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Attorney James M. Lynch examines the spike in divorce filings after lockdowns are lifting, and how quarantined spouses are planning their divorce.



The coronavirus shutdown has kept families and spouses cooped up together in their homes for over a month now in many areas – so long that psychologists wondered if the strain of quarantine would produce an uptick in [divorce](#) filings once the lockdown ends. Perhaps unsurprisingly, as regions across the globe reopen, divorce filings have increased as spouses have escaped isolation for the first times in months.

For spouses who are leaning towards a marital split after the pandemic, early preparation can be the help to ensure a successful outcome in a future divorce.

Countries Coming Out of Lockdown See Increase in Divorce Filings

Some of the countries and regions that are emerging from coronavirus lockdown orders are seeing a sharp increase in the number of divorce filings. For example, in the [Chinese city of Miluo](#), which is near the epicenter of the outbreak in Wuhan, [city clerks processed a record number of divorce filings](#) towards the end of the city's quarantine and immediately after it lifted.

Deborah Carr, a sociology professor at Boston University who [spoke with Boston Magazine](#), notes that many of the pressure points that often trigger divorce have been exacerbated during the pandemic:

“People are under a lot of financial strain. They’re losing their jobs,” she says. “Sometimes people will cope with that strain in ways that can threaten the relationship.” Another source of disagreement for many couples? Parenting. And in the current climate, diverging beliefs about child rearing are being spotlighted like never before. “If parents fundamentally disagree

on how they raise their child, right now that's a pressure cooker with parents and kids home all day, [having] problems with homeschooling, and struggling with discipline," she explains. "That creates a strain on the marriage."

Some experts think that the pandemic, like a natural disaster, [could push people into making bold decisions about their lives](#). As Carr explained, the virus is likely to crystallize how spouses view each other:

"Some will come away incredibly grateful that they have a kind, supportive spouse, and others, sadly, are going to look at their spouse and say 'No, I don't think I want to spend the future with this person,'" she says.

Being Forced to Live Together Can Strain a Relationship

Explanations provided for the rise in the Chinese city vary widely: Officials reportedly pointed the finger at nitpicking and critical spouses arguing over trivial subjects to constant interactions in close quarters to the sudden inability to have a love affair. Add to these tensions the always toxic elements of domestic violence and substance abuse, and Chinese residents saw a perfect storm for marital discord.

What is clear is that the strain that coronavirus lockdowns have had on families and spouses is not theoretical. Having to spend so much time in one place with the same people can be difficult. Even the best relationships rely on an element of space created by a workplace that is not the home. It gives everyone a relieving break from everyone else.

Here in the United States, divorce professionals expect a surge in filings after lockdowns ease. New York divorce attorney Marcy Katz recently [told ABC News](#) that when court accessibility "restrictions are lifted, I have no doubt that there will be an overwhelming number of filings." Similarly, Chicago family law attorney Robert Segal said he expects a "deluge" of divorce cases after [courts reopen](#).

Employment and Money Issues Compound the Problem

To make matters worse, the coronavirus shutdown has caused [one of the most overwhelming periods of job loss in history](#). Already, the [unemployment rate is](#)

[estimated to be around 20%](#). To put that number into some semblance of perspective, the unemployment rate during the Great Depression peaked just shy of 25%. Already, in Massachusetts, the [impact of layoffs on child support and alimony orders](#) has been staggering.

Without a job and the steady income it provides – and without the unemployment benefits that are only just beginning to trickle in and the [government stimulus checks that could take months to arrive](#) – spouses can feel even more concerned. That strain, especially when it lasts for weeks on end, can lead to the kinds of frustration, anger, and mood swings that can challenge a relationship.

Together, the money worries, stress on children and close proximity, along with uncertainty about the future, are sure to push spouses towards reconsidering their relationships during the coronavirus shutdown. When society reopens many doubtful

Massachusetts Divorce Lawyers Remain Busy During Quarantine

Even though the [Probate & Family Courts in Massachusetts](#) have closed their doors to the public [to slow the spread of the virus](#), the work of the Courts continues inside those shuttered doors. [Probate Court judges are hearing cases telephonically](#), approving divorce agreements, and deciding issues during the lockdown. Moreover, new divorce cases are being filed during the closures. Although self-represented parties face unprecedented challenges when trying to access Massachusetts Probate Courts, many divorce attorneys remain in contact with court staff, [filing pleadings electronically](#) and moving divorce cases through the strained but largely functional system. Meanwhile, thousands of Massachusetts spouses have reacted to court closures by seeking to resolve their divorce through [video mediation](#).

Even with access to Massachusetts Probate Courts limited for non-emergency matters, divorce lawyers have continued to file new cases electronically, placing matters into the court's re-opening "queue", while moving cases forward in surprising ways as courts have expanded phone and video conferencing and loosened rules on electronic filing.

If Both Spouses Seek a Divorce: Get Started on Mediation or Litigation

They say that misery loves company. For many spouses in lockdown, marital discord flows in both directions, with each spouse recognizing the mutual need for a divorce following the lockdown. For many spouses who agree on divorce, the best option is [divorce mediation](#). Divorce mediation, with its focus on minimizing conflict and [overcoming negative emotions](#), can serve as a much-needed pressure release valve for spouses who feel their conflict boiling over. A big part of a divorce mediator's job centers on helping spouse adopt [appropriate boundaries](#) during the divorce process, building the foundation for a positive post-divorce relationship between former spouses.

Although it may appear counter intuitive for frustrated spouses to discuss divorce while sheltering in place together, the mediation process is designed to de-escalate tension and focus spouses on working cooperatively towards mutually advantageous independence. In short, mediation can offer locked down spouses an opportunity to begin solving problems and looking toward the future.

Divorce mediators are not therapists, but the process of working cooperatively towards shared goals in mediation can be positively therapeutic compared to the festering frustration of unresolved tensions and problems that many spouses are facing during lockdown.

Preparing for Divorce Litigation During Lockdown

Keeping the peace within the home during quarantine sometimes means that spouses are not well positioned to discuss divorce with their significant other during the lockdown. When only one spouse has decided to initiate a divorce, the divorce preparation process includes additional challenges during the lockdown. If the initiating spouse is not careful, the forced proximity with the other spouse can lead to uncomfortable scenarios.

A spouse seeking a post-pandemic divorce is not without options, however. Despite the government shutdown of most small businesses, many divorce attorneys have continued to work during the crisis, including offering phone and video consultations to clients (sometimes at [reduced rates](#)). Holding a phone or video consultation with an attorney is the first and easiest way for a spouse to investigate and prepare for a potential divorce following the easing of government restrictions. Speaking to an attorney is not just sound advice for spouses seeking a divorce either. If you believe your spouse is quietly preparing a divorce, speaking to an attorney is a crucial step towards self-protection, even if your preference is to avoid a divorce.

Moreover, a built-in, 90-day grace period afforded by court rules can assist initiating spouses during the lockdown. A spouse who files for divorce has 90 days from the date of the filing to make service of the complaint and summons on the defendant. The 90-day period allows a spouse who is seeking a divorce to delay announcing his or her intention for three months, allowing the Courts time to open and make temporary orders concerning custody, support and living arrangements. (It is worth noting that the public can search for new divorce filings by county at <https://www.masscourts.org/>, meaning that a tech savvy or suspicious spouse could discover a divorce filing by searching the online system during the 90-day period.)

Whether or not spouses file their divorce, they can use the time available during the pandemic to [prepare for the divorce](#) before the lockdown lifts and the courts reopen. Much of the preparation for a divorce happens before the papers are filed with the court. Spouses who have communicated their desire to separate with each other can spend the time collecting the financial information that will be used to plan [alimony](#) and [child support](#) obligations, as well as the [asset distribution process](#). Individual spouses who are considering a divorce can research the legal process and identify the [issues of a divorce](#) that will be the focus of their attention. They can also gather important financial information, like their monthly budget.

Nine Ways to Prepare for Divorce During the Coronavirus Shutdown

The following is a list of divorce preparation steps that spouses in quarantine can take during the lockdown:

1. Secure your passwords and devices. The combination of close proximity and spousal tension can make [digital snooping](#) irresistible during the lockdown. We strongly advise clients to change old passwords and avoid password “hints” based on biographical details a spouse may know, such as the name of a first boyfriend or elementary school. We recommend using a [password manager](#) or creating a new password system based on a combination of words, numbers and symbols that your spouse cannot guess.

2. Buy and use a portable scanner. [Portable scanners](#) have come a long way in recent years. Many scanners will now connect to mobile devices, creating PDF copies of paper documents that would otherwise need to be copied at Staples, or worse yet photographed and assembled on a smartphone. For less than \$100, a portable scanner allows you to create digital copies of hundreds of pages of documents quickly.

3. Compile and save financial documents. Being stuck in the house does have some upsides. Among the advantages is having both the time and access to records stored in boxes in the attic or basement – or arriving in the mail every day. Spouses considering a divorce should take steps to preserve copies of any tax returns, bank statements, investment/retirement account statements, credit card statements and every other financial document they can put their hands on for either spouse during any time span. You would be amazed how often these documents “disappear” once a divorce has been filed. Obtaining copies is often time consuming and costly.

4. Screen shot or (better yet) backup your text messages. If you own an iPhone, you owe it to yourself to buy a license for <https://imazing.com/>, which not only allows you to back up your Apple device, but allows you to *export* all of your text and iMessage threads in Word and PDF formats. If iMazing is not an option, make sure you are backing up your text messages in a manner that preserves your phone’s contents in the event of a lost or broken device or intentional erasure. Text messages frequently include incredibly important evidence in the divorce context. Do not lose your texts because of laziness or a sloppy mistake. Screenshotting, backing up and exporting text messages is common sense.

5. Be careful what you put in writing. As noted above, [text messages often provide crucial evidence in court cases](#). The same is true of emails and social media postings, data, and images. If you are considering a divorce, it is never too late to adjust your digital habits. Avoid profanity, do not vent your anger, and do not engage in long text written exchanges that can be cherry picked and used against you later.

6. Quietly apply for a credit card and set aside cash. If you file for divorce, you do not want to get stuck in a cash crunch. It is important for parties to have access to cash and credit in case funds are withdrawn and/or accounts are closed unexpectedly. Most of us gets dozens of credit card offers in the mail every week. Apply for a card with a high limit, then stash it away for a rainy day.

7. Use a calendar to document incidents with dates. There is an old saying among lawyers: It is not evidence without a date. If your divorce involves child custody, it can be important to document positive and negative events involving yourself and the other parent. Compile lists of which parent brought the child(ren) to medical appointments and activities, which parent attended school events, and the dates on which negative incidents occurred.

8. Think about future living quarters. Where would you or your spouse live in the event of a divorce? Have you checked the rental and real estate listings

lately? How much money would you need to move? Thinking about these contingencies is a key part of the divorce preparation process.

9. Understand your resources. How much is a retainer for a divorcee attorney? How would you pay the retainer? How should you respond to domestic violence or substance abuse by a spouse? Who would you call? What friends or family could you stay with in an emergency? Knowing how to answer these questions is more important than ever while the coronavirus creates unique challenges affecting our ability to move and interact with the outside world.

Among the most important things to do during the lockdown is to [reach out to a lawyer](#). An attorney can help you get organized for the divorce process and can help you prepare for the strain that comes with it. Lawyers can also help you effectively gather the information that you will need once it comes time to file the divorce papers. At this point, nearly all family law attorneys are taking initial consultations over the phone or a teleconference program like Zoom.



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James M. Lynch
Managing Partner

More Coronavirus Coverage from Lynch & Owens

The attorneys of Lynch & Owens have been blogging about the impact of the coronavirus on divorce and family law issues, as well as Massachusetts Probate & Family Courts, since the earliest days of the pandemic. Our coverage has been featured in the [New York Times](#) and the [Boston Globe](#). Check out the links below for more Covid-19 coverage from Lynch & Owens.

Coronavirus Impacts on Family Law:

- [Nine Ways to Plan for Divorce During Quarantine](#) (5/13/20)
- [Ask Our Attorneys: How has the Coronavirus Impacted Family Law in Massachusetts?](#) (5/6/20)
- [Coronavirus News: Enforcing Child Support and Alimony Orders During the Crisis](#) (4/7/20)

- [Massive Coronavirus Layoffs Trigger Child Support and Alimony Reductions Across MA and US](#) (3/19/20 with updates)
- [Coronavirus Court Closures: How Covid-19 is Shutting Courts in Divorce and Family Law Cases](#) (3/14/20 with updates)
- [Can Coronavirus Fears Allow Parents to Cancel Court-Ordered Visitation?](#) (3/2/20 with multiple updates)

Massachusetts Probate & Family Court Updates:

- [Coronavirus News: Mass. Probate & Family Courts Release Tidal Wave of New Rules](#) (4/9/20 with multiple updates)
- [Coronavirus News: County-by-County Info for Massachusetts Probate & Family Courts](#) (3/26/20 with multiple updates)
- [Massachusetts Trial Court Announces Comprehensive Response to Coronavirus for MA Courts](#) (3/15/20 with updates)

Mediation and Coronavirus:

- [Mediation is the Best Divorce Option During the Coronavirus Crisis](#) (4/15/20)
- [Court Filings and Covid-19: How to File Agreements in MA Probate & Family Courts During Crisis](#) (4/9/20)
- [Surviving Coronavirus: Video Mediation for Divorce and Family Law Issues](#) (3/19/20)

Other media featuring Lynch & Owens and coronavirus:

- [NY Times: For Divorced Parents, Navigating Coronavirus Is a Balancing Act](#) (3/27/20)
- [Boston Globe: For divorced couples with children, coronavirus creates added challenges](#) (4/10/20)

Coronavirus Related Legal Services at Lynch & Owens

Lynch & Owens has adjusted our service delivery model in response to the coronavirus crisis. In addition to providing traditional divorce and family representation, during the outbreak, we are focused on delivering rapid-response legal services (including same-day service) to clients facing emergency financial and child-related issues, as well as assisting self-represented clients with

document preparation and filings while the courts are closed for most regular business.

Clients can schedule same-day, 1-hour paid consultations with our attorneys by phone and we are accepting retainers as low as \$750 for additional consultation services. We are also offering same-day video mediation for parents, spouses and former spouses who are seeking to mediate coronavirus-related issues such as visitation, parenting time, and child support and alimony orders impacted by layoffs and unemployment. Our staff and attorneys have full remote access to all our office's resources in the event of mandatory quarantine or shelter-in-place order.

Please see our dedicated [Coronavirus Legal Services page](#) and [Coronavirus Mediation Services page](#) for more about services provided by Lynch & Owens and South Shore Divorce Mediation during the coronavirus crisis.

About the Author: [James M. Lynch](#) is the managing partner at Lynch & Owens, located in [Hingham](#), Massachusetts and [East Sandwich](#), Massachusetts. He is also a [mediator](#) at South Shore Divorce Mediation.

Schedule a consultation with [James M. Lynch](#) today at (781) 253-2049 or send him an email.

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