

## *“To Divorce or Not to Divorce” That is the Question.....*

As is the situation in most of the United States, the Divorce rate goes up and down depending on a variety of factors. According to a report in the Denver Post on Monday, May 23, 2011, a Boulder therapist gave the opinion that the present divorce filings are down due to the economy and the impact on valuation in the housing market. The therapist explained that when one of the parties, in a divorce case, settles and is awarded the marital home and then realizes that the home is not at the expected value due to a decline in the market, this substantiates staying in an abusive or otherwise unfulfilling marriage. Hence, parties resolve themselves to remaining married even though they really want “out”. While housing markets seem to fluctuate a great deal, there is *no* empirical data to back up the Boulder therapist in this regard. Certainly, the economy does have an overall impact on why people choose to remain married or go through the divorce process.

In my practice as a Family Law Attorney, clients have told me the following factors were of primary consideration in wanting to obtain a Divorce or Legal Separation. None of these reasons indicated that they wanted to stay married just because the value of the marital home had decreased.

### Common Reasons for Wanting a Divorce or Legal Separation:

1. “While I was on a military assignment/deployment, my spouse cheated on me, left town with our children, emptied out our bank accounts and maxed out our credit cards”;
2. “I found out that my spouse was having an affair and I no longer feel that I can trust my spouse, even though I still love him/her”;
3. “My spouse has a drinking problem and when he drinks he becomes physically and emotionally abusive to me and the children. He also has two DUI convictions and does not seem to want any help”;
4. “My spouse left Colorado with the children and has kept me from seeing or communicating with my children. Now I have no contact whatsoever with my children”;
5. “My spouse and I have grown apart, we no longer love each other, and we behave more like roommates than a married couple”;
6. “My spouse has taken no financial responsibility during our marriage and has run up huge credit card debts that I can no longer tolerate or afford”;
7. “There is so much anger, hostility and tension in our household that I cannot stand living in the same house with my spouse and I want it to end!”

There is a real reason why most of the states in the United States have enacted “No Fault Divorce Laws.” It is my firm belief that no one should be forced to stay in a marriage that does not bring them happiness and fulfillment. A friend of mine, who is a Family Therapist, once told me that it is far better for the emotional health of the children to live primarily with one parent or the other, rather than continue living under one roof while parents fight and argue under the pretense of being in a “happy marriage”. To remain married to someone just because the value of the marital home is in decline, is a proposition that defies logic and only enhances the animosity and level of tension, which I see in my law practice on a daily basis, from people who want to move on with life and finalize the dissolution of their marriage.