



**6 ESSENTIAL STEPS
TO DIVORCE
VIA AGREEMENT**

GETTING DIVORCED IN ISRAEL

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Introduction

The best thing that any couple can do when deciding to get divorced is to reach an agreement. It doesn't matter if the agreement is reached via intermediaries or via direct negotiations (when possible) although in my experience directly negotiated agreements are usually more stable and fairer.

The bottom line is that getting divorced via agreement is less expensive and when a couple has children – causes them less damage.

In addition, divorces by negotiated agreement are adhered to more often, and are less likely to result in future litigation and the associated future legal and emotional costs.

It doesn't matter if you have children or not, if you have assets or not, or if you want to try to remain friends with your spouse after the divorce or not – if you and your spouse can reach a comprehensive overall agreement regarding getting divorced, then that is the path you should be taking.

Step 1

Formalizing the Agreement

So you and your spouse have reached agreements in principle on all of the terms of your divorce. What next?

The first step is to formalize the agreement. A lot of people ask me “does this have to be done by an attorney?” The basic answer is “no”. The whole process of getting divorced via a comprehensive divorce agreement can theoretically be done without the involvement of any attorneys. However, you may be better served by an attorney because the attorney’s job (in my opinion) is to ensure that the agreement has been made:

- 1) in a format that the courts (both Family and Rabbinic) will accept.
- 2) in such a manner that ensures its future enforceability and mechanisms to address future conflicts.

Remember, the main reason for finalizing your divorce through an agreement is to avoid the financial and emotional toll of litigation. It would be a real shame to come to an agreement that has gaps, leading to the very litigation you and your spouse worked so hard (and often at great expense) to avoid in the first place.

Once your agreements have been turned into a formal document—now called the “Divorce Agreement,” typically between four to twelve pages—you and your spouse will need to “execute” it. This means both of you should initial and date each page, as well as sign and date the final signature page.

Step 2

Affirming the Divorce Agreement

The next step is to making a motion to the Family Court to affirm the Divorce Agreement as a binding judgment upon you and your spouse.

This is done by submitting a formal request to the court (in English, a "Motion" and in Hebrew, a "בקשה") to set a court date to affirm your Divorce Agreement as a binding judgment.

At the time that you submit the motion, you must pay the statutory fees to the court.

After the court has received the motion, the court will assign your "case" a docket number and will set a date for the actual hearing at which you and your spouse must appear in order to have your Divorce Agreement affirmed as a binding judgment.

Step 3

The Family Court Hearing

The Family court hearing is a relatively quick and painless proceeding, and usually takes less than half an hour.

The hearing takes place in front of a single judge, and there is no jury, and it is done “behind closed doors” which means that nobody except the spouses and their legal representation are present.

During the hearing the judge:

- 1) Makes sure that the Divorce Agreement isn't violating any laws.
 - 2) Asks each of the Parties (i.e. both of the spouses) questions regarding the Divorce Agreement to ensure that they understand what they signed.
 - 3) Often times makes recommendations for minor amendments to the Divorce Agreement to make sure that points are not ambiguous.
- These changes will either be changed directly in the Divorce Agreement and signed to by the Parties or will be made via a printed court record – the hearing “Protocol”.

At this point the Divorce Agreement is affirmed by the judge as a binding judgment and the hearing is over.

Rabbinic Court

It's technically possible to skip the prior two stages and have the Rabbinic Court handle every aspect of your divorce, as long as both you and your spouse agree. However, whether you're a man or a woman, I strongly advise against this.

While skipping those steps might seem like a way to save time and money, there are important reasons why it's not worth the short-term savings.

For one, the Rabbinic Court may not simply accept your Divorce Agreement. They could try to push for reconciliation, especially if it's a first marriage and there are children involved (yes, it can be quite paternalistic).

Additionally, if issues arise later—like enforcement of the Divorce Agreement—you'll end up litigating in the Rabbinic Court rather than Family Court.

In my experience, the Rabbinic Court tends to be less predictable and less professional when dealing with post-divorce matters.

Step 4

The Rabbinic Court Affirmation

The next step is to have the Rabbinic Court turn the Family Court judgment (or the Divorce Agreement) into a binding judgment for divorce upon you and your spouse. This too, is done by submitting a motion – this time to the Rabbinic Court - to set a court date to affirm the Family Court judgment or the Divorce Agreement as a binding Rabbinic Court judgment for divorce.

If you have had the Divorce Agreement confirmed as a judgment by the Family Court, then the motion must be submitted together with a certified copy of the Family Court's judgment affirming the Divorce Agreement.

Here too, at the time you submit the motion, you must pay the statutory fees to the Rabbinic Court.

After the Rabbinic Court has received the motion, the Rabbinic Court too will assign your "case" a Rabbinic Court docket number (which is different than the Family Court docket number) and will set a date for the actual hearing at which you and your spouse must appear in order to have your Divorce Agreement affirmed as a binding judgment for divorce by the Rabbinic Court.

Step 5

The Rabbinic Court Hearing

The Rabbinic Court is generally a relatively quick and painless proceeding when you come to it after having had a Family Court affirm the Divorce Agreement as a binding judgment. However, it can take a lot more time and maybe not be affirmed right away if you have submitted the motion directly based on your Divorce Agreement.

This hearing too, usually takes less than half an hour. The hearing takes place in front of three Rabbinic Court judges – “דיינים” in Hebrew, and here too there is no jury, and it is done “behind closed doors”. However, each of you will need a witness who will be called in at some point during the hearing.

During the hearing, the Rabbinic Court Judges:

- 1) Ensure that both parties truly want to get divorced. This may include asking personal questions to confirm that the decision is final and not being made impulsively.
- 2) Verify the identities of both spouses. Each party will need witnesses who know them, their fathers, and their Hebrew names (including any nicknames) to confirm their identities.
- 3) Ask questions about the terms of the Divorce Agreement and details regarding your immediate family.

Once these steps are completed, the Family Court judgment or the Divorce Agreement is formally affirmed by the Rabbinic Court as a judgment for divorce, and the hearing concludes.

Step 6

The Get Ceremony

The final step of the process is the actual divorce itself. This process usually takes a few hours, and involves going through a series of ceremonies as described in the Babylonian Talmud by which the husband grants and the wife accepts the writ of divorce. The ceremony has a number of stages (which is why I call them ceremonies) which include, amongst other things:

the appointment of somebody to write the writ of divorce (the "Get"), witnesses (not the witnesses you supplied in the last stage but those provided by the Rabbinic Court), the granting by the husband and accepting of the Get by the wife, and a recommendation by the Rabbinic Court regarding the wife being allowed by other men and timelines regarding pregnancy (I kid you not).

When the ceremony is over, the Parties can each receive a certificate of divorce after paying a statutory fee, and as far as the state of Israel is concerned, the couple is divorced.

Congratulations, if you and your spouse have made it to this point, you are now no longer spouses and are divorced.



Thank you for downloading my guide. I hope it provided useful advice and helpful insights to support you through this tough time. Yes, divorce is hard. But staying in a bad marriage is even harder—for you, your spouse, and your children.

I've been practicing law for over 20 years, licensed in both Israel and New York, and I'm also a certified mediator. I've experienced divorce firsthand, so I understand what you're going through. I dealt with litigation in both the U.S. and Israel and ultimately gained custody of my three children.

If you're in the midst of a divorce and feel a complimentary case assessment could help, don't hesitate to reach out—we're here to support you. You're also welcome to explore more ebooks and guides on my website. And don't forget to visit my YouTube channel, where you'll find hundreds of videos answering common questions and providing detailed advice. We're committed to giving you the tools you need to move forward with clarity and confidence.

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