

New “No-Fault Divorce” Law Leads to Increased Use of Mediation in Dissolving Marriages

When it comes to couples separating, New York was one of the last states to require that a party seeking a divorce prove a statutory ground for divorce. That changed in October 2010 when New York’s “no-fault divorce” statute went into effect, allowing divorcing couples an easier and potentially faster route to ending their marriages by removing the need to establish a statutory ground for divorce.

Along with this new law, Nassau County enacted an initiative called the [Matrimonial Alternative Dispute Resolution Program](#). This program became effective on March 14, 2011 and requires all parties seeking a divorce to attend one free session of mediation to determine whether this alternate forum will be an effective option for a couple to resolve any or all of the disputes between them. The intent of this initiative is to educate couples on the alternative paths they can take in order to resolve the many issues and disputes arising from the end of a marriage. Programs of this nature are likely to be adopted in other counties throughout the State.

Mediation is not a new concept – in fact, it has been around for decades. It is often a lower cost, more efficient means of working through the divorce process. The primary benefit of mediation is that it provides the parties with increased control over the process since they themselves determine, with the help of a neutral third party, how to divide their assets (equitable distribution), allocate support (child support, maintenance/alimony) and address custody, visitation and child access. This enables couples to move on with their lives more quickly.

* * *

Abrams Fensterman provides comprehensive legal services in all aspects of family law. Our Partner and the Co-Director of our Matrimonial Department, Samuel J. Ferrara is a certified mediator who utilizes all appropriate means, including mediation, whether in court or out, to facilitate the divorce process for couples who wish to dissolve their marriage. You can reach Mr. Ferrara at (516) 328-2300, ext. 113.