

## Grounds for Divorce in New York State

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### Are the grounds for divorce the same all over the country?

Each state has its own grounds for divorce, and what might be sufficient grounds for divorce in one state are not necessarily grounds for divorce in another state.

### What are the grounds for divorce in New York State?

- **Cruel and Inhuman treatment** – This occurs when your spouse has engaged in conduct which has endangered your physical or your mental well-being and makes it unsafe or improper for you to continue living with your spouse. This can include physical abuse, emotional abuse, and other inappropriate, harmful behavior.
- **Abandonment** – This ground involves the abandonment of one spouse by the other for a period of one or more years. In other words, it means your spouse has left you. Courts have also recognized “constructive abandonment” which could mean that your spouse without good cause refused to engage in sexual relations with you for at least a year, or that your spouse engaged in conduct so dangerous or inappropriate that even though you are the one who left, you left because of your spouse’s behavior.
- **Adultery** – While this ground was once the only ground, it is rarely used anymore now that many other grounds exist. Adultery includes various kinds of sexual contacts between your spouse and another party.
- **Prior Separations** – A party is entitled to a divorce if the party and his or her spouse have lived apart pursuant to a court order of separation or a written separation agreement for a period of one or more years. This ground used to be the only “no fault ground” but with the introduction of another ground, which will be more fully discussed below, this ground is not the only way to get a divorce without saying anything negative against the other person.
- **Irretrievable Breakdown of Marital Relationship for at Least Six Months** – This ground was added in October, 2010, bringing New York State in line with all of the other states in the nation. Under this ground, the party bringing the action must allege that the marital relationship has been irretrievably broken for a period of at least six months. This ground cannot be used unless the parties have been married at least six months. It appears that with the addition of this new ground, the other grounds have become less important since this ground is easier to prove and creates fewer bad feelings than use of some of the other grounds.