

When Fault Matters in No-Fault Divorce Cases

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A no-fault divorce case ***allows the couple to come to an agreement on their own*** and avoid the strain and tension that comes with the trial. In Utah, a couple can file for a no-fault divorce ***if they have stayed for three consecutive years without cohabiting or if they have grounds for irreconcilable differences.***

However, there is a popular delusion that a no-fault case implies that fault is irrelevant. Even in a no-fault case, nothing prevents either party from proving fault as grounds for the break-up of their marriage. Therefore, the divorce litigation will not necessarily take the course that a no-fault divorce normally would. **The following cases explain where a fault may come into play in a no-fault case:**

If One Party Argues Dissipation of Assets

Utah laws state that the marital assets should be divided equally in the event of a divorce. However, some instances can override this law, one being the dissipation of assets. This happens ***when one party proves that the spouse deliberately squandered their marital assets with the intention of depriving the other party of their rightful share.*** For example, if the spouse at fault is found to have spent money on the 'other' man or woman, this is considered dissipation or waste of marital assets, forcing a deviation from the 50/50 division rule. The accuser, however, has to have sufficient dissipation evidence which may end up being very costly.

Conduct Of the Parties During the Marriage

The following behaviors may be grounds for fault:

- Drug abuse
- Alcoholism
- Criminal activity
- Abusive behavior, domestic abuse, and violence
- Financial mismanagement and gambling
- Abandonment
- Adultery

These behaviors may be brought up if one party feels that the custody and parenting outcome will **affect the children's well-being**. For instance, if the wife feels that granting the husband partial custody will expose them to drugs, violence, or any of the vices listed above, evidence of such will have to be presented in court even though the case was a no-fault case. If a spouse is found to be already living with someone else, this is adultery, and it will influence the ruling.

Alimony Rulings

In Utah, alimony is awarded based on what the judge deems fair and reasonable under the specific circumstances of the case. **One party may decide to appeal for alimony if they feel that the spouse's behavior affected their lifestyle and finances**. This is especially the case if the woman's primary responsibility was to be a homemaker, while the other party had an affair. In this case, fault would have to be established so that a ruling in favor of alimony is made.

No-fault cases are common as they have less emotional harm on both the spouses and the children. They take a significantly shorter period to resolve and they do not involve strenuous court proceedings. This does not, however, mean that fault will not come up during the process as the above instances show.

See How SLC, Utah Divorce Attorney David Pedrazas Can Help

Even for a less complicated and an uncontested divorce case, it is still a good idea to consult an experienced attorney who can protect your rights. **Attorney David Pedrazas has dealt with divorce cases for more than 15 years and is committed to offering each of his clients the help they need**. Contact the Law Office of David Pedrazas in Salt Lake City, Utah to schedule a free consultation today at 801-263-7078.