

New York Divorce and Family Law Blog

The Cure For the High Rate of Divorce: Marriages With Expiration Dates

Posted by [Daniel Clement](#) on October 06, 2011

With a divorce rate hovering around fifty percent, society has long sought way to end the scourge of divorce. Legislators in Mexico may have come up with a possible solution, “temporary marriages licenses.”

As reported in the [Bitter Lawyer](#):

“Under a proposed “marital opt-out agreement,” couples will determine the time limit of their union, with two years being the minimum term and “til death do us part” presumably being a bit longer term. The agreement will function much like a partnership agreement. Property and children (if any at the time of the marriage) are divvied up prior to marriage, much like a prenup.”

No one would seriously advocate that marriages have an expiration date or that parties simply be able to walk away from their marital responsibilities with impunity. Even when couples have a prenuptial agreement, the issues of child custody and support have to be resolved when the parties divorce. Courts have an opportunity to decide if the marital agreements are enforceable; pre-nuptial agreement can, for instance, be set aside, for example, if they have been procured by fraud or undue influence.

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While the idea of totally disposable marriage may look like a great idea to litigant caught in the mist of a contested divorce, a marriage by contract is simply not realistic. According to the BBC, the marriage licenses are to be renewable. Because the parties' roles, needs and expectations will evolve and change over the course of the marriage, the marital contracts, would have to be renegotiated. I suspect these negotiations would never end well. If divorces are acrimonious and unpleasant, just imagine having the "when the marriage ends, I want. . ." negotiation with spouse you intend to stay with.