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July 6, 2010

The Honorable David A. Paterson
New York State Governor
Executive Chamber
State Capitol
Albany, NY 12224

Re: A.9753-A/S.3890-A, No-Fault Divorce

Dear Governor Paterson:

I am writing to you on behalf of the Matrimonial Law Committee to urge you to sign A.9753-A/S.3890-A when it is delivered to you by the Senate. This legislation would enact no-fault divorce in New York State.

The current divorce law in New York requires that one party accept fault or cast blame on the other party in order to obtain a divorce – even if the demise of the marriage was without the fault of either party. This approach is terribly out of step with the rest of the country: 49 states have some form of no-fault divorce on the books. Our system is an outlier and is also unfair to the parties. Courts and attorneys are placed in the position of convincing the parties to accept the fact that one of them is the "bad person" and that one must testify as to the "bad actions" of the other. This charade only further erodes the public's confidence and respect for the legal system and is demeaning to the courts, the attorneys and of course the parties themselves.

When a marriage has truly failed, parties in New York should be permitted to end that marriage with dignity and without being forced by an archaic law to impugn each other's character. Moreover, the bill explicitly requires that all economic and custody issues are resolved before a judgment of divorce can be entered, thereby safeguarding the economic, child related and ancillary interests of the parties. We urge you to sign this legislation and end the harmful consequences of our fault-based divorce system.

Thank you for your consideration.

Respectfully,

Susan L. Bender

Cc: Hon. Jonathan Bing
Hon. Ruth Hassell-Thompson