
- Pre Divorce Rights FAQ's -

1. Can I receive child support or maintenance before I am divorced?

It is possible to obtain interim financial support from a spouse. Temporary Maintenance or child support is awarded upon application to the court, which must include a net worth statement, in order to enable him or her to support himself or herself until the action is decided. It is merely intended to tide over the more needy party, not to determine the correct ultimate amount of maintenance and child support.

2. I cannot afford a lawyer. What can I do?

There are many organizations that provide free or reduced cost legal services. Contact your local bar association to obtain specifics.

There is also authority for the Supreme Court to award counsel fees and expenses to a spouse in a divorce action. Counsel fee awards are discretionary with the court. Their primary purpose is not to reward a spouse, but to enable a needy person to carry on or defend an action.

3. Can I disinherit my spouse?

No. In New York you cannot disinherit your spouse.