



/guide

Your questions answered

JEWISH DIVORCE AND FAMILY LAW SERVICES

The purpose of this Stowe guide is to explain the process of Jewish divorce.

A Jewish divorce (a "Get") is pronounced by the Jewish religious court (Beth Din). This must be voluntarily given to the woman by the man and must be consensual and carried out without the coercion of either party. Unlike a Jewish marriage, where the religious and civil ceremony can take place at the same time, the religious part of the Jewish divorce process is separate from the civil divorce. A former couple may be divorced in Jewish law but not in English civil law and vice versa.

What is a Get?

A Get, or Gett, is a Jewish divorce document which serves as proof of marriage dissolution. Each Get is individually tailored to the divorcing couple.

Who needs a Get?

Any person who has been married under Jewish law requires a Get when they are getting divorce.

How do I apply for a Get?

You will need to contact your local Beth Din (Jewish religious court) to apply for a Get.

Typically, you'll need to provide your name, address and phone number along with a copy of your Ketubah, (Jewish Marriage Certificate), a copy of your conditional and final order (if already obtained) and contact details for your spouse. The Beth Din will then acknowledge your application and invite both you and your spouse to a preliminary hearing, which can be carried out separately if you wish.

How much does a Get cost?

A Get can cost in the region of £700, however there is a special reduced rate for members of the United Synagogue, the largest synagogue body in Europe, which reduces the cost to around £500.

Who should pay for the Get?

The couple involved should arrange between themselves, or with the help of a solicitor, as to who will pay for the Get. If they agree to share the cost, the agreement is only enforceable under English Law by the parties themselves, not by the Beth Din. The Beth Din reserves the right to not issue a Get certificate until the payment is received in full.

What happens if I do not pay for my Get?

Until payment has been made, the Beth Din will not issue the Get certificate. In the Jewish faith, if a couple only obtain a civil divorce, they are not divorced under the religious and will not be able to remarry under Jewish law.

Can I apply for a Get before completion of the Civil Divorce?

A Get cannot be produced whilst the parties to a marriage are living in the same household, however it's advisable to apply for the Get as soon as possible, as you can begin attending the preliminary appointments. It's recommended that you apply for a Get well before the creation of a conditional order in the civil proceedings.

Do I need the consent of my spouse for a Get?

Yes. The Get is given to a wife by the husband and must be consensual and carried out without the coercion of either party. The Beth Din cannot override the consent of the parties. In appropriate cases, Get refusal may lead to communal sanctions and the withdrawal of privileges of United Synagogue membership, including burial rights.

In this case, the Beth Din will issue a series of formal summonses, known as 'hazmanot', following which an individual still refusing a Get may be declared a 'mesarev' Get. Under English law, you cannot compel a party to agree to providing a Get but you can seek to have a civil court consider it as an aspect of conduct (Section 25(2)(g) of the Matrimonial Causes Act 1973).

What if a husband will not provide the Get?

The Get must be provided by the husband of his free will. Orthodox Jewish Law only caters for a divorce initiated by

the husband, which can lead to complications when the husband refuses to give his wife a Get. In this case, the wife would be known as an "Agunah" (a chained woman), who is not free to remarry. As previously mentioned, the Beth Din cannot force the husband to grant his wife a Get, but they will use various methods to persuade the husband into granting the Get. If the woman proceeds to have children before receiving a Get, the children and their descendants are regarded as "Mamzer", which in Jewish law means they would be unable to marry an Orthodox Jew.

What happens if my spouse is resident abroad?

If the overseas spouse has access to an Orthodox Beth Din, the Get can be written in either country and handed over to the other party.

Remarriage with a Get

Once the Get has been issued to the wife, it will usually be retained at the Beth Din and both the husband and wife will receive a Get certificate. A couple of restrictions on remarriage now apply, including marriage to another divorcee and a ninety-two-day time period that you must wait until remarrying. Authorisation will be required for remarriage, this involves presenting the Get certificate, hence the importance of storing it in a safe place.

What happens if I remarry without a Get?

Remarriage without a Get at an Orthodox Synagogue will not be permitted. A wife who involves herself in a relationship with another man without first obtaining a Get is considered by Jewish Law as being adulterous. This can cause significant problems and stigma for the wife and children.

Cases concerning children

If a woman proceeds to have children with another person before receiving the Get, the children (and their descendants) are given the status of "mamzer" (illegitimate), which in Jewish law means they wouldn't be allowed to marry in an Orthodox synagogue. It is very important that you apply for and obtain a Get before entering into a new relationship. When a case involves children, Stowe Family Law ensure that focus is put on the welfare of children, including their upbringing, education, home location and day to day routine arrangements.

The importance of a divorce lawyer

In the case of a divorcing couple who are Jewish, your divorce lawyer will discuss the case with the local "Beth Din". In practice, the Beth Din will not normally permit a religious divorce between the parties until a conditional order is in place, thus ensuring that there is no "limping" marriage.

So, it is important for a divorce lawyer to make sure that a Get is granted (following the conditional order but before the final order is pronounced). Section 10a of the Matrimonial Causes Act 1973 provides that you can apply to delay a final order until a Get is pronounced. A solicitor acting for a wife should also considering using an undertaking when preparing a consent order so to ensure that there is an understanding that a Get will be obtained.

Experts in Jewish divorce

Stowe Family Law's expert team has experience in dealing with Jewish divorces, and our solicitors can advise and make provision for religious processes in their advice.

We understand Jewish divorce laws on a spiritual as well as a legal level. You can rest assured that we have the specialist knowledge to ensure that your divorce is handled both properly and sensitively.

Need more information?

Call our Client Care Team on **0330 838 7456**
to speak with one of our specialist family lawyers
or visit www.stowefamilylaw.co.uk



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