

No-Fault Divorce Finally Arrives In New York

On Sunday, August 15, 2010, Governor Patterson made no-fault divorce a legal option in New York. The antiquated divorce system, which required proof of fault, enabled any defendant in a divorce action to delay and, in certain instances, block the divorce process by seizing upon grounds as a defense. No longer will a party seeking a divorce in New York face the prospect of a jury of strangers or a judge determining whether he or she has the right to end the marriage. Nor will an unhappy spouse have to “buy” a divorce by paying extra to the recalcitrant spouse in a settlement agreement. Under the new legislation, which will take effect on October 14, 2010, the courts are mandated to grant the divorce where either spouse states under oath that the marital relationship has broken down irretrievably for at least six months. All child custody and financial issues relating to the marriage must be resolved or determined by the court before a judgment of divorce can be granted. The Governor also signed into law yesterday new provisions providing for guidelines for the amount of temporary spousal support and the swifter provision of interim counsel fees to the non-monied spouse where appropriate.

If you have questions or need further information about this Client Alert, please contact **Arlene G. Dubin** or **Marguerite E. Royer**, co-chairs of the [Matrimonial and Family Law Group](#).



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