

It's Easier Than Ever to Get Divorced in Connecticut. But Are Couples Reconsidering Amid COVID-19 Uncertainties?

A new executive order by Gov. Ned Lamont will make it easier for couples to proceed in getting an uncontested divorce. The question remains: Given the COVID-19 climate, will couples take advantage of the new rules?

By Robert Storace

As COVID-19 forced the courts to change how they do business, Connecticut Gov. Ned Lamont issued an executive order allowing parties to proceed with uncontested divorces via affidavit, as opposed to having to take part in in-person court requirements.

But some attorneys are raising questions, suggesting COVID-19 might lead couples to change their minds about divorce, as new economic uncertainties come into play.

On one hand, family law attorneys are applauding Lamont's Executive Order 7CC,

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saying it could help litigants move quickly to avoid what might seem like untenable living arrangements.

"This will have a big effect on family law attorneys and will be very helpful to couples seeking a divorce, as 90% of cases resolve without the need for trial," said Paul McConnell of Hartford-based McConnell Family Law Group. "It's unanimous among the family law attorneys I've spoken to. They all agree it's a good move."

But other lawyers aren't convinced.

'TAKE CARE OF EACH OTHER'

New York divorce attorney Dror Bikel, author of “The 1% Divorce — Clash of Titans” and “The Wall Street Divorce,” predicts that many couples will change their mind.

“People are definitely rethinking divorces in our COVID-19 world,” said Bikel, who’s practiced family law for almost 25 years, and is the founding partner of Bikel and Schanfield in Manhattan.

Bikel said seven clients decided to back down: three reconsidering before filing, and four rethinking after submitting divorce petitions. In one instance, a policeman and his wife wanted to separate before the uncertainty of the pandemic.

“They had a baby and the wife was not working,” Bikel said. “Neither party wanted the wife and child not to be on the New York Police Department insurance plan. They are working it out. They decided to go into therapy.”

That couple is not alone, the attorney said.

“I’d say, from talking to fellow family law practitioners, that 30-50% of people who were going to get a divorce will now not do it,” Bikel said. “It’s just more expensive to get a divorce today. People are having more economic stressors. ... It costs more money to carry

two households with two rents and two mortgages. People are reengineering their priorities, and when you do that, you think of what is important in life. People are saying they need to take care of each other in these times.”

POTENTIAL PITFALL?

But family law attorney Eric Higgins, co-managing partner with Wofsey Rosen Kweskin & Kuriansky in Stamford predicts the opposite result in Connecticut—and good news for lawyers—after the governor’s executive order.

“It may start to move some business that might have otherwise been stalled,” Higgins said.

But Higgins foresees a potential pitfall. He said some could argue that the governor exceeded his authority in granting the executive order in the first place.

“It’s an open question on whether the governor has the authority to do what he did,” the attorney said. “There could be a potential separation-of-powers issue with this, because the [legislators] are the only ones that can modify or pass statutes. There is a concern that someone who gets divorced using this process can then attack it later. They can say they didn’t appear in court in person, and therefore the divorce should be void because the statute requires them to appear in court.” ■