



NEW YORK STATE SENATOR

Liz Krueger

Senator Krueger & Senate Democrats Pass Laws Restructuring Outdated Matrimonial Laws Including No Fault Divorce

LIZ KRUEGER June 16, 2010

| ISSUE: **JUDICIARY, DOMESTIC VIOLENCE**

For Immediate Release | June 15, 2010

Katie Kincaid | kincaid.nysenate@gmail.com | 646-784-0485

(Albany – NY) The New York State Senate has just passed legislation that would allow for No Fault Divorce, a bill that fundamentally restructures matrimonial law to improve the process of divorce for all New Yorkers. This legislation, along with two other bills having to do with matrimonial law, was co-sponsored, and fiercely advocated for, by State Senator Liz Krueger, who represents Midtown and the East Side of Manhattan.

Under the current law, determining who is at fault for the divorce has significant financial and emotional costs, and unnecessarily forces couples to rehash the painful and sometimes bitter reasons for divorce.

"There is a reason why every other state has embraced similar matrimonial laws," said Senator Krueger. "For too long New Yorkers have been forced to work through a system that makes the already painful divorce process even more difficult. I am proud to be a Co-Sponsor of these bills which will undoubtedly help people during this difficult time, making it easier

for them to get on with their lives."

Other significant reforms passed by the Senate Majority as part of this package include establishing post-marital income guidelines for maintenance awards and ensuring that all parties can afford counsel from the beginning of divorce proceedings. Information on these bills can be found below.

Establishing Post-Marital Income Guidelines to Ensure Fairness

Most families do not have substantial assets to divide upon dissolution of a marriage—the greatest asset of the marriage is frequently the income of the more-monied spouse. The less-monied spouse has often sacrificed the ability to earn money in order to be able to care for children or elderly parents while the more-monied spouse is working.

Current law fails to provide adequate guidance as to how to divide the assets of future income in an equitable manner. Establishing post-marital income guidelines would ensure that there is consistency and predictability to post-marital income calculations across jurisdictions.

Ensuring Access to Counsel for Divorce Proceedings

When an action for divorce is commenced, it is often the case that most of the marital assets available for the payment of legal fees are controlled by one of the spouses. Currently, in order to ensure that each party will have equal access to adequate legal representation judges are authorized to require the more-monied spouse to pay the legal fees of the less-monied spouse.

However, interim counsel fees are inconsistently awarded, and often not until a trial has begun—too late in the process to really be helpful. This legislation would require the awarding of counsel fees toward the beginning of the divorce process, allowing more

equitable representation for both parties.