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Pro Bono Work Highlights New York's Outdated Approach to Uncontested Divorce

For Good on **June 25, 2026**

Taking on uncontested divorce matters is a staple of our pro bono practice in New York. Over the course of our work, one thing has become abundantly clear: there is no principled reason why New York's system for obtaining an uncontested divorce must be so complicated and time-consuming.

A Large Percentage of Divorce Proceedings Go Uncontested

For the vast majority of couples seeking divorce, both spouses agree on all major issues (e.g., custody, child and spousal support, and other financial matters). According to the New York State Court Administration's 2025 Annual Report, there were 37,536 uncontested matrimonial cases filed last year. That number represents 17.5 percent of all civil filings in the State Supreme Court, compared with just 4.5 percent for contested matrimonial cases.

New York was one of the last states to adopt no-fault divorce in 2010. Until then, parties were required to provide "grounds" such as cruelty, abandonment, or adultery to obtain a divorce. Although no-fault divorce is now available, requiring only an "irretrievable breakdown" of the marriage for at least six months – thereby making a divorce easier to obtain – much of the procedural complexity unfortunately remains intact.

New York's Cumbersome Process

Uncontested divorce is meant to be the simplest path to dissolve a marriage. Yet parties must still complete a lengthy set of paperwork, with a submission involving at least 17 separate forms and a host of supplemental forms depending on the particular case. Once the forms are completed, they must be served and filed for review before a State Supreme Court Judge. (In New York State, the Family Court does not have jurisdiction to hear divorce cases, often requiring people with contested matters to bring parallel proceedings.) Litigants are frequently required to provide the same information across multiple forms, each with slightly different formatting or phrasing. Despite being an "uncontested" process, it generally takes several months from filing to judgment. Minor technical errors or inconsistencies can result in the court rejecting the papers, thereby adding to the delay.

Although New York offers electronic filing through the New York State Courts Electronic Filing (NYSCEF) system, its availability is not uniform across the state. This uneven implementation creates unnecessary barriers and delays for unrepresented litigants and undermines the efficiency that e-filing is intended to deliver.

Do It Yourself Forms

The DIY Form Program is a digital tool that simplifies the divorce process for low-income couples who meet certain criteria. To qualify, spouses must be separated for at least six months, have no children under 21, have resolved all marital property issues, and be without legal counsel. Those who do not qualify must use the paper uncontested divorce forms. The DIY Form Program is conducted through LawHelp Interactive, a free software platform that guides users through a series of questions in English. Spanish is the only option for language translation of the LawHelp Interactive questions. At the end of the process, users receive completed forms to file with the court along with filing instructions. Users must then file the completed forms in person with the court. While the software is free to use, users may still have to pay standard court filing fees unless they qualify for a fee waiver.

No Right to Counsel

As a general rule, according to the New York Court of Appeals, indigent individuals do not have the right to appointed counsel in divorce proceedings. For those who cannot afford a lawyer, some are lucky enough to find help through non-profit organizations like Her Justice, which matches clients with pro bono lawyers. Most people, however, proceed without counsel or simply avoid divorce altogether. That is especially disconcerting given the valuable social purpose divorce can serve. When states adopted no-fault divorce laws, according to one report, domestic violence rates fell by 30 percent, female suicide declined by up to 16 percent, and intimate partner homicide of women decreased by 10 percent.

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It is time for New York to take certain basic steps to make uncontested divorce more accessible. Although the DIY Form Program is an important first step, New York can implement several changes to better support residents navigating this challenging legal process. Some states not only allow no-fault divorce, but also do not impose any minimum separation period, unlike New York's six-month rule. Similarly, some states require significantly fewer forms and have adopted more inclusive and accessible statewide e-filing systems. New Jersey's eCourts platform, for example, allows users to upload documents, preview filings, and track case status entirely online. Likewise, Connecticut's E-Services program enables individuals to electronically file completed and signed documents from anywhere. These systems reduce the need for in-person visits and make the divorce process more manageable and accessible for unrepresented litigants. New York could also expand the right to counsel in divorce proceedings or at the very least provide more assistance to unrepresented litigants. Finally, the approval process could be streamlined: without anything in dispute, couples should not have to wait months after submission of their paperwork to complete what should be a simple administrative process.

Related Professionals

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