

New York Divorce and Family Law Blog

Divorce Rate Up Since No Fault Divorce Enacted in New York

Posted by [Daniel Clement](#) on July 27, 2011

According to a [study](#), there has been a 12 percent increase in divorce filings since no fault divorce went into effect in New York in October 2010. The study compares divorce filings over the same seven month period last year.

Rather than falsely assuming that the floodgates have opened and that no-fault divorce encourages divorce, I think the increase in divorce filings is readily explainable.

During the period between the time the no fault divorce law was enacted and became effective, I suspect divorce filings were down. I certainly held off on filing for divorce in cases in which grounds would be an issue; in such cases, I waited until after the effective date of no fault divorce to file. In one instance, I even discontinued a case in which a grounds trial had been scheduled in order that it could re-commenced after no fault divorce became effective. By waiting until after the effective date of the no fault divorce statute to file, my client was able to completely avoid the trial and the issue of grounds.

Secondly, by coincidence, I suspect divorce clients have grown economically optimistic since the enactment of no fault divorce. Divorce filings were “down” during the recession; divorce became a luxury item when clients were facing

CLEMENTLAW

THE LAW OFFICES OF DANIEL E. CLEMENT

unemployment. In my present discussions with clients, I sense greater optimism; clients seem to be more secure in their jobs and more willing to address their marital discontent.

While it would be interesting to see the impact of no fault divorce on the divorce rate, a longer sample period may be required in order to draw any meaningful conclusions about the correlative effect of no fault and the divorce rate.