

Divorce In The Age Of Corona

There is much in the news about married couples sheltering together and counting the days until the lockdown ends and they can divorce. It is not uncommon for divorce rates to rise after families spend time together for a holiday or even to make getting a divorce a New Year's resolution. However, divorcing in 2020 will be different than before. If you are quarantined at home and thinking about a divorce, try to avoid going from the COVID-19 crisis to an even bigger family crisis.

When the lockdown eases, social distancing and remote working will remain the new norm. Children who have spent the Spring adjusting to online learning face the prospect of summer camp at home and more online learning in the Fall. Without being able to stay late at the office, go to the gym or meet up with friends for dinner or drinks, it will be more difficult to limit the stress level at home. So if divorce is where you are headed, take the time to decide whether to try to resolve your divorce through mediation or retaining an attorney to negotiate a resolution.

Mediation can work when both parties are ready to divorce and each party has the knowledge and ability to negotiate with the other. The role of the mediator is to help you make your own decisions about how to divide assets, whether or when to sell your home, how the children will spend time with each parent and what support to pay. These are not easy decisions, so a good mediator will recommend that each party retain a separate attorney to advise them throughout the mediation. Rather than sitting together with the mediator to discuss and resolve issues, for the time being mediations will be conducted with you and your spouse at home (or in separate rooms) and the mediator working with you virtually.

If you retain an attorney to represent in resolving your divorce, it does not mean you will end up in court. Most divorcing couples never see the inside of a courtroom. Look for an attorney who is a good listener and negotiator, and one who understands when it's time to go to court if issues are not getting resolved. While mediation often ends when negotiations breakdown, having the court available as an option can keep the negotiations going and, if a settlement does not result, the court will move the divorce action forward to a conclusion.

The New York courts have reopened and started conducting remote audio and video conferences to resolve issues in divorce cases filed before mid-March. It is expected by the June, or sooner, the filing of new divorce actions will be permitted and the court will be "open" to adjudicate all issues in both pending and new divorce cases. In New York City, these virtual proceedings will likely continue for much of the year. Since virtual proceedings

are scheduled for set times and dates, they should be an efficient way to address divorce issues and save on court time. Virtual or in person, these court dates provide an opportunity for the parties to hear the court's view of their divorce and encourage settlement.

Whether you decide to work with an attorney or a mediator to resolve your divorce, look for an attorney who hears and understands your objective in divorcing and has a plan for implementing it. Like any important decision in life, do your research and interview more than one attorney or mediator to find one who is right for you. Don't rush it, particularly during a pandemic and while adjusting to the new norm.