

CLEMENTLAW

THE LAW OFFICES OF DANIEL E. CLEMENT

New York Divorce and Family Law Blog

[New York's Divorce Law Must Be Changed](#)

Posted on January 20, 2010 by [Daniel Clement](#)

Last week, the [New York Times](#) ran a blistering editorial about New York's antiquated divorce law. New York remains the only state in the nation that does not have a no-fault or an irreconcilable differences grounds for divorce.

In New York, someone seeking a divorce has to prove that their spouse is guilty of marital fault, that is their spouse committed adultery, treated them in a way that is cruel and inhuman, abandoned them or has been imprisoned. A divorce is also available if the parties have been legally separated for one year.

The absence of a no fault divorce has severe repercussions:

The current rules inflict serious financial and emotional costs. Litigants end up spending thousands of dollars in unnecessary legal fees, and courts devote significant time to airing the painful and highly personal details of a breakup. It is a ridiculous use of judicial resources at any time, but especially in tough fiscal times.

As the Times concludes, the failure to recognize no fault divorce does not save marriages, it just makes it more painful and expensive to end them. Moreover, [as I discussed last week](#), the judicial system also pays a price as judges are forced to turn a blind eye to litigant's contrived tales of marital fault.

The time has come for New York to join the rest of the nation and permit a no-fault grounds of divorce.