

Domestic Violence Victims Find Hope in No-Fault Divorce

By Lori N. Bovee

In 2010, New York became the last state to allow no-fault divorce

. In order to get a divorce

prior to the passage of no-fault last year, spouses had to either live apart for a year after having signed a separation agreement or prove fault on the part of their spouse. With the recent passage of the no-fault divorce

law in New York, the state has opened its courts to people who want to get divorced without having to claim that their spouse did something wrong, such as abusing them, cheating on them or abandoning them.

Prior to the passage of no-fault in New York, many victims of domestic violence were forced to stay married to an abusive spouses for fear of retribution if they filed a divorce

complaint listing the acts of domestic violence perpetrated against them. Many victims were also fearful of the opinions of friends and neighbors if word were to get out about the abuse they suffered. Victims also worried about the effect on their children, such as teasing at school, as well as the impact such allegations could have on both their own and their spouses' careers. Many victims were afraid to file for divorce

to avoid airing their "dirty laundry." As a result, many people in abusive relationships stayed together.

No-fault divorce

tries to eliminate that problem. In order to file for no-fault divorce

, one party simply has to state, under oath, that the marriage has irretrievably broken down. Fault no longer needs to be proven. This has enabled victims of domestic violence to get divorced without airing their "dirty laundry". Studies have shown that there is a link between no fault divorce and a decrease in domestic violence. States that have introduced no-fault divorce have found a 30 percent decline in domestic violence for both men and women, an 8 percent to 16 percent decline in female suicide and a 10 percent decline in females murdered by their partners.

In addition to a decrease in domestic violence, no-fault divorce

can also lead to fairer property settlements. Before no-fault divorce in New York, if one party wanted a divorce but lacked grounds, and their spouse did not want a divorce

, that spouse had significant bargaining power. They could simply withhold their consent to the divorce; thus using their power to grant or deny a divorce

to obtain a more favorable settlement. Now that no-fault has arrived, that leverage is lost and the parties are placed on a more level playing field.

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