

Where you filed for divorce, may impact on your legal rights. For many, there is no choice. But, when the couple has split and one party is living in New York and the other is living in another state, the decision as to where to file for divorce may significantly affect the outcome of the divorce.

In the case of Katie Holmes and Tom Cruise, the couple could have filed in New York or California, assuming they can satisfy either state's residency requirements. Holmes may have elected to file for divorce in New York for any number of reasons.

I am guessing that her primary motives for filing in New York were not grounds or economic. Both New York and California are no fault states. The couple is rumored to have a pre-nuptial agreement which will address how the marital property will be distributed and how much spousal maintenance Holmes will receive.

I suspect the main reason that Holmes filed in New York, rather than California, is "privacy." Unlike California, divorce filings in New York are not open to the public. Only the litigants and their attorneys have access to the papers filed with the court. As part of the divorce and the custody fight, Holmes and Cruise would have to expose not only details about their finances, but intimate details of their lives.

By filing in New York, Holmes could spare herself some of the media circus and scrutiny of her filed court papers. Since the press would not have access to the court filings, at least some details of the divorce could remain private.