the Beit Din help me with other issues related to my divorce?

Yes. Some religious authorities say that Jewish couples must resolve disputes through Beit Din. There are some exceptions. Speak to your religious advisor for more information.

The Beit Din will schedule a formal proceeding called a Din Torah. At the Din Torah, you and your husband will be asked to sign a **shtar berunin**. This is an agreement to go to **arbitration**. Arbitration is a process for settling a dispute.

The Beit Din can help you and your husband try to reach agreements about property division, financial matters, and custody and visitation. If you cannot agree on any of these issues, the Beit Din will decide for you. These issues must be resolved before the Beit Din will issue the Get.

The Beit Din may require that you file its decision as part of an uncontested divorce in civil court. For more information on civil divorce, see the Family Legal Care guide "[Uncontested Civil Divorce Basics for the Orthodox Jewish Community](#)," which is available at familylegalcare.org.

Do I have to follow the Beit Din's decision?

Generally, yes. Decisions from a Beit Din are binding under both Jewish and civil law. A civil court can **vacate** decisions by a Beit Din in limited circumstances. Vacate means to cancel. For example, a civil court can vacate a Beit Din's custody determination if it is not in the child's best interests. A civil court can also vacate a Beit Din's child support decision if it does not comply with New York laws about child support. For more information, see the Family Legal Care guide "[Child Support in a Jewish Divorce](#)," which is available at familylegalcare.org.

It is rare for a civil court to vacate a Beit Din's decision. You should consult with an attorney familiar with the Jewish and civil legal systems before agreeing to arbitration or signing any documents at the Beit Din.

What is a halachic prenup?

A **prenuptial agreement**, or prenup, is a legal document that two people sign before getting married. A **halachic prenup** is written specifically for Jewish couples. The halachic prenup was created to avoid potential Get issues that may result during divorce.

A halachic prenup can be helpful for a few reasons, such as:

- Offering your husband a financial disincentive to delaying a Get; and
- Requiring you to go to a specific Beit Din for a Get. You may be more comfortable with a particular Beit Din or rabbi.

For more information on the halachic prenup, visit www.getora.org/prenup.



Are halachic prenups enforceable?

Yes. Halachic prenups that are done properly are legally binding. They can be enforced in Beit Din and in civil court.

We did not sign a prenup before we got married. Can we still sign one?

Yes. You can still sign an agreement if you are already married. This is called a halachic postnuptial agreement, or halachic postnup. The postnup is similar to the prenuptial agreement but is generally less enforceable.



Where can I go for help?

Call One Step Forward at 1-844-673-5463. One Step Forward is a free helpline that provides support, guidance, and resources to anyone going through the Jewish divorce process. There are additional resources on the following pages.



Additional Resources

The Halachic Prenup

Beth Din of America

Offers information about the halachic pre-nup and post-nup, including how to sign one. www.theprenup.org

Organization for the Resolution of Agunot (ORA)

Offers support, guidance, and resources for anyone interested in signing the halachic pre-nup. Also offers a free service to help you sign the pre-nup.

212-795-0791, www.getora.org/pre-nup

Counseling and Mental Health Support

The Jewish Board

Provides a variety of programs and services for individuals and families, including mental health, domestic violence, and children's services.

212-582-9100 or 888-523-2769, www.jewishboard.org

NYC Well

Offers a free 24-hour hotline for mental health support and referrals.

888-692-9355 (NYC-WELL) Or search for support services online:

www.nycwell.cityofnewyork.us/en/find-services

Domestic Violence and Intimate Partner Violence Services

If you are experiencing domestic violence or have concerns about your safety, seek help immediately. You can also call Safe Horizon's free 24-hour domestic violence hotline for New York City: 800-621-4673 (HOPE)

Family Justice Centers

Offers free and confidential service centers for survivors of intimate partner violence, elder abuse, and sex trafficking. Help is available in all languages, regardless of a person's immigration status.

Brooklyn Family Justice Center

350 Jay Street, 718-250-5111

Bronx Family Justice Center

198 East 161st Street, 2nd Floor, 718-508-1220

Manhattan Family Justice Center

80 Centre Street, 212-602-2800

Queens Family Justice Center

126-02 82nd Avenue, 718-575-4545

Staten Island Family Justice Center

126 Stuyvesant Place, 718-697-4300

Sanctuary for Families

Provides free and confidential legal and counseling services, shelter, and economic empowerment support to adult and child survivors of domestic violence, trafficking, and related forms of gender-based violence.

212-349-6009, www.sanctuaryforfamilies.org

Shalom Task Force

Offers a free hotline, safety planning, legal assistance, educational programs, and other services for survivors of domestic violence.

718-337-3700 or 888-883-2323,

www.shalomtaskforce.org



Legal Services

Her Justice

Provides free legal advice and representation for low income women in the areas of contested and uncontested divorces, orders of protection, custody and visitation, child support, and spousal support.

718-562-8181, www.herjustice.org

The New Start Project

Offers low-cost assistance with uncontested divorces and separation agreements. Also offers brief legal services with contested divorces.

646-619-1272, www.newstartproject.com

New York Legal Assistance Group (NYLAG)

Provides free legal services to low-income New Yorkers in the areas of divorce, orders of protection, custody and visitation, child support, and spousal support. Also offers free legal representation to Orthodox Jewish victims of domestic violence through a program called Project Eden.

212-613-5000, www.nylag.org

Sanctuary for Families

Offers free and confidential legal services to survivors of domestic violence, trafficking, female genital mutilation, and forced/child marriage. Services include, but are not limited to, divorce, orders of protection, child custody and visitation, child support, spousal support, immigration, housing, and public benefits. Also offers free legal representation to survivors of domestic violence in the Orthodox Jewish community through the Orthodox Jewish Matrimonial Project.

212-349-6009, www.sanctuaryforfamilies.org

Sarah's Voice

Offers free legal services for Orthodox Jewish victims of domestic violence in the areas of divorce, orders of protection, custody and visitation, child support, spousal support, and immigration.

718-337-3700 or 888-883-2323,

www.shalomtaskforce.org/legal-services

Children's Services

The Jewish Board

Provides a variety of programs and services for individuals and families, including mental health services, domestic violence services, and children's services.

212-582-9100 or 888-523-2769, www.jewishboard.org

OHEL Children's and Home Family Services

Provides housing, foster care, counseling, at-home services, school-based programs, camps, and sexual abuse services for children.

800-603-6435 (OHEL), www.ohelfamily.org



