

More Couples Eyeing Divorce Earlier in Their Marriages

By Barbara J. King

Forever is turning out to be much shorter than expected. Newlywed couples are increasingly opting to dissolve their unions not long after walking down the aisle. Sometimes spouses are overwhelmed by the responsibilities of marriage. Other times, simple disenchantment with marriage expectations may cause one spouse to decide that their union was a mistake.

For example, Kelsey Grammer, the actor of “Frasier” and “Cheers” fame, recently told CNN’s Piers Morgan that his now ex-wife, Camille, “asked for a divorce

really almost the first day we married.” Nevertheless, the Grammers remained married for 13 years after their 1997 wedding. They finalized their divorce

earlier this year.

Many married couples, however, do not last that long. According to the latest U.S. Census Bureau statistics, 82.5 percent of couples still married in 2009 had reached their fifth anniversary, meaning 17.5% had already divorced

. Meanwhile, only 67.8 percent of married couples reached their 10th anniversary and only a little over one-third (35.3 percent) reached their 25th anniversary. For first marriages that ended in divorce

, the median duration of the marriage was eight years.

It is a common misconception that divorce

will be easy when a marriage did not last a long time. Spouses often attempt to file for an uncontested divorce without the assistance of an attorney, believing conflicts will not arise over matters such as child custody

, child support

, spousal maintenance

and marriage property division

. Unsurprisingly, many of these in fact turn into contested divorces. Rather than wait until things fall apart, it is imperative to get the advice of an attorney and ensure that your rights are protected.

Under New York’s no-fault divorce

law, a spouse can file for a divorce

due to an “irrevocable breakdown” of the marriage that has existed for at least a six-month period. Spouses can still file for divorce

on the grounds of adultery, cruelty or abandonment, but many are opting not to. The no-fault, or “irrevocable breakdown” option streamlines the grounds for divorce

, but couples must still reach agreement on the financial, custodial and support issues, issues that can derail what the parties thought was an otherwise uncontested divorce

. This aspect can be time-consuming and costly, especially if the case has to go to trial. The quicker and often less costly alternative is to retain a lawyer to negotiate the terms of an agreement necessary for a court to grant a divorce

.
Whether you were married for five years or 50 years, a divorce

will not be a walk in the park. You should consult an attorney even before pursuing any action so you do not unknowingly waive any rights. Newlyweds who have not merged much of their property or do not have children may have an easier time determining what marital property there is to divide and they may not have to worry about child custody

or support

agreements. Nevertheless, people wanting to dissolve their marriage should consult with a family and matrimonial

attorney who can help the process move faster by ensuring filing deadlines are met and by negotiating a settlement in your best interest.

Barbara J. King

is a partner with Tully Rinckey PLLC who concentrates her practice in the areas of family and matrimonial law

. She can be reached at bking@tullylegal.com

. To schedule a meeting with one of Tully Rinckey PLLC’s experienced family and matrimonial law

attorneys call 1-888-LAW-4-LIFE.