



Concord
800-640-7790
10 Centre Street
PO Box 1090
Concord, NH 03302-1090
Tel: 603-224-7791
Fax: 603-224-0320

Hillsborough
800-672-1326
8 School Street
PO Box 13
Hillsborough, NH 03244-0013
Tel: 603-464-5578
Fax: 603-464-3269

North Conway
603-356-3332
23 Seavey Street
PO Box 2242
North Conway, NH 03860-2242
Fax: 603-356-3932

Portsmouth
877-436-6206
159 Middle Street
Portsmouth, NH 03801
Tel: 603-436-7046
Fax: 603-431-7304

We want you to know...

Considering Divorce

In New Hampshire, you have a legal right to seek a divorce if you believe your marriage is broken and cannot be fixed. There is no requirement that the other party agree to the divorce. You do not need your spouse's permission to separate. Sometimes, however, leaving the home can have consequences; talk to a knowledgeable lawyer before you leave the house, especially if you have children at home.

Whether an individual decides to file for divorce or not, there are some important legal considerations that may influence the decision one way or another. This short article is not intended to provide legal advice, or urge one course of action over another, and it should not be relied upon in making any decisions or taking any actions.

The length of a marriage can have a significant impact on retirement benefits. Even if retirement seems light years away, it makes sense to explore the impact of a divorce on a party's entitlement to certain benefits, particularly Social Security. A non-earning or low-earning spouse is entitled to collect Social Security based on the other spouse's income even if the parties are divorced, as long as the parties were married for at least ten years. This entitlement does not affect the higher earner's benefit amount. Go to www.ssa.gov for more details on this and other federal benefit issues as well.

It is illegal to assault another person regardless of whether the victim is married to the perpetrator. It is illegal to force sexual relations on a spouse. People who are hit, pushed, screamed at, demeaned, controlled, threatened with violence or otherwise abused often suffer for many years before they are able to take action. You do not need to divorce someone to obtain relief from abuse. In New Hampshire there is a way to get an immediate restraining order that will keep the other party away for as long as one year, or longer in certain cases. The order can also include provisions for payment of certain bills and support as well as the use of personal property and the residence itself. For some people, seeking a restraining order is a step toward permanently leaving the relationship. For others, the restraining order gives a couple time and space to work through serious issues so the marriage can continue, or so that it might be dissolved after time has eased the anger.

The State of New Hampshire grants a civil divorce; generally persons seeking divorce do so on the grounds that irreconcilable differences have caused the irremediable breakdown of the marriage. While so-called "fault grounds" exist, they are rarely used. Some couples choose to obtain a "limited divorce" or legal separation, because they do not wish to completely sever the marital tie but need permanent court orders on property and other issues. Some couples have religious objections to divorce. Legal separations are available under New Hampshire law; a legal separation grants the same relief as divorce except that the marital tie is not completely severed. Neither party can remarry unless the separation is modified into a divorce. Either party can modify the separation to a divorce by filing a motion with the court, but the terms of the separation will remain as to property division.