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WHEN YOU ARE ACTUALLY DIVORCED

By Melaney G. Hodge, Esq.

One of the most frequently asked questions by clients is “when will the divorce be final?” Even after the judge signs on the dotted line, you are still not quite finished.

Statutorily, parties must wait a certain period of time prior to a divorce being finalized. This period of time is called the “nisi period.” The nisi period provides the opportunity for parties to reconcile and terminate the divorce proceedings. If parties reconcile after the nisi period, a new marriage would be necessary. After the nisi period, the judgment becomes absolute.

Pursuant to Massachusetts General Law Chapter 208, Section 1A, when parties proceed via a joint petition, the Judgment of Divorce Nisi will not enter for thirty (30) days. Once the Judgment of Divorce is entered, it will not be final for another ninety (90) days. If a divorce is accomplished via Massachusetts General Law Chapter 208, Section 1B, a contested complaint, the Judgment of Divorce Nisi will enter the day the parties appear before the Court, but will not be final for ninety (90) days thereafter.

It is extremely important to recognize when your divorce is final. Certain benefits you are entitled to during a marriage, such as health insurance or a claim against your spouse’s estate, continue throughout the nisi period. When you receive your Judgment of Divorce Nisi, look to the bottom left-hand corner. Two (2) dates are listed in that section: (1) the date the divorce judgment entered and (2) the date the divorce will become absolute.

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