



WEATHER

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SPORTS



Finding home

Rutland graduate Kevin Bourgoyn has found home as a coach for the CFL's Winnipeg Blue Bombers.

B1

Rise in divorce filing noted

By KEITH WHITCOMB JR.
STAFF WRITER

While data is hard to come by, mediators and family law attorneys are saying they're seeing a spike in people interested in getting a divorce.

"Over the last year or so, I've certainly seen an increase in divorce in my practice," said Erik Wheeler, of Accord Mediation, based in Burlington.

Wheeler is one of many mediators people can find through the Vermont Superior Court Family Mediation Program.

"Most people find me because

they've heard about mediation, that it's more peaceful, or they want to avoid attorneys," he said. "Quite often, that's one of the first things they tell me."

He said the pandemic is likely at the root of this, though its exact role is difficult to pin down.

"I think that it's a couple things," he said. "I think it's partly the stress of the pandemic, and then the other impact was because of the court system. The courts put everything on hold for a couple months."

Gov. Phil Scott declared a state of emergency in March 2020, leading

to the closure or remote operation of government and private services. Among the government operations impacted were the courts, which have been hearing only the most serious and pressing cases.

Wheeler said few are overtly citing the pandemic as being what spurred their interest in researching divorce, though some have said it's a factor. One woman told him she hadn't been getting along with her spouse for some time, but had been putting off looking into divorce until the pandemic left her with the free time to consider it.

"Another case was someone who

— it was a difficult situation, she was living with her husband — he was being kind of aggressive, and being quarantined with no place to go was the trigger for her," said Wheeler.

According to a January report from the New York Times, national data on divorce rates isn't available yet, however mediators, attorneys, and others connected to divorce proceedings reported seeing big increases in divorce activity about three months into the pandemic. This has been noted in other

See Divorce, page A4

Divorce

Continued from Page A1

countries as well, such as Britain, Sweden, and China, the Times noted.

Nanci Smith, a family law attorney based in Williston, said she's read various media reports with conflicting takes on the subject, however her own practice has seen a 7% rise in recent months.

"There's been a lot of inquiry and uptick in intake, people are more curious about what their options are," she said. "Whether they're actually filing or not is debatable. I think some people can afford to go ahead and file, but there are oftentimes when some people cannot. If you lack the resources to be able to get out, the pandemic is a real scary time."

This year, Smith and Wheeler began hosting a monthly webinar on how to divorce peacefully

without turning to the courts. Smith said that with the courts not holding hearings like they did before the pandemic, this option is even more attractive to those seeking a split.

Misconceptions and cultural attitudes leave many approaching divorce the wrong way, she said.

"Just because you need to get out of your relationship doesn't mean you need to engage in a scorched earth policy about it, you can just choose to separate in a dignified, healthy way that preserves what was good in your relationship," she said.

None of her clients have cited the pandemic specifically as the reason for their wanting to leave their spouse, Smith said, though the situation created by the virus has seemingly brought underlying problems to the forefront.

"In my experience, people have been thinking about their divorce

for at least a good year before they have the courage to say it to their partner," said Smith.

In Vermont, it appears interest in divorce dipped for several months after March 2020, said Rutland attorney, Tristan Larson, of Larson and Gallivan Law, PLC.

Larson also runs Vermont Family Law, which specializes in offering family law advice to people representing themselves.

"Since then, I have been very, very busy," he said. "We're getting a lot of calls, and I'm representing more people than I have in the past in divorces."

In a typical year, February and March constitute "divorce season," said Larson. Couples will often decide to split after the holidays, it being a stressful time and one where many decide they want to end their relationships rather than experience it again.

Larson said he can see his site's web traffic dropped by half in March 2020, but began to pick up again in June.

"July 2020, I had the busiest month Vermont Family Law has ever had, it was an enormous spike," he said.

Interest in divorce has risen considerably since the first summer of the pandemic, he said, but how many will follow through and file for it isn't clear, given the court backlog.

He said that while he counsels people to avoid using an attorney for a divorce, they shouldn't let the backlog stop them if they wish to file. Filing gets them in line to be seen, and more is being done with remote hearings now, something he hopes will continue for short, simple hearings.

"A good divorce is better than a bad marriage, for kids," he said. "A bad divorce is worse."

How much of the rise in increase is from people pushed towards splitting by the pandemic and how much is from people who'd wanted divorces and put them off isn't clear.

"Since March 2020, I have not seen an increase in activity up until recently," said Rutland attorney Kevin Volz. "I think a lot of people might have been sobered by their severed incomes. The floodgates have opened of late and I'm getting lots of inquiries and retainers. Will this add up to being more in general or just some pent-up demand? That I don't know yet."

Like the others, his clients aren't directly telling him the pandemic drove their decision to seek a divorce, but some have said having to spend so much time indoors with a person they were considering a split from has moved their timeline up.

Volz stated in an email that the courts were working on digitizing and doing more work online when the pandemic hit, compounding the ensuing stagnation and uncertainty.

"In the beginning, when people didn't know how long things would be jammed up, the court just put cases off, perhaps thinking within a couple of months it would start scheduling again," he said.

While there were delays, the court adapted, according to Volz.

"These courthouse staffs are really quite the unsung heroes during this whole thing," he stated. "I can't imagine the stress they were under. Yet, I never heard an unkind word. And their patience was boundless in helping attorneys learn to deal with the new remote hearing/online filing system."

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