

For Many, New Year Prime Divorce Time

The holiday season isn't the only thing fizzling out this time of year, as the weeks following New Year's Day see a spike in divorce and separation filings.

Divorce attorneys around the Capital Region say there are many long-term issues that lead to a failed marriage, but the holiday season in particular can exacerbate those issues, leading to peak divorce rates and marriage counseling in January.

The Albany firm Tully Rinckey, PLLC calls the first Monday of the New Year "Divorce Day," as law offices often see a flood of filings the first day back.

Barbara King, who practices family and matrimonial law at Tully Rinckey, said couples spend a lot of time together throughout the holiday season, often bringing relationship problems to a head. "A number of clients who have their proceedings on hold or waited to start them restart them after the holidays," she said.

Financial problems are often the chief cause of fights and sour marriages. Between gifts and travel expenses, December can be an especially expensive month, sometimes irritating already rocky relationships, King said.

Likewise, she said, clients commonly depend on tax returns in early February to pay for a divorce, so people will restart divorce proceedings in earnest in January. The month attracts others who view the New Year as a fresh start and may begin exploring divorce for the first time, King said. The percentage of the Capital Region population that is divorced is a little higher than the rest of the state, according to data recently released by the U.S. Census Bureau. Divorcees in Albany, Saratoga and Schenectady counties range between 8 and 9 percent of the population. The state puts divorcees at 7.2 percent; the nation's percentage is a bit higher at 9.7 percent.

King said England has seen peaks in post-holiday divorces for some time, even tracking them in studies. She said the trend has made its way "across the pond."

Local divorce attorney Charles Kriss said he's never read an empirical study on the spike of divorce filings in January, but in 30 years of experience, he's definitely noticed an increase in inquiries during the first weeks of the New Year.

"The holidays are times of family togetherness and unity and priority, and moving forward to terminate a marriage is just the opposite of those considerations," he said.

Many couples considering a divorce will put it off once Thanksgiving starts approaching in order to avoid ruining the holidays, Kriss said. That's particularly true when couples have children, as parents are reluctant to tell their kids what can be life-changing or devastating news during the holidays.

"They make peace in that one month because they want to make it beautiful for the kids. Then they pick up where they left off," Bob Kahn of Kahn and Richardson said. Kahn has dealt with divorce, custody and matrimonial matters exclusively for almost 60 years.

In October, New York was one of the last states to allow no-fault divorce. That may lead to even more divorce filings this January, Kahn said. Grounds for divorce used to depend upon proving wrongdoing, such as adultery, cruel or inhuman treatment or other belligerent behavior, Kahn said. The new law makes divorce more civilized, he said.

January may also be a busier time of year for marriage counseling, as many divorce attorneys such as Kahn recommend counseling before couples go through with a divorce, he said.

"A lot of people say they will go to counseling," Kahn said. "If we can save a marriage, we try to." By noon on Monday, Kahn had already scheduled three appointments for divorce inquiries, he said. Though the number of inquiries varies each week, Kahn said three new clients was a lot for one day.

He sees people who had a lot of stress over the holidays.

"Some people are lonely and unhappy in the Christmas season or season of love, even sometimes wedding anniversaries," he said. "People think 'Whatever happened to the beautiful happiness of the Christmas of my childhood?'"