

## Generations Beyond

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### New Divorce Laws in the State of New York

by Sandra M. Radna, Esq.

On October 12, 2010 New York's "no fault" divorce provisions went into effect.

Prior to October 12, 2010 if parties wanted to obtain a divorce in the state of New York, it was necessary allege grounds for the divorce such as adultery, abandonment, cruel and inhuman treatment, imprisonment or constructive abandonment (no sexual relations for a period of 1 year or more).



In all of the other states, people were able to divorce by stating they had irreconcilable differences, or something analogous to that. New York finally entered the 21st century on August 16, 2010 by signing into law the "irrevocably broken" ground for divorce, which went into effect on October 12.

The "irrevocably broken" ground for divorce may only be utilized if the issues of custody, visitation and all financial issues have already been resolved. To use this ground for divorce one spouse must declare that the marriage has been irrevocably broken for at least 6 months.

Along with the new ground for divorce, the New York State Senate passed Post-Marital Compensation Guidelines which eases the criteria for temporary and permanent maintenance payments (alimony) as well as the payment of attorneys' fees of the "non-monied spouse" by the "monied spouse"

In New York, it seemed that the spouse with the most money "won" because the spouse without money would not be able to pay the attorneys fees which could quickly add up to thousands and thousands of dollars.

While it is too early to say whether the new law will ease and quicken the divorce process, the hope is that this is the first step in making the long drawn out process of divorce proceedings more fair, streamlined and less costly.

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