

Is Divorce Becoming a Luxury?

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Ready to split but cash-strapped, some couples are finding divorce too expensive.

Nine months ago, Rachel Gund (some names have been changed), 44, decided she wanted to divorce her husband of nearly 20 years. But nine months later, she continues living under the same roof with him and their two teenage daughters: Neither partner afford to move out so they live like roommates, sharing the marital home and dividing the expenses.

Sound far-fetched? Not really, say attorneys and therapists who are seeing more couples delaying divorce filings and physical separation due to the economic recession. In many cases, couples can't sell their homes because of the soft real estate market. In others, one or both partners has suffered a job loss. Often, there's a mountain of shared debt that must be cleared before a split can occur.

"Cohabiting has spiked because people just can't afford to move out. They can't afford to buy themselves out [of the house]," notes Kathryn Dickerson, partner at Smolen Plevy in Vienna, Va. "You used to be able to refinance a mortgage more easily, but not any longer." In some cases, she says the value of a house is "under water" (when the value of the home falls beneath the value of the mortgage) and there's simply no equity to divide. "The question is who will take what debt," Dickerson says.

Gund and her husband signed a legal separation agreement in March (2008) and continue living together. The agreement details the percentage of the living and childcare expenses each partner must pay. The couple also agreed not to bring dates home. In the state of New York where Gund lives, the legal separation agreement becomes the divorce agreement so in

March 2009, she will be divorced. She plans to put the house up for sale just prior to that.

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