



7 Things to Know About Divorcing During Your Senior Years

You thought it was until death do you part, but now you're headed to divorce court.

Dubbed “gray divorce” by some, calling it quits during your senior years may no longer be a decision that raises eyebrows. The divorce rate for those ages 50 and older doubled between 1990 and 2010, according to a study by Bowling Green State University sociologists.

While remarriages tend to have higher divorce rates, it isn't only people on their second or third spouse who are seeing their marriage dissolve. The BGSU study published in *The Journals of Gerontology* found that 48 percent of divorcees were in their first marriage. If it looks like your happily ever after is ending, here are seven things family law experts say you need to know.

1. Alimony is almost always granted after long-term marriages.

While younger couples may have temporary alimony agreements that provide financial support for their ex, often only long enough for lower earning spouses to get back on their feet, it's a different situation for those exiting long-term marriages. “In New York, for example, the court will generally give alimony for life,” says Bruce Provda, a divorce attorney in New York City.

What's customary for alimony can vary, but legal experts say senior couples can expect it to play some role in their divorce proceedings.

“If they're working, they're going to pay some alimony,” says Bob Boyd, a partner with the Atlanta law firm Boyd Collar Nolen & Tuggle and past president of the Georgia Chapter of the American Academy of Matrimonial Lawyers.

2. Your retirement money is about to be cut in half.

It doesn't matter if one spouse was considered at-fault for the divorce; attorneys say [retirement funds](#) and other assets are likely to be split evenly.

“What looked like a lot of money to live on in your senior years doesn't look like much when cut in half,” Boyd says.

Provda adds that some spouses may offer more of their pension to avoid making alimony payments. However, it may not be a person's best interest to accept a deal that would trade tax-favored investments for potentially taxable income.

3. If you keep the house, you're giving up something else.

Boyd says many women balk at giving up their marital residence. While it can be an emotional decision to give up a longtime home, it's one that makes the most financial sense, particularly when courts often split assets evenly.

"If you take the house, it has a value," Boyd says. "[Then your husband] is going to get something in his column to balance that out."

That something could be a greater [share of a pension](#) or a smaller alimony obligation. Either way, keeping the house and giving up retirement savings or cash payments could put a person in a bind. Houses come with property taxes, maintenance expenses and other costs that can stretch already meager financial resources.

4. Your kids may be older, but they might still be a factor.

"Divorce is always a hard transition at any stage," says Christina Pesoli, a family law attorney in Austin, Texas, and author of "Break Free from the Divortex." "The silver lining [of senior divorce] is that it's not going to have the same gut-wrenching kid issues that younger couples have."

In most gray divorces, [child support](#) and visitation orders are out of the picture. However, that doesn't mean adult children aren't a consideration in the divorce proceedings.

Nancy Chemtob, a matrimonial attorney and founding partner of Chemtob Moss & Forman in New York City, says it's not unusual for parents to [provide financial support for adult children](#). While adult children may want this support to continue, it's not something typically written into a divorce agreement unless a child has a disability or is in school.

"You can't obligate someone to pay a third party," Chemtob says. The same applies to couples who may be supporting elderly parents. As a result, some divorcees may end up in the difficult position of having to decide whether to use their diminished savings or income to continue this support.

Finally, adult children may react emotionally to their parents' divorce. Pesoli says there is no reason to overshare if everyone seems to be adjusting appropriately, but parents shouldn't have to keep the reasons behind the divorce a secret. "Share if it brings resolution and is needed to help kids make sense of what's happening," she says.

5. Being bitter benefits no one, but there is no reason to be a buddy to your ex.

Emotions run high during a divorce, but experts say to try to keep conversations neutral.

"It doesn't matter how old you are, be as amicable as possible," Chemtob advises. "There is no benefit in having a contentious divorce."

Pesoli agrees but adds that being amicable isn't the same as being an open book. Sharing information such as future plans, favorite possessions or desired assets could give a spouse considerable negotiating power during divorce proceedings.

"Be polite, be civil, but keep it businesslike," Pesoli advises.

6. Make new friends, but don't start dating before your divorce is final.

Getting a divorce can have an impact on relationships beyond the marriage. It can polarize friends and leave some ex-spouses feeling alone and defensive.

"It's so important, as a senior person, when you get a divorce to not let yourself be isolated," Boyd says.

Possible outlets for social interaction could be community events, volunteer activities or even hitting the campaign trail for your favorite candidate in the next election. However, Pesoli says newly single seniors shouldn't make the mistake of squandering their blank slate and jumping into a new relationship too quickly.

"Dating before your divorce is final never makes things better," Pesoli says. It can upset

children, anger the soon-to-be ex-spouse and [add time and money to the proceedings](#).

7. Get a prenuptial agreement for the second time around.

With remarriages being more likely to end in divorce than first marriages, family law experts advise anyone considering another union to [get a prenuptial agreement](#). Without one, a second divorce can take retirement savings that have already been split once and divide them even further.

“If I were getting married for the second time in my senior years,” Boyd says, “I would surely get a prenuptial agreement.”