

# How Gray Divorce Differs from a Typical Divorce?

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There has been a sharp rise in the rate of older couples divorcing. The escalation of the numbers is largely due to *long-time* marriages now ultimately ending in divorce. Older couples divorcing has become statistically pronounced because the overall divorce rate has been declining as divorce in the gray-haired segment of the population has been escalating. Utah divorces among older residents in the state are not exempt from the national trend. Are *gray divorces* so different from typical divorces?

## What is Gray Divorce?

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So-called “gray divorce” refers to the increasing rate of older spouses divorcing. Divorce rates among people aged 50 and over now account for around 25 percent of all divorces in the U.S. Of those, about 10 percent are in the age 65 and over demographic. Even divorce after 70 years old sometimes occurs. But what must life after gray divorce be like?

## Why are So Many Older Couples Divorcing Now?

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There are several common reasons for their decision to divorce, often after decades of marriage, that older people report:

- With today’s longer life expectancy, some people aged 50+ and 60+ who are unhappy in their marriages realize they have potentially more decades to live and want a new start.
- Many couples say they have just grown apart over the years, and since there is no longer the shame of divorce as in their parent’s generation, they feel free to move on.

- Other couples acknowledge that raising their children was what kept the marriage together, and now that their nest is empty, they are free to go separate ways.
- Some people say they've changed and they're no longer who they were. They reject the idea of settling and choose a new opportunity for happiness through a divorce.

## How is Gray Divorce Different from Typical Divorce?

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So, some reasons for divorce are the same for older spouses as for younger people choosing divorce. But, gray divorce is very different from typical divorce financially and in other ways:

- The majority of people seeking gray divorce are either retired, nearly retired, or are not retiring yet for personal reasons.
- The majority of people in gray divorce cases have adult children and often have grandchildren.
- Couples seeking a gray divorce may have asset divisions that are complicated by the long length of the marriage and traditional roles of employed husband and homemaker wife.

## Gray Spousal Support Issue

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If one spouse has not worked outside the home during the marriage and is now over 50 or 60 years of age, that person is arguably unlikely to become entirely financially self-supporting. So, the court may order spousal support that remains in effect until the legal retirement age.

## Financial Concerns in Gray Divorce

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In many cases, *both* spouses face serious financial difficulty after a gray divorce:

- A supported spouse may need to return to work along with supplemental spousal support.
- Living separately because only one income source and set of assets has been supporting the couple in just one home. After the divorce, that single income and group of assets split in half in the property division will need to sustain *two* households.
- After the divorce, the ex-spouses might both need to reduce discretionary spending to be able to pay basic living expenses.

## How Does Gray Divorce Affect Retirement?

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Gray divorce may obliterate retirement plans. Income drops with retirement, divorce raises costs due to alimony, replacing lost assets, supporting two households, etc. You will need to work with a Family Law Attorney and financial analyst who specializes in divorce cases.

- The working spouse(s) may have to postpone retirement, possibly indefinitely.
- One or both spouses may need to obtain new, better-paying jobs, or take a second job, or significantly alter their lifestyle to fit their new financial situation.
- Property division in divorce includes splitting retirement savings and benefits.
- Alimony payments must be included in life insurance along with death benefits to be paid. That increases the premiums, in addition to the increase due to older age.

## Community Residence Issues

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Both parties in a gray divorce are likely to want to keep their home, sometimes as much due to the emotional attachment as for the financial value. But, in Utah, a home is a marital asset. So, for one person to keep the house, he or she must buy the other spouse's share of it. If there is a lot of equity or the mortgage is paid off, the spouse who keeps the house may have to go deep into debt to pay the departing spouse for his/her half. It may make more sense to downsize and buy a home that costs much less.

## Going Through Gray Divorce

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As you can see, the circumstances of gray divorce are overpowering for people whose intertwined financial resources are too limited to withstand the total losses. It's an enormous challenge. Further, the difficult emotional and psychological impacts of divorce are multiplied by the many years in a long marriage and a home.

Notwithstanding all the sacrifices in any divorce, especially in those that happen late in life, moving on may still be the most reasonable choice, based on the facts of a case. So, as you embark on the difficult and emotional process of leaving your life with your spouse behind you, having the property and other legal issues settled can help make things easier.

Now that you've fully absorbed the gray divorce meaning and implications, if you're ready to push forward, just get all your paperwork together and organize your plan for your new start. Your Utah divorce attorney will help you through the mediation process so you can move forward into the new chapter of your life.

## Why Choose the Law Office of David Pedrazas, PLLC?

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Using a mediator very often makes the best sense for gray divorce. It's more cost-effective than going through the court, and it's faster. Instead of dragging out the process in court, we can help you with divorce mediation as we have helped so many others. Our caring team is here to help you get through the stress and other challenges of divorce as smoothly as possible and reach the most favorable outcome.

**For the best guidance through gray divorce, call the Law Office of David Pedrazas, PLLC, at (801) 263-7078 to set an appointment to discuss your situation.**

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