

Required Residence of Parties in a Divorce

What are the residency requirements for divorce in New York State?

A divorce cannot be started in New York State unless residency requirements are met. There are five choices of residency requirements, and the parties must satisfy at least one of the five categories before a divorce may be started. The choices are as follows:

- The parties were married in New York and either party is a resident when the action is commenced and has been a resident for a continuous period of one year immediately preceding the commencement of the divorce.
- The parties have resided in this state as husband and wife (or spouses) and either party is a resident when the action is started and has been a resident for continuous period of least one year prior to the commencement of the divorce action.
- The cause of action for divorce occurred (the grounds arose) in New York State and either party has been resident for a continuous period for at least one year immediately prior to the commencement of the action.
- The cause occurred (or the grounds arose) in New York and both parties are residents of New York at the time of the commencement of the action.
- Either party has been a resident of the state for continuous period of at least two years immediately prior to the commencement of the divorce action.

I don't want to wait: Are residency requirements an absolute necessity?

While it may be frustrating for someone arriving in New York from another state and wanting to start a divorce to find out that he or she has to wait a certain period of time, these are hard and fast rules. Most states have similar rules, and it is important that you speak with an attorney to find out whether your situation fits any of these residency requirements.