

Capital District's Divorce Rates Reached New High in 2011

Amid improving economic conditions and following the enactment of New York's no-fault divorce law, the number of divorces throughout the eight-county Capital District climbed to its highest level in over a decade in 2011, according to an analysis of new statistics from the state Department of Health by the law firm Tully Rinckey PLLC.

Region wide, 3,493 divorces were finalized in 2011. That marked a 19.2 percent increase from the previous year, and it was the highest number of divorces since 2001, when 3,490 divorces were finalized.

The Health Department data reflects the first full year that the state has allowed spouses to divorce under the legal grounds of irretrievable breakdown of the marriage, also known as a "no-fault" divorce. New York's no-fault divorce law took effect on Oct. 12, 2010, meaning spouses no longer had to rely on legal grounds such as cruelty or abandonment to end their marriage.

Greene, Rensselaer, and Schenectady counties saw the largest spikes in annual divorces, rising by 56.4 percent, 26.4 percent and 25.9 percent, respectively.

In Schenectady County, for example, the number of divorces on the legal grounds of cruelty declined by 50 percent to 38 in 2011 from 76 in 2010. During the same period, divorces on the grounds of abandonment also declined by 50 percent to 117 from 234.

In Albany County, the number of divorces increased from 766 to 862 from 2010 to 2011, a 12.5 percent change.

"There is no doubt that no-fault divorce in many cases made ending a marriage in New York State a less costly and less emotionally trying ordeal," said Tully Rinckey PLLC Partner Barbara J. King, who practices family and matrimonial law. "This less costly option has allowed spouses stuck in unhappy marriages to move on with their lives."

While New Yorkers can still pursue a divorce on fault, most prefer to go the no-fault route, under which a party can claim an irretrievable breakdown of the marriage as the reason. This breakdown must exist for at least six months. Before a no-fault divorce is granted, both parties need to resolve many issues, such as child custody, child support, spousal support, and division of assets and debts. With the help of the spouses' family and matrimonial lawyers, they can resolve these issues with counsel or in court.

Statewide, there was a 1.6 percent increase in divorces — with figures jumping from 55,818 in 2010 to 56,717 in 2011.