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Recent Divorce Laws Changes in New York Create a Fairer Distribution and Settlement by Lessie Burnett

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No matter the reasons why you are considering a divorce from your spouse, it is not something that you should be ashamed of doing. Often times, people simply cannot agree with each other any longer, and would be much happier to live apart. For that reason, they choose to file for a divorce. In New York, a divorce decree must be approved in court, where certain grounds for divorce must be agreed upon. These can include no-fault and constructive abandonment divorce. However, in 2010, the divorce laws in New York have changed. What this has done, is allowed for individuals to file for an abandonment divorce, alleviating the need to agree on a common ground for divorce.

Abandonment divorce grounds can include one individual moving away from the other, which includes the other spouse's refusal to move with their spouse, for an unjustifiable reason. Abandonment Divorce grounds can also include one spouse leaving the marital home within one year before the commencement of the divorce action without reason, provocation or consent. In addition, the spouse who remained living in the marital home can also be claimed as the individual who abandoned the marriage, simply by changing the locks on the home after their spouse left. Despite the fact that the laws changed and made it easier to file for an abandonment divorce, you may still want to consider speaking with an Albany attorney in order to expedite your divorce, as well as protect you and your rights under New York law.

These laws were passed in October 2010, and these new no-fault divorce laws have determined that any person in a marriage that has been determined to have more personal assets within the marriage are entitled to have their attorney fees paid as part of a temporary spousal support agreement. Prior to this change in 2010, the spouse that was seeking also support from the other was required to show justification under law, as well as a financial need for that spousal support. The new laws have allowed the spouse that has fewer assets to be considered the one that will suffer the most financial damage as a result of the property settlement. Often referred to as the non-monied spouse, they are entitled to have their legal fees paid as part of the divorce property settlement, to alleviate some of the financial burden often associated with divorce.

Regardless, you may want to discuss your options for divorce as well as your rights with a spousal support attorney. Experienced spousal support attorneys can help you to answer your questions regarding spousal support as well as the division of marital property. Many people do not understand these new no-fault divorce laws, which is completely understandable. Others also have many different questions regarding spousal support, separation of marital property and debt, as well as grounds for divorce. Although divorces can be very difficult, it does not mean that you do not have rights and deserve protection of those rights under the law. Perhaps the best way to ensure that you are protected is to contact a knowledgeable Albany attorney who may be able to assist you.

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New New York laws concerning divorce may best be understood by an experienced a Spousal Support Lawyer who can help you. In 2010, a Abandonment Divorce laws changed, making divorce more equitable and fair.

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