

Divorce is the latest recession casualty: married couples can't afford to separate

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Call it sleeping with the enemy. Or at least, living with him or her. For married couples who want to part ways, breaking up is not only hard to do, it's so out of the question these days that many are staying together under one roof to wait out the recession.

Couples who fall out of love may not even have a job anymore, much less the funds to hire an attorney to make their split legal. With housing prices down, they can't afford to sell off the real estate and go their separate ways. So some are biding their time by tolerating the other's company on their home turf. It's faux separation, recession style.

"Many couples in this situation are living on separate floors," says New York-based marriage counselor Bonnie Weil, Ph.D., author of "Financial Infidelity." "They live as if they are tenants, except they really hate each other. The kids are enmeshed in the middle of it. Everyone is confused, and everyone is suffering."

Nationwide, the number of divorce filings is down substantially. When the American Academy of Matrimonial Lawyers polled its 1,600 members, nearly 40 percent said that filings were down by 40 percent. "There is a lot of fear, so people are staying put," says Gary Nickelson, president of the Academy. "People look at their assets and their liquidity, and they realize they don't have any."

The inability to get a good price for a house isn't the only reason fewer couples are filing for divorce, says Sari Friedman, an attorney specializing in divorce and family law. "My personal instinct is that some couples are preoccupied with the economy, with survival and with fear," she says. "There is a flood of unhappily married people out there who would otherwise be in their lawyer's office. But now they are staying in the house together."

In the current recession, couples look at divorce as something unattainable, like a new car.

"To some extent, I feel like I am selling a luxury good," says matrimonial attorney Dan Clements. "Couples realize that even if they break even on a house sale, there are no additional funds to move into a new place and buy that new couch. And if you've been downsized, you can't move out because you can't afford a rental apartment."

For many downsized couples, divorce just doesn't make financial sense because they can't afford two of everything, Clements says. "When you are together you are paying one rent and one mortgage," he says. "But when you divorce and move apart, there are two refrigerators that need to be filled."

When couples decide to stick together, "In some cases they set up guest rooms," Clements says. "One person moves from the master bedroom to a guest room or to what was formerly a child's room. Then they just wait to see what the future will bring."

Staying together doesn't work for everyone, says Manhattan psychotherapist Mel Schwartz. "If you have people who are not respectful of each other, then I would recommend getting out of the marriage at all costs," he says. "Even when people agree to stay together because of the economy, it can be a little awkward. It works when they act like they are roommates or tenants in same house, but it can be awkward when one wants to bring a friend into the house."

Is there a silver lining? "People are going to be forced to try what they should have tried before - making the marriage work," says Weil. "In many cases, I think people should try harder instead of just leaving a marriage. Some couples could actually turn this crisis into an opportunity."