

COVID-19 ‘pressure cooker’ complicates family law cases



Monroe County firms that practice family law have reported an uptick in divorce cases and related matters because of the COVID-19 crisis. (Photo illustration by Engin Akyurt/Unsplash)

The requirements and hardships of the new abnormal created by the coronavirus pandemic have forced everyone to make adjustments.

For some couples, that means learning how to be together 24 hours a day with a spouse. Or learning that wedded bliss isn't so blissful.

On Aug. 4, there were 27 divorce filings in state Supreme Court in Monroe County. Ten days later, papers were filed for 14 more. On Aug. 17, the court took in 11 more.

While some of the paperwork is from the backlog when the state court system was on pause, a good percentage is simply from couples who realize a life together no longer is realistic.

“Since March, we’ve noticed a 30 percent increase in new clients,” said Amber Peshkin, partner in the firm of Wesley Clark & Peshkin LLP, which specializes in family law. “A lot of people who had started to think about (before the pandemic struck) and now that they’ve spent a lot of time together, they realize the marriage isn’t going to work.”

It’s a trend that likely will continue, according to Lawrence Krieger of Krieger Family Law.



AMBER PESHKIN, ESQ.

“It’s a pressure cooker right now,” he said. “One or the other partner, or sometimes both partners, have lost jobs or lost income, and it’s stressful. A lot of marriages may not survive COVID.”

The recent filings may not accurately indicate how many couples have a desire to pursue divorce, either.

“I think a lot of people would like to file but they can’t afford to because of everything that’s happening,” Krieger said. “This isn’t a great time to file if one partner is out of work.”

Family law attorneys aren’t just dealing with divorce proceedings, however. Some couples

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whose divorces are finalized have raised issues with custody agreements and the adherence to social distancing recommendations.

Those issues are arising when one parent follows health department guidance with regard to masks and social distancing while the other parent has few concerns. Those situations have prompted one parent to request full custody.

“Sometimes it’s a losing argument because each parent is entitled to custodial time,” Krieger said.

Another argument being heard: Because the ex-partner is an essential worker, he or she is putting the children at risk because the chance of exposure to COVID-19 is greater.

“But the judges were pretty explicit — being an essential worker is not a reason to withhold visitation,” Peshkin said.

There have been some benefits to extra time at home, however, especially when cases weren’t being heard by the court.

“We found that with some people who were out of work and had a lot of free time, we were able to help them work through things more amicably,” Peshkin said. “We were doing a lot of mediation and collaborative work and we were able to get families to a better place when the courts were closed.”

Not every case is pleasant, obviously. There’s a new twist to negotiations on splitting assets, even assets that don’t yet exist.

“People are arguing over who gets what share of the stimulus check, if another one is issued,” Krieger said. “I have one case now with the stipulation that if there is another stimulus check, it will be divided by a certain formula.

“Every dollar means more, so settlements are more hard-fought.”

And while the number of confirmed coronavirus cases continues to drop in Monroe County, family law firms don’t expect divorce cases to go in the opposite direction.

“With COVID-19, with politics, with financial stress, I do think this uptick will continue,” Peshkin said.

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