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### Staying together not for richer, but because they are poorer

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**STAR-LEDGER STAFF**

Couples in New Jersey are divorcing at a lower rate this year as the recession takes its toll on family finances and raises the cost of splitting up.

The number of new divorce cases filed during the first six months of the year fell 9 percent -- to 28,579 -- compared with the same period a year ago, according to the latest figures from the state Administrative Office of the Courts.

Some couples in marital strife are choosing to remain together until prices of real estate and stock portfolios rebound, according to people involved in family law. Other couples looking to separate are responding to hard economic times by mediating their differences outside of court to limit the cost of splitting up, they said.

"Fewer people are filing for divorce because they can't afford it, and they are fearful of how they will be able to live apart," said David Politziner, director of the litigation and valuation group for Amper, Politziner & Mattia, a Bridgewater accounting firm.

Some couples are stuck in limbo and can't afford to live on their own.

There is anecdotal evidence of spouses who divorce emotionally but "stay in the same house in two separate bedrooms," said Sally Goldfarb, a professor at Rutgers School of Law-Camden.

A divorce can cost from \$10,000 to well over \$100,000 depending on the complexity of dividing a couple's assets, according to Amy Shimalla, a divorce mediator for Copeland, Shimalla, Wechsler & Lepp in Warren.

Some clients are using a relatively new process called "collaborative divorce" as a less costly way of decoupling, she said. The couple negotiates a separation with their attorneys before they file an action in court.

"I don't see a lot of people ready to go to war," Shimalla said. "And the court doesn't want to deal with pots and pans and who gets the pets."

That's how Nancy Crockett Ross, 50, peacefully ended 14 years of marriage. The Ewing Township resident estimates her divorce will cost about \$15,000 when it is finalized this month. Without collaborative divorce, it could have cost 10 times as much, she said.

"You don't have to spend a ton of money and kill each other emotionally," Ross said.

Her ex-husband, Scott Ross, said the process works when both parties respect each other. "We didn't do anything to the other person that was harmful, deceitful or traumatic," the Gladstone resident said.

Former spouses also are heading back to the courtroom to revise alimony payments because of job loss or reduced income resulting from the severe recession. The number of divorce cases that were reopened in the first six months this year increased 6 percent -- to 38,808 -- compared with the same period a year ago, according to state figures.

"People can't afford to pay what they once were ordered to pay because they either lost a job, are not making as much money or they can't refinance their house," said Vikki Ziegler, a divorce attorney with Walder Hayden & Brogan in Roseland.

Some couples are agreeing to base alimony and child support on a formula -- a percentage of earnings -- rather than a fixed amount to adjust for reduced wages and bonuses, according to Cary Cheifitz, a partner

with Ceconi & Cheifitz of Summit.

"Income may be very unpredictable right now," he said.

Other former spouses are jointly owning stocks, homes or businesses so they can be sold when the economy rebounds, legal experts said.

"You have some people who may owe money just to get out of their house, and I've never seen that in 31 years of practice," said Lynne Strober, co-chairwoman of the family law department for Mandelbaum Salsburg in West Orange.

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