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## New York Divorce and Family Law Blog

### [No-Fault Divorce Enacted in New York](#)

Posted by [Daniel Clement](#) on August 15, 2010

New York now has no-fault divorce.

While signing the legislation into law, [the governor noted](#):

Finally, New York has brought its divorce laws into the 21st century. . . These bills fix a broken process that produced extended and contentious litigation, poisoned feelings between the parties and harmed the interests of those persons -- too often women -- who did not have sufficient financial wherewithal to protect their legal right.

New Yorkers can now divorce provided that their marriage has irretrievably broken down for six months or more. New York was the last state to allow no fault divorce.

Simultaneous with enactment of no fault divorce, laws for providing guidelines for fixing temporary spousal maintenance and attorney's fees were enacted. The legislation created a formula and list of factors to govern such awards. The purpose of which, according to the Governor, would be to . . .

. . . allow for speedy resolution of the maintenance issue, and prevent less well-off parties to divorce proceedings from falling into poverty during litigation, because they lack the resources to obtain a temporary maintenance order.

The other piece of legislation enacted today would create a presumption that a less monied spouse in a divorce case is entitled to payment of attorneys' fees.

We will take in depth looks at the new laws regarding spousal maintenance and attorneys' fees in the very near future.

THE LAW OFFICES OF DANIEL E. CLEMENT  
420 LEXINGTON AVENUE, SUITE 2320  
NEW YORK, NEW YORK 10170  
(212) 683-9551  
[DCLEMENT@CLEMENTLAW.COM](mailto:DCLEMENT@CLEMENTLAW.COM)