

The Get Guide



המדריך לגט

From Separation to Divorce:
A Guide to the Jewish Divorce Process

This guidebook is generously sponsored by Andrea and Bryan Bier

Dedication

Bryan and I are honored to partner with ORA on this Get Guide.

Inspired by the challenges we faced during our daughter's divorce, we felt compelled to help others navigate this complex system with greater ease and clarity.

Drawing from our own experiences and the confusion we encountered, we aimed to create a guide that simplifies the process for others.

Our goal is to make the journey toward obtaining a *halachic* (Jewish) divorce as straightforward as possible. We want those going through this process to feel supported, even when guidance may seem scarce. This guide clearly outlines the necessary steps to obtain a *get*, ensuring individuals can achieve a *halachically* valid divorce with confidence.

We also want to emphasize the importance of reaching out to ORA. Their support is invaluable, as they offer expert guidance throughout the *get* process.

We'd like to express our heartfelt gratitude to our dear friend Roz Feder Lipsky. Her dedication to ORA as a Board member, combined with our own experiences navigating the *get* process, has been instrumental in shaping this guide. Roz generously devoted countless hours with us writing and revising this guide to ensure that it is clear, and helpful to individuals navigating the *get* process.

Andrea and Bryan Bier

With Gratitude

This Get Guide was made possible through the generous sponsorship of Andrea and Bryan Bier, whose commitment to justice and compassion ensures that vital resources like this can reach those who need them most.

We created this Get Guide as a clear and compassionate companion for anyone facing the complexities of Jewish divorce.

The Get Guide was created by ORA, the Organization for the Resolution of Agunot. ORA is a nonprofit organization dedicated to ending the problem of *get*-refusal worldwide. For more than two decades, ORA has been at the forefront of advocacy and support for individuals navigating Jewish divorce and prevention efforts for the broader community. Through our case advocacy, we stand beside those directly impacted by *get*-refusal; through our support services, we provide emotional, social, and practical resources throughout the divorce process; and through our education initiatives, we strengthen the Jewish community's ability to respond to divorce with compassion, clarity, and justice and prevent future situations of *get*-refusal.

In this Guide, we frequently refer to ORA's Jewish Divorce Helpline, *One Step Forward* (OSF). OSF is a FREE helpline available to men and women at every stage of Jewish divorce. OSF provides critical guidance, support, and referrals to hundreds of new callers every year, and is here for you throughout your journey. You are not alone.

Before you turn the page, we want you to know that you are not alone. There are resources, communities, and people ready to support you - and ORA is here as a trusted partner every step of the way.

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Please note that this guide is meant to be comprehensive but not exhaustive.
A more detailed and thorough *Get Guide* is available on our website, getORA.org/getguide

Forward

Dear Reader,

Divorce is undoubtedly one of the most stressful and challenging situations a person can face. At the same time, it can also be a necessary stepping stone to building a bright and healthy future.

As a mental health practitioner, I have seen firsthand both the challenges of divorce as well as how communities can provide essential support in the process. One of the greatest hurdles of pursuing a divorce in our community is navigating the multiple systems involved, from *batei din* (religious courts) and the *get* (Jewish divorce) process to the complexities of the civil legal system. This guide is designed to offer a tool to help simplify the intricacies of this world, in order to help you create a pathway that meets your needs and priorities.

In one of the most disempowering moments in a person's life, knowledge can make all the difference. Understanding how the divorce process works, what rights you hold, and what support and assistance you can access can help you feel prepared and strengthened in this time.

In their work on Jewish divorce, ORA has guided thousands of individuals through a range of divorce situations. In this guide, they have distilled some of the most important– and most misunderstood– elements of the divorce process, so that you can learn your way around this complex system.

My wish for you is that this divorce will soon be a chapter in your past, not your present. Until that day arrives, I want you to know that the Jewish community and ORA are here for you, and care about you and your family's needs. You are not alone.

Sincerely,
David Pelcovitz, PhD

Introduction

Purpose of this Guide and How to Use It:

For many, divorce is an unexpected detour in the path of life. While Judaism values family and marriage, our tradition also recognizes that some marriages reach a point where they cannot be saved. The Torah, therefore, offers a process and ceremony for ending a marriage.

Divorce can be a difficult and painful process. ORA is here to offer you support through what can sometimes be a traumatic experience. Some resources ORA offers include support groups, peer support match-ups, and a free helpline called One Step Forward (OSF).

The “how” of Jewish divorce is often confusing and unfamiliar, especially when it comes to the relevant religious laws involved.

This guide was written for YOU—to provide information and clarity during a difficult time, and to make a stressful process easier and more transparent. This guide is intended for both men and women, though some sections may pertain primarily to women.

This guide seeks to cover many conceivable situations, so the entire guide will not be relevant to a single reader. Please use the Table of Contents to locate the most applicable sections for you.

What You’ll Find Here

- **Step-by-step explanations of the Jewish and American civil divorce processes**
- **Considerations for choosing a *beit din* (rabbinic court), or civil legal path**
- **Emotional and practical support resources**

- When discussing the Halachic Prenuptial Agreement (HPA), this guide refers to the Rabbinical Council of America (RCA) version of this document. Going forward, we will refer to it as the RCA-HPA

Important: This guide is **not a substitute for legal or *halachic* advice**. Please consult a family law **attorney** for legal matters, a **rabbi or *halachic* advisor** for Jewish law questions, and ORA's **free helpline, One Step Forward (OSF)**, for personalized support: Phone: (844) 673-5463 | Email: intake@getora.org

Take it one step at a time.

You don't have to figure everything out today. Divorce is a process, and every step you take toward clarity and support is a win.

Please note that this guide is meant to be comprehensive but not exhaustive. A more detailed and thorough *Get Guide* is available on our website, getORA.org/getguide

Part I: Beginning the Divorce Process

Where To Start

Step 1: Acquire Support

One of the best things you can do early on is build a support team around you. Divorce can feel isolating, so surround yourself with people who center your needs:

- A matrimonial lawyer who understands American civil divorce
- A rabbi or *to'ein* (rabbinic court pleader) who understands the *get* process
- Friends, family, or a therapist who can be by your side and listen without judgment and provide support

Feeling stuck? Call ORA's free helpline, One Step Forward (OSF), at (844) 673-5463. OSF can connect you with legal and *halachic* experts, support groups and peer matches, and step-by-step guidance through the *get* process.

Step 2: Understand What Needs to Be Figured Out

There are three major areas that need to be addressed in a divorce:

- (1) **The Jewish Divorce:** This is the *get*; the piece that makes you divorced under Jewish law.
- (2) **The American Civil Divorce:** This is the divorce you will receive through the state; the piece that makes you divorced in the eyes of American law.
- (3) **The Substantive Issues:** This refers to the many areas that need to be addressed in a divorce, such as the division of property, custody arrangement(s), and determining financial support. You'll likely need to deal with all three—and that can feel like a lot. But by taking things one issue at a time, the path becomes clearer.

The Jewish Divorce

Just like there is a *halachic* (Jewish legal) process for marriage, there is a *halachic* process for divorce. **Even if you have separated from your spouse and even if you are civilly divorced from them, the *halacha* will recognize you as married to each other until you have a *get*.** It is important for any Jewish couple separating to prioritize having the *get*. Without a *get*, you are not divorced and cannot remarry in a Jewish ceremony. Furthermore, any future children you have may be considered *mamzerim* (plural for *mamzer*). (*Mamzer* is the term used to describe a child born out of certain forbidden unions; a *mamzer* is restricted by *halacha* from marrying a non-*mamzer*.) The *get* process itself is short and will be discussed in Part II.

The *get* can be conducted at various points in the divorce process, as long as the couple is living separately. **We recommend resolving the *get* as early in the process as possible to avoid the risk of the *get* being used as extortion in any negotiations.** Furthermore, at the early stages of a divorce, it is often difficult to predict how acrimonious the divorce will end up being. By addressing the *get* in the beginning, one can often avoid the risk of the divorce becoming more contentious and the *get* being withheld as a form of leverage or revenge.

Halachic Prenup Definition (Generic)

The term prenup is a misnomer. A Halachic Prenup is not equivalent to an American civil prenup. It is a document signed before marriage that identifies the *beit din* that the Bride and Groom agree to use in the case of a divorce.

The Bride and Groom may stipulate that a *beit din* is chosen for the purposes of the *get* only, or the *get* in addition to Substantive Issues.

In addition, the Halachic Prenup stipulates a financial daily support obligation for each day a husband or wife does not comply with the *beit din's* ruling.

The “Halachic Prenuptial Agreement,” henceforth referred to as the RCA-HPA, refers to the Rabbinical Council of America (RCA)’s Halachic Prenuptial Agreement. The RCA’s Prenup comes in two versions, a standard and reciprocal. The standard version only places obligations on men that do not issue a *get*; the reciprocal version has mirrored obligations for either a husband or wife that are not cooperating with the *get* process. See a copy of the RCA-HPA at the end of this guide.

There are other versions of halachic prenups available, although they are newer, and at times couples will write their own agreements. In addition, the RCA agreement has evolved over time, so a version signed fifteen years ago will look somewhat different from a version signed today; the current version has been tested and upheld in American courts of law.

If an RCA-HPA Was Signed

One of the primary elements of the RCA Halachic Prenuptial Agreement is that it serves as an arbitration agreement with the Beth Din of America, henceforth referred to as BDA, as the official *beit din* on the issue of the *get*. This means that under Jewish law, the BDA has the authority to decide the timing of the *get*. The Prenup is enforceable under American civil law as well, as the United States has a policy to uphold arbitration agreements.

As stated above, the RCA-HPA contains default language that gives the BDA jurisdiction over the issue of the *get*. If you signed the standard language of the RCA-HPA, you will need to enforce the Prenup by informing the BDA of your intention to divorce and obtain a *get*. If you opted into any of the optional sections of the

RCA-HPA, which can give authority to the BDA to adjudicate other issues such as finances, custody, or both, then you will be required to address these issues at the BDA, unless the BDA concludes that they are not the right forum to hear the case. Some versions of the Prenup require a different process; for this reason, we recommend seeking individual guidance for the specific version that you signed. The OSF helpline can provide such guidance.

It is important that you contact the *beit din* listed on your halachic prenup when beginning the divorce process. Contacting any other *beit din* than the one you stipulated in the Prenup may nullify the enforceability of the entire document.

Once you contact the *beit din*, their staff will reach out to your former spouse to find out if he or she is amenable to scheduling a *get* ceremony. If your former spouse is unwilling to do so, the *beit din* may order a “*get* timing hearing,” which allows both parties to present their arguments for why a *get* should be given sooner or later. Following this hearing, the *beit din* can make an order as to when a *get* must be given.

If your former spouse either fails to respond or indicates that he or she is not willing to arrange a *get*, then the *beit din* will often send a summons letter, referred to as a *hazmana*. In a typical process, a *beit din* will send three *hazmanot* (plural for *hazmana*), generally allowing two weeks for the person to respond in between each *hazmana* (for a total of 6 weeks). Following these three *hazmanot*, the *beit din* will issue a *hatra’at seruv*, or warning letter. If this is still ignored, the *beit din* will then issue a *seruv* (order of contempt).

A *seruv* is the Jewish legal version of a contempt order, indicating that the subject of the letter is violating Jewish law by refusing to cooperate with the *beit din* process. Jewish law requires that communities distance themselves from individuals who have a *seruv* issued against them, including measures such as not inviting the

person for Shabbat meals, not giving them honors in the synagogue services, and more.

If a *seruv* has been issued against your former spouse, we recommend that you contact ORA's One Step Forward helpline to pursue advocacy strategies.

If your former spouse does not cooperate with the BDA process, specific to the RCA-HPA, once the *seruv* is in place, they will be required to pay \$150 per day, adjusted for inflation, to represent his or her spousal support obligations under Jewish law. This is completely separate from any property division or support a court may order. A court can then enforce the *beit din's* judgment. If you have any questions regarding how to enforce a halachic prenup or are experiencing any difficulties in navigating or understanding the process, you can reach out to the OSF helpline for guidance and support.

Remember, it is advisable that you are accompanied by someone in your support circle for all appointments, calls, and formal contact. You are in a vulnerable state and it can be hard to make decisions alone. If you are experiencing issues with the *beit din* process as outlined above, please reach out to OSF for help and advice.

Please keep in mind that you may need to follow up with the *beit din* you have chosen as your official *beit din* in order to ensure that the *hazmanot* are being issued and the timeline is being followed. OSF can help you with this process.

As noted above, this guidance is specifically geared toward couples who have signed the RCA-HPA. If you signed some other form of a halachic prenup, please contact OSF to discuss the enforcement process.

If A Halachic Prenup Was NOT Signed

If you did NOT sign a halachic prenup of any kind, then the process you need to follow to pursue a *get* will look different. As explained above, you should carefully research a *beit din* before signing any binding arbitration agreements.

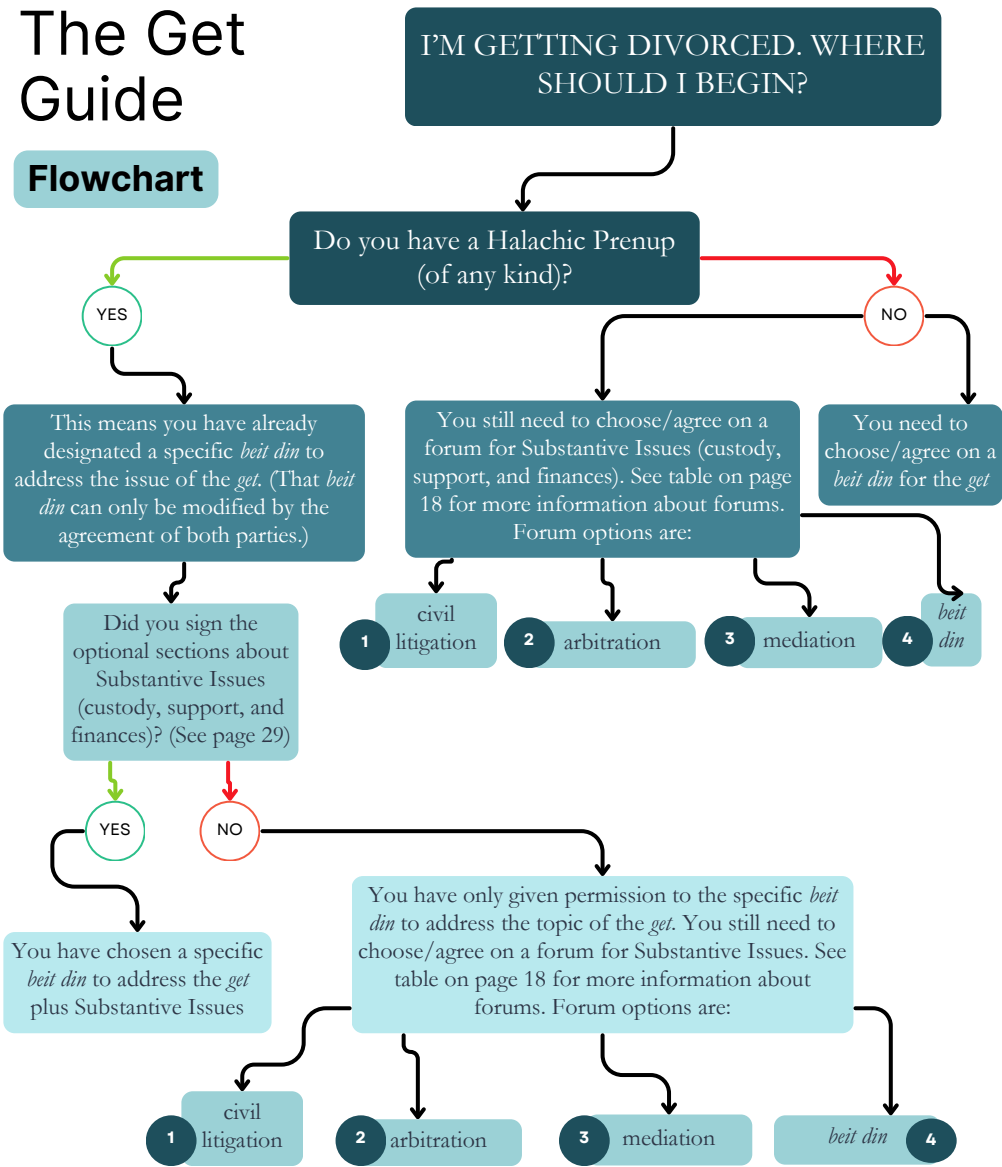
ORA and OSF are familiar with many *batei din*. Feel free to reach out for advice. Choosing a *beit din* is critical and must be agreed upon by both parties. Once you approach a *beit din*, the first thing the *beit din* will generally do is reach out to your former spouse, often through a phone call. If your former spouse either fails to respond or indicates that he or she is not willing to arrange a *get*, then the *beit din* will often send a summons letter, referred to as a *hazmana*. In a typical process, a *beit din* will send three *hazmanot* (plural for *hazmana*), generally allowing two weeks for the person to respond in between each *hazmana* (for a total of 6 weeks). Following these three *hazmanot*, the *beit din* will issue a *hatra'at seruv*, or warning letter. If this is still ignored, the *beit din* will then issue a *seruv* (order of contempt).

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If a *seruv* has been issued against your former spouse, we recommend that you contact ORA's One Step Forward helpline to pursue advocacy strategies.

The Get Guide

Flowchart



Note on Civil Court Proceedings:

According to Jewish law, it is generally considered a transgression (*issur arka'ot*) for two Jewish parties to litigate against one another in civil court without prior permission from a *beit din*. In some cases, a *beit din* may issue a *heter arka'ot* (permission to proceed in civil court) when appropriate. Each case is unique, and individuals should consult both a qualified rabbi and their legal counsel to determine the proper venue for their specific situation.

Part II: The Get Process

Please note that *get* procedures may vary based on the *beit din* you choose; nonetheless, the ceremony delineated here reflects the standard process that takes place.

Ideally, you and your spouse are able to agree on a time when you can both go to *beit din*. The procedure can take between 1-2 hours and goes as follows:

You enter the *beit din* and you and your spouse will be seated at tables on opposite sides of the room. Also present in the *beit din* will be three *dayanim* (rabbinical judges), the *mesader gittin* (the scribe who will write the *get*), and two *eidim* (male witnesses). **You should bring a family member or friend to be there with you for emotional support.**

Items you might need when entering *beit din* are:

- (1) Photo identification
- (2) Your *ketubah*
- (3) Your civil marriage license, if you have one
- (4) *P'turin* from any previous *get*
- (5) Any documentation relating to a conversion, if relevant. If your parent converted, it is sometimes requested that their conversion documentation (if available) be provided as well

Information you must know before entering *beit din* are:

- (1) All surnames and nicknames in any languages (see below)
- (2) Your father's complete Hebrew name, as well as if your father is a *kohen*, *levi*, or *yisrael*

Standard Get Ceremony

The process begins with the officiating rabbi at the *beit din* asking

the husband to list every single name that he is referred to by others; the rabbi will then ask the wife the same question. For Example: Say your name is Gabriella, your parents call you Gabby, your Hebrew name is Gabriella Liora, and your friends call you Gabs—you would list all of those names.

Next, the officiating rabbi will ask the husband if he is willingly giving the *get*. The husband will answer the rabbi in the affirmative by reading off of a script provided for him; this in itself is an entire process. Then, the husband will appoint the *mesader gittin* to write the *get* and the *eidim* to sign it and witness its delivery.

After this, the *mesader gittin* will begin writing the *get*. This can take around 30 minutes. During this time, you are free to scroll on your phone, read a book, or do anything you want. After the *mesader gittin* finishes writing the *get*, the officiating rabbi and *eidim* will read it over to ensure that it was written correctly.

The wife will then be asked if she is willfully accepting the *get*, and like the husband, will answer in the affirmative by reading off of a script provided. Then, the *mesader gittin* will fold the *get* and hand it to the husband. The wife and husband will stand facing each other. The wife will open her hands as if coins are about to fall into them, and the husband will lift the *get* over her hands. He will then say the following phrase:

**הרי זה גיטך והתקבלי גיטך זה ובו תהיי מגורשת ממני מעכשיו והרי
את מותרת לכל אדם**

“This is your *get*, and accept this *get*, and thereby you will be divorced from me, from this very moment, and you are permissible to anyone.”

After saying this, he will drop the *get* into her hands. She will then clap her hands together to secure the *get*, tuck it under her arms like a purse and walk a few steps with it; doing so symbolizes ownership

of the *get*. After completing this step, they will be officially divorced, according to Jewish law.

She will then place the *get* on the table, after which a zigzag slit is made in the *get* to show that it was given over properly and cannot be used by anyone else. The *get* is retained by the *beit din*, and this is done so that no one will scrutinize it later on to try to find inaccuracies, potentially voiding the validity of the *get*. Since the *get* itself is retained by the *beit din*, the proof of your divorce will come in the form of a *p'tur*. A *p'tur* is issued by a *beit din* as proof of divorce, generally only once the American civil divorce has been finalized. Unlike the *get* process, the *beit din* does not need your former spouse's cooperation in order to issue a *p'tur*. Often, people will request a *p'tur* shortly before remarriage in order to show the officiating rabbi that the divorce was conducted properly. **It is necessary that you save your *p'tur*.** You may need it for proof of divorce should you move to Israel or remarry. Without the *get* (or *p'tur*), you cannot remarry in a Jewish ceremony.

Alternative Way to Structure the *Get* Ceremony When You Can't (or Shouldn't) Attend Together

In some cases, it's not safe, comfortable, or practical for both spouses to attend the *beit din* at the same time, such as if there is an order of protection. There are alternative structures that preserve the *halachic* integrity of the *get* while creating physical or emotional space.

Using a *Shaliach* (Proxy)

A *shaliach* is someone appointed by the *beit din* to act on behalf of the husband to deliver the *get*. This process is called *shlichut*, and it can be used when:

- The spouses live in different cities or countries
- It's emotionally harmful or unsafe to see each other
- There's a restraining order or history of abuse

How it works:

- The husband accepts the *beit din*-suggested individual as his *shaliach* during his visit to *beit din*.
- Later, the wife meets the *shaliach* at the *beit din*, where the *get* is delivered on the husband's behalf.
- The process and language are the same—only the person delivering the *get* is different.

After Receiving the *Get*

Post-Divorce Jewish Law

There are several elements of Jewish law that apply post-divorce. First, Jewish law requires former wives to wait 92 days after receiving a *get* before remarrying. The Talmud writes this requirement so that there would be no ambiguity over whom the father is, in case of a pregnancy. Following a divorce, one can date and remarry, but a woman may not marry a man with the status of a *kohen*. Finally, once the divorce has been concluded, a former husband and wife may no longer be in *yichud*, or alone in a room together. Being in *yichud* and/or being physically intimate following a divorce can complicate the validity of the *get* process. (Note: Due to this law, a *get* can only be given once the husband and wife are living separately. The only exception to this would be if your home has separate sections with different entrances, which would allow you to be considered as if you are living separately. You can consult with the person facilitating your *get* to find out if a specific living arrangement would work well.)

As written above, since the *get* itself is retained with the *beit din*, the proof of your divorce will come in the form of a *p'tur*, and is generally only received only after the American civil divorce has been finalized. **It is necessary that you save your *p'tur*.** You may need it for proof of divorce should you move to Israel or remarry. Without the *get* (or *p'tur*), you cannot remarry in a Jewish ceremony.

Part III: The American Civil Divorce

If you are married under American law, you must file for a civil divorce. It is important to note that the American civil divorce has no bearing on *halachic* divorce, and the latter is still necessary. Similarly, if you receive a *get*, you will still need to end the civil marriage in order to be recognized as divorced under American law.

If you share children and have lived together but are not civilly married, speak to a family law attorney in your area regarding what steps to take.

American civil divorce involves:

- Hiring a family law attorney who will file legal documents with the state
- Negotiating a settlement agreement through mediation, arbitration, or in court
- Arranging for the Writ of Divorce, i.e. the official legal divorce

If you are not legally married but lived together or have children together, civil legal issues may still apply. Consult a family law attorney to understand your rights and obligations.

Substantive Issues: Finances, Support, and Children

Divorce involves figuring out how to divide what you shared and how to co-parent (if you have children). For many, these are the most time-consuming and emotional aspects of the process.

The “status quo” matters:

Courts often give weight to the current living situation, so it’s important to get legal advice early.

Finances and Property

Shared property will need to be divided, including bank accounts,

cars, real estate, personal belongings (furniture, jewelry, etc.), and retirement accounts, debts, and savings. The rules for dividing property vary by the type of property and by state. That is why it's critical to consult a local attorney who is familiar with the local matrimonial laws.

Spousal Support

In some cases, one spouse may be required to provide **spousal support** (also known as alimony or maintenance).

Support is typically based on income levels of each spouse, length of the marriage, and state-specific guidelines.

Custody and Parenting Time

If you have children, you will need to create a plan for: **Physical custody** (where the child/ren live), and **legal custody** (who makes major decisions for the child/ren). These can be **sole** (only one parent has the right/responsibility), or **joint** (both parents share the role).

Visitation or Parenting Time refers to the schedule for when the child spends time with the non-custodial parent. Visits may be:

- Supervised or unsupervised
- Day time or overnight
- Regular or on special occasions

Important Reminder: Legal decisions around money, support, and children can feel overwhelming—but you don't have to make them alone. Build a team that includes an experienced family law attorney in your state, and someone who can help you advocate for your needs—whether it's a friend, therapist, rabbi, or ORA's OSF team.

Options For Where One Can Resolve Substantive Issues:

Forum	What It Is	Good For	Keep in Mind
Litigation	Going through the U.S. civil court system	Enforceable rulings on custody, support, and property	Expensive and slow; can escalate conflict
Mediation	A neutral third party helps you reach an agreement	Lower conflict, faster outcomes, more control, less expensive than litigation, not legally binding	Voluntary—both spouses must agree; settlement agreements only become legally binding if both parties agree and sign; may not be safe in abusive relationships
Arbitration	A neutral third party makes legally binding decisions	Legally binding but private and flexible, less expensive than litigation	You give up the right to challenge the ruling later
Beit Din	A Jewish religious court	Halachic divorce (<i>get</i>), can also be used for mediation/arbitration for other issues	You are not civilly legally obligated to address non <i>get</i> -related issues in a <i>beit din</i> unless you opted for that in your Halachic Prenup. Different <i>batei din</i> have different procedures

Part IV: Resources

This section provides valuable resources to have at your disposal for before, during, and after your divorce. Please note that this list is not exhaustive. If you have any further questions or would like different or additional resources, you can visit ORA's resource database or call ORA's helpline. **For a thorough, comprehensive version of the Get Guide, please visit [getORA.org/getguide](https://www.getora.org/getguide).**

ORA's Resources Database <https://www.getora.org/resource-database>

One Step Forward (OSF), ORA's Free Jewish Divorce Helpline

- Phone: (844) 673-5463
- Email: intake@getora.org

ORA's Support Program (for every stage of Jewish divorce, and after)

- supportgroup@getora.org

Post Civil Divorce Support

- Sister to Sister: <https://www.sistertosisternetwork.org/>

Domestic Violence Resources

- Shalom Task Force Domestic Abuse Hotline: 1-888-883-2323
- 24/7 National Domestic Violence Hotline: 1-800-799-7233
- NYC MET Council: 212-453-9539
- Ohel Crisis Response Helpline: 718-686-3165

Agunah Advocacy Partners

ORA's International Network of Agunah Advocacy Agencies includes organizations throughout the world, including:

- | | |
|---------------------------------------|---------------------------------------|
| • Boston Agunah Taskforce (MA) | • Matiot (Israel) |
| • Center for Women's Justice (Israel) | • Rackman Center (Israel) |
| • GET JEWISH DIVORCE JUSTICE (LA) | • Unchain My Heart (Australia) |
| • GETTutUK (London) | • The Va'ad (US) |
| • Go Getters (South Africa) | • Yad La'Isha (Israel) |
| • JEWEL (France) | • Young Israel Israel Region (Israel) |
| • The LEV Organization (NY) | |

Part V: Glossary

A

Agunah: Literally “chained,” an *agunah* is a woman who is, by Jewish Law, stuck in her marriage. Classically, an *agunah* was someone whose husband disappeared and could not be confirmed dead (disappeared while traveling overseas, missing in action). In modern times however, an *agunah* usually refers to someone whose husband is refusing to give her a *get*.

Arbitration: A third party will make a decision for parties outside the general rules and procedures of a court room. The decision made by the Arbitrator (the person conducting the arbitration) is binding.

B

BDA: This refers to the Beth Din of America. The Beth Din of America is a rabbinical court that arbitrates and mediates commercial, communal and family disputes, arranges Jewish divorces, resolves contested *get* and *agunah* cases, and issues halachic personal status determinations (including certifications of Jewish status).” - source: <https://bethdin.org/about/>

Beit Din (plural Batei Din): Rabbinical Court

C

Contempt Order: A contempt order is issued by a court when a person has intentionally and/or purposefully disobeyed a Court Order.

Custody: There are two types of custody under the law: physical custody (with whom the child(ren) will primarily reside) and legal custody (who will make the decisions regarding the child(ren)). Both physical and legal custody can be joint (meaning the parties will share) or sole (one parent has custody for either physical, legal, or both).

D

Dayan (plural: **Dayanim**): Rabbinical judge. *Dayanim* typically have additional expertise in areas of Jewish civil and family law and sit on *batei din*.

Divorce: Divorce is the legal dissolution of a marriage. Divorces can be placed into two distinct categories, contested and uncontested. A divorce is considered “contested” when there are issues that need to be resolved, such as custody or visitation of child(ren), the splitting of assets or debts, or issues of spousal support (also called maintenance or alimony). A contested divorce involves appearing in court and exchanging documents (called discovery). Contested divorces are resolved either by agreement of the parties (stipulation of settlement) or by the judge after a trial. An uncontested divorce refers to a situation where there are no children under the age of 21 (in New York) or under 19 (in New Jersey), and/or all other marital matters have been fully resolved with no support being requested. (Please consult a family law attorney to confirm the applicable age in your jurisdiction.) Notably, even if there are minor children, your divorce may be uncontested if there are final orders of custody, visitation, and child support or if there is a properly executed stipulation of settlement regarding custody, visitation, and child support.

E

Eid (plural: *eidim*): A valid witness pursuant to Jewish law. To be a valid witness, the individual must be a male over the age of 13 who is not related to the parties (among other restrictions).

F

Forum: Place where the matter is being heard.

G

Get: A *get* is both a bill of Jewish divorce given by the husband to the wife effectuating the end of the marriage, as well as the process of the Jewish divorce. It's generally written by a *sofer* (scribe) on parchment paper on behalf of the husband, folded in a specific way, and handed to the wife. It is then kept with the *beit din* and a *p'tur* is given, certifying that a *get* had been given.

H

Halacha: Jewish Law. Halacha addresses topics as varied as daily ritual practice, sabbath observance, birth and death, torts and damages, marriage and divorce and is a cornerstone of traditional Jewish life and observance.

Halachic Prenuptial Agreement: a document which couples can sign ahead of civil marriage, intended to avoid issues related to the *get* in the event of divorce. The RCA-HPA refers to a specific version of a Halachic Prenup, which is a binding arbitration agreement to the jurisdiction of the Beth Din of America.

Hatra'at Seruv: A warning letter issued by the *beit din*. Failure to respond to the *hatra'at seruv* will result in the issuance of a *seruv* (a contempt order).

Hazmana (plural: *hazmanot*): Literally translated as an invitation, is a summons letter issued by the *deit din*. A summons is an Order to appear in the forum that issued the summons (here, the *beit din*). Often if a party refuses to come, *batei din* will issue up to three *hazmanot* (total) and if the party still refuses to come, they'll issue a *seruv* against them (see below).

Heter Arka'ot: According to Jewish law, it is generally considered a transgression (*issur arka'ot*) for two Jewish parties to litigate against one another in civil court without prior permission from a *beit din*. *Heter arka'ot* refers to permission to proceed in civil court, which a *beit din* may issue when appropriate.

I

Igun: Literally “anchoring” or “chaining,” *igun* is the state of being an *agunah*. The *me'agein* is causing the *agunah's igun*.

Issur Arka'ot: This refers to the Jewish law prohibition for two Jewish parties to litigate against each other in civil court without prior permission from *beit din*. In some cases, a *beit din* may issue a *heter arka'ot* (permission to proceed in civil court) when appropriate.

J

Jurisdiction: The legal authority of a court to adjudicate cases and issues Orders.

K

Ketubah: Jewish marriage contract.

L

Litigation: Litigation is the process of resolving disputes through the civil court system.

M

Mamzer (plural: *mamzerim*): This is the term used to describe a child born out of certain forbidden relationships. A child can be considered a *mamzer* in certain circumstances, including, but not limited to: if the child was born out of an incestuous relationship; if the child was born from their Jewish mother's adultery; and if the child was born to a mother and to her new husband, and the mother has not yet received a *get* from her former husband. A *mamzer* may not marry a non-*mamzer* and a *mamzer's* status continues for multiple generations following.

Me'agein: A *me'agein* is the individual who is withholding the *get*, thereby causing the *agunah's* *igun*.

Mediation: A neutral third party trying to facilitate an agreement between the parties. If the parties cannot reach a mutually agreeable decision, **no decision is made on their behalf**. Mediation can take place with a trained mediator or an untrained mediator. There are three different types of mediation: Voluntary Mediation is most successful when participants are choosing to take part in the process. Both the decision to attend mediation and how to resolve the conflict is in the control of the parties. Informal Mediation is more like a conversation than a court proceeding. Aside from confidentiality, there are no procedural formalities in mediation. Confidential Mediation works best when participants communicate freely. With very few limited exceptions, everything said in mediation remains confidential. Mediation can be concluded at any time.

Mesader Gittin: Literally “the one who arranges the divorce,” a *mesader gittin* is an expert in the *halachot* pertaining to divorce who oversees the writing and giving of the *get* (e.g., will also act as the scribe for the divorce).

O

ORA: ORA, or the Organization for the Resolution of Agunot (ORA) seeks to eliminate abuse from the Jewish divorce process. ORA works within the parameters of Jewish law and civil law to advocate for the timely and unconditional issuance of a *get*. ORA believes that the protracted refusal to issue or receive a *get* is a form of domestic abuse which must never be tolerated. ORA seeks to foster a Jewish community in which a *get* is never used as a weapon. ORA pursues its mission through agunah case advocacy, early intervention programs, and educational initiatives for agunah-prevention.

OSF: OSF, or One Step Forward, is a free helpline at ORA, that provides support, guidance, resources and referrals to anyone going through the Jewish divorce process. OSF's mission is to empower individuals to make well-informed decisions at every stage of their journey and avoid the deterioration of the divorce process into a situation of *get*-refusal. Call toll-free at 1-844-OSF-LINE (673-5463). There are no limits on the number of times you can reach out to OSF.

P

P'tur: Proof of divorce issued by the *Beit Din*.

Prohibiting Yichud: The prohibition of seclusion in a private area of a man and a woman who are not married to each other.

Property: In a divorce, property refers to anything of value obtained during the marriage. States generally subscribe to two theories for the division of property in divorce: community property and equitable distribution of property. A community property state is one wherein all property acquired during the marriage is considered community property and is split equally. Whereas in an equitable distribution of

property state, the division of property acquired during the marriage is done fairly. Please note, that equitable (fair) does not necessarily mean equal.

R

RCA-HPA: This is an acronym used in this Guide for the Rabbinical Council of America's Halachil Prenuptial Agreement. This refers to the RCA's binding arbitration agreement with the Beth Din of America (BDA).

Reciprocal Agreement: A reciprocal agreement, such as the RCA's reciprocal *halachic* prenuptial agreement, is a binding contract that outlines a give-and-take relationship between two or more parties.

S

Seruv: A contempt Order issued by the *beit din*, issued in an effort to compel action. Under the terms of a *seruv*, the individual is to be shunned by the community until the terms of the order issued by the *Beit Din* are addressed.

Shaliach: A proxy – A *shaliach* is empowered to act on behalf of the person who sent them such that their actions are considered the actions of the sender.

Support: There are two types of support: (1) spousal support (also known as spousal maintenance, or alimony) and (2) child support. Spousal support is based on the parties' respective incomes until a specified income cap--though a court, or the parties' agreement, may choose to deviate from the cap. The length of the final support order will be based on the length of the marriage (which is determined from the date of the marriage until the filing of the date of civil divorce). The amount of child support is, in general, determined by guidelines that input the gross income of the payor and payee into a

standard formula. Basic child support is intended to pay for your child(ren)'s daily needs, including housing, food, and clothing. A court may include add-ons, such as private school costs, child care costs, health care costs, among others.

T

To'ein (plural: to'anim): Adviser who represents a party in a Jewish court hearing. Different *batei din* have different policies about *to'anim*.

V

Visitation: Also known as parenting time, visitation is generally awarded to the non-custodial (e.g., the parent with whom the child(ren) do not reside primarily) parent. There are many different types of visits that can be ordered, ranging from restrictive (supervised visitation limited to having a supervisor present and/or therapeutic visitation limited to having a therapist facilitate the conversation) to overnight/expanded visits. Visitation will be ordered based on the best interest of the child.

**The following is a copy of the most recent halachic prenup
from the Rabbinical Council of America (RCA), referred to
in this guide as the RCA-HPA.**



BETH DIN OF AMERICA BINDING AGREEMENT

RECIPROCAL
VERSION

This agreement consists of two pages and a notarization page. Instructions for filling out this document may be found on page 4. It is important that the instructions be carefully read and followed in completing the form.

THIS AGREEMENT made on the _____ day of the month of _____ in the year 20____,
between Husband-to-Be: _____
residing at: _____
and Wife-to-Be: _____
residing at: _____

The parties, who intend to be married in the near future, hereby agree as follows:

- I. Arbitration. Should a dispute arise between the parties, so that they do not live together as husband and wife, they agree to submit to binding arbitration before the Beth Din of America (the "Beth Din"; currently located at 305 Seventh Avenue, Suite 1201, New York, New York 10001, www.bethdin.org), which shall have exclusive jurisdiction to decide all issues relating to a *get* (Jewish divorce), the *ketubah* and *tena'im* (Jewish premarital agreements) entered into by the Husband-to-Be and the Wife-to-Be, any issues and obligations arising from or in connection with this Agreement (including under paragraphs II, III and VI hereof) and any disputes relating to the enforceability, formation, conscionability, and validity of this Agreement (including any claims that all or any part of this Agreement is void or voidable) and the arbitrability of any disputes arising hereunder.

SECTION II: Financial and Custody Issues. Paragraphs II-A and II-B, regarding additional financial issues and child custody issues, are optional.

II-A. The parties agree that the Beth Din of America is authorized to decide all monetary disputes (including division of property and maintenance) that may arise between them, and to utilize principles of equitable distribution in accordance with customary practice, as the Beth Din deems appropriate according to principles of Jewish law, equity and local custom. We choose to have paragraph II-A apply to our arbitration agreement.

Signature of
Husband-to-Be

Signature of
Wife-to-Be

II-B. The parties agree that the Beth Din of America is authorized to decide all disputes, including child custody, child support, and visitation matters, as well as any other disputes that may arise between them. We choose to have Section II-B apply to our arbitration agreement.

Signature of
Husband-to-Be

Signature of
Wife-to-Be

II-C. The Beth Din of America may consider the respective responsibilities of either or both of the parties for the end of the marriage, as an additional, but not exclusive, factor in determining the distribution of marital property and maintenance, should such a determination be authorized by paragraph II-A or paragraph II-B.

III. Support Obligation.

- A. Husband-to-Be acknowledges that he recites and accepts the following:

I obligate myself to support my Wife-to-Be according to the requirements of Jewish law governing Jewish husbands. Furthermore, I hereby now (me'achshav) obligate myself, in a manner that I cannot exempt myself with any claim of asmachta (unenforceable conditional obligation) or any other claim, to support my Wife-to-Be from the date that our domestic residence together shall cease for whatever reasons, at the rate of \$150 per day (calculated as of the date of our marriage, adjusted annually by the Consumer Price Index-All Urban Consumers, as published by the US Department of Labor, Bureau of Labor Statistics) in lieu of my Jewish law obligation of support, as hereinabove cited and circumscribed, so long as the two of us remain married according to Jewish law, even if she has another source of income or earnings. Furthermore, I waive my halakhic rights to my wife's earnings and any conjugal rights for the period that she is entitled to the above-stipulated sum, and I recite that I shall be deemed to have repeated this waiver at the time of our wedding. I acknowledge that I have now (me'achshav) effected the above obligation by means of a kinyan (formal Jewish transaction) in an esteemed (chashuv) Beth Din as prescribed by Jewish law.

However, this support obligation shall terminate if, despite Husband-to-Be's compliance with the terms of this agreement and the decision or recommendation of the Beth Din, Wife-to-Be refuses to appear upon due notice before the Beth Din or in the event that Wife-to-Be fails to abide by the decision or recommendation of the Beth Din.

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INITIALS



BETH DIN OF AMERICA BINDING AGREEMENT

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B. Wife-to-be acknowledges that she recites and accepts the following:

I hereby obligate myself to my Husband-to-Be to discharge all duties incumbent upon me in the manner of Jewish wives who care for their husbands loyally. If we do not continue domestic residence together for whatever reasons, then I now (me'achshav) obligate myself to pay my Husband-to-Be \$150 per day (calculated as of the date of our marriage, adjusted annually by the Consumer Price Index—All Urban Consumers, as published by the US Department of Labor, Bureau of Labor Statistics) for all his domestic needs from the day we no longer continue domestic residence together, so long as the two of us remain married according to Jewish law, even if he has another source of income or earnings. Furthermore, I waive my halakhic rights to food and support for the period that he is entitled to the above-stipulated sum and I acknowledge that I shall be deemed to have repeated this waiver at the time of our wedding. I acknowledge that I have now (me'achshav) effected the above obligation by means of a kinyan (formal Jewish transaction) in an esteemed (chashuv) Beth Din as prescribed by Jewish law.

However, this support obligation shall terminate, despite Wife-to-Be's compliance with the terms of this agreement and the decision or recommendation of the Beth Din, if Husband-to-Be refuses to appear upon due notice before the Beth Din or in the event that Husband-to-Be fails to abide by the decision or recommendation of the Beth Din.

- C. The payment obligations set forth in paragraphs III:A and III:B above shall be subject to offset by each other so long as both shall be payable and shall not otherwise be subject to offset. These support obligations under Jewish law are independent of any civil or state law obligation for spousal support, or any civil or state law imposed order for spousal support, and shall be determined only by the Beth Din.
- IV. **Opportunity for Consultation.** Each of the parties acknowledges that he or she has been given the opportunity prior to signing this Agreement to consult with his or her own rabbinic advisor and legal advisor. Each of the parties further acknowledges that he or she has been fully informed of the terms and basic effect of this Agreement as well as the rights and obligations he or she may be giving up by signing this Agreement. Each of the parties expressly waives, in connection with this Agreement, (i) any right to consult with his or her legal counsel to the extent that they have not done so and (ii) any right to disclosure of the property or financial obligations of the other party beyond any disclosures that have been provided. The obligations and conditions contained herein are executed according to all legal and halakhic requirements.
- V. **Governing Law.** The decision of the Beth Din shall be made in accordance with Jewish law (*halakha*) or Beth Din ordered settlement in which the relative equities of the parties' claims are considered in accordance with the principles of Jewish law (*peshara krova la-din*), except as specifically provided otherwise in this Agreement.
- VI. **Rules, Default Judgment and Costs.** The parties agree to appear in person before the Beth Din, at a location mutually convenient to the arbitrators and the parties, at the demand of the other party, to cooperate with the adjudication of the Beth Din of America in every way and manner, and to abide by the published Rules and Procedures of the Beth Din (available at www.bethdin.org), which are in effect at the time of the arbitration. If either party fails to appear before the Beth Din upon reasonable notice, the Beth Din may issue its decision despite the defaulting party's failure to appear, and may impose costs and other penalties as legally permitted. Both parties obligate themselves to pay for the services of the Beth Din. Failure of either party to perform his or her obligations under this Agreement shall make that party liable for all costs, including reasonable attorneys' fees, incurred by one side in order to obtain the other party's performance of the terms of this Agreement.
- VII. **Jurisdiction; Enforceability.** By execution and delivery of this Agreement, each party consents, for itself and in respect of its property, to the exclusive jurisdiction of the Beth Din with respect to the issues set forth in paragraph I. Each of the parties understands that by agreeing to arbitration they are waiving their rights to other dispute resolution processes, and that they may not commence any action or proceeding relating to such issues in any court, rabbinical court or arbitration forum other than the Beth Din. This Agreement constitutes a fully enforceable arbitration agreement, and any decision issued pursuant to this Agreement shall be fully enforceable in secular court. Should any provision of this Agreement be deemed unenforceable, all other provisions shall continue to be enforceable to the maximum extent permitted by applicable law. As a matter of Jewish law, the parties agree that to effectuate this Agreement, they accept now (through the Jewish law mechanism of *kim li*) whatever minority views determined by the Beth Din are needed to effectuate the obligations, procedures and jurisdictional mandates contained in this Agreement.

In witness of all the above, the Husband-to-Be and Wife-to-Be have entered into this Agreement.

Signature of
Husband-to-Be

Signature of
Wife-to-Be

Signature of
Witness

Signature of
Witness

Signature of
Witness

Signature of
Witness

VIII. Counterparts. This Agreement may be signed in one or more duplicates, each one of which shall be considered an original.

Notarization forms appear on the next page. For further information about notarization, see the instructions.



BETH DIN OF AMERICA BINDING AGREEMENT

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Notarization Forms

Acknowledgment for Husband-to-Be

State of _____ County of _____
On the ____ day of _____ in the year of _____, before me,
the undersigned personally appeared _____,
personally known to me or proved to me on the basis of satisfactory
evidence to be the individual whose name is subscribed to within this
agreement and acknowledged to me that he executed the agreement.

Notary Public _____

Acknowledgment for Wife-to-Be

State of _____ County of _____
On the ____ day of _____ in the year of _____, before me,
the undersigned personally appeared _____,
personally known to me or proved to me on the basis of satisfactory
evidence to be the individual whose name is subscribed to within this
agreement and acknowledged to me that she executed the agreement.

Notary Public _____

In New York State, the officiating rabbi is qualified to notarize a prenuptial agreement, and he may use the following form.
For other states, please check local rules and regulations.

State of _____ County of _____
On the ____ day of _____ in the year of _____, before me,
the undersigned, a person authorized to solemnize a marriage
pursuant to Domestic Relations Law § 11(1), personally appeared
_____, personally known to me or
proved to me on the basis of satisfactory evidence to be the individual
whose name is subscribed to within this agreement and acknowledged to
me that he executed the same in his capacity, and that by his signature
on the arbitration agreement, the individual executed the agreement.

Officiating Clergy/Rabbi (print and sign name)

Address

State of _____ County of _____
On the ____ day of _____ in the year of _____, before me,
the undersigned, a person authorized to solemnize a marriage
pursuant to Domestic Relations Law § 11(1), personally appeared
_____, personally known to me or
proved to me on the basis of satisfactory evidence to be the individual
whose name is subscribed to within this agreement and acknowledged to
me that she executed the same in her capacity, and that by her signature
on the arbitration agreement, the individual executed the agreement.

Officiating Clergy/Rabbi (print and sign name)

Address

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FREEING AGUNOT. PREVENTING ABUSE.

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