

Pandemic Drives Couples to Divorce or to Seek Help

By Christine Lehmann, MA



Nov. 7, 2020 -- The coronavirus pandemic is straining many marriages -- some to the breaking point.

There are signs that the divorce rate is rising as couples struggle with the emotional and economic fallout of the past 11 months. Divorce filings rose dramatically in China after the COVID-19 lockdown ended there in March. In the U.S., sales of online self-help divorce agreements rose by 34% this spring compared to last year, and family lawyers surveyed in April and July reported a 25% to 35% increase in requests to start divorce proceedings compared to the same time in 2019.

“My firm is hearing a lot of complaints about bad behaviors during the coronavirus pandemic, such as substance abuse and pornography, which are unhealthy releases for relationships. In a recent case, one spouse just left and started another romantic relationship without even attempting to cover it up,” says Susan Myres, JD, immediate past president of the American Academy of Matrimonial Lawyers and senior partner at Myres & Associates in Houston.

Divorce and family lawyers who participated in the April and July surveys from the marriage lawyers group also referred to “the impact of being together 24/7 as a result of stay-

at-home orders,” “clients have more time to think about their situation,” and “craziness of this pandemic is leading people to more insanity.”

Disagreements Over COVID-19 Risk

“Never has disease transmission been an issue in custody exchanges before,” says celebrity divorce lawyer Peter M. Walzer, JD, founding partner of acclaimed family law firm Walzer Melcher LLP in Los Angeles and a past-president of the AAML. Some divorced parents who share custody of children are insisting on COVID-19 tests before a shared babysitter or tutor can come over.

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Peter Walzer, JD, founding partner, Walzer-Melcher, LLP, Los Angeles

Divorced parents in blended families may also have different ideas about mask wearing or social distancing. “This goes back to having a conversation with the other parent and saying that your decisions there affect our family here,” says Tina Timm, PhD, associate professor at Michigan State University’s School of Social Work in East Lansing.

Couples who seek marital counseling sometimes disagree about what is a COVID-safe activity. Timm counseled one couple where the wife was “an adamant gym-goer -- 5 days a week -- which was her coping strategy. During the shutdown, she was going crazy. So when the gym reopened, she had to decide whether it was safe or not to go,” says Timm.

Her partner, who had concerns about the gym, stepped up and offered to convert one of the bedrooms into a gym. “That was a nice example of a couple working together, where one person says I need this and her partner hears her and says how can I help and how can we do this together,” says Timm. She recognizes that not every couple has the resources to create a gym in their house.

More Conflict, Less Sex

The more couples fight, the less likely they are to be intimate, especially if they’re living together, according to an online, nationally representative survey of 742 adults who reported being in a relationship in April. The vast majority were married or living together, according to the article in the Sept. 3 *Journal of Sex & Marital Therapy*.

While 34% of the couples surveyed reported more conflict since the pandemic started, the link between conflict and reduced intimacy was strongest for those living together, says lead researcher Maya Luetke, a PhD candidate in the School of Public health at Indiana University Bloomington.

“When partners are together for an extended time in the same household, they can get tired of each other. Plus, they are stressed about health and safety and negotiating new responsibilities about work and family life,” says Luetke.

The research on overfamiliarity and sexual desire suggests that partners need some distance to differentiate from each other and to want sex, she says.

When professionals address issues of overfamiliarity with couples, “it’s important for them to find ways to balance connectedness and intimacy in the partnership with support for personal autonomy and independence and to have some things set aside for each partner,” says Luetke.

Timm, who specializes in sex therapy and affair recovery, says couples may have different reasons for wanting sex. “For example, one partner will want sex to feel better after a stressful day and another will respond that they are so stressed, that that’s the last thing they want.”

The solution may be to say, “I need help from you to free up the emotional time and space to do that. This is all within the context of do I feel heard, seen, and loved by my partner?” says Timm.

The survey also showed that couples with increased conflict were more likely to feel lonely and depressed. “Research indicates that some level of sex intimacy is key to well-being and relationship satisfaction among partners and that sexual satisfaction is linked to better mental health outcomes,” says Luetke.

Thriving or Stressed Out

Some couples thrived during the stay-at-home period of the pandemic. “It was a reset button. They liked being able to have more family time. They got projects done around the house. They had more sex. It highlighted for them how chaotic and hectic their schedules were before,” says Timm.

Indeed, a survey of 808 couples by Monmouth University in late April to early May showed that most couples reported they were doing well. Among Americans who are married, living with a partner, or otherwise in a romantic relationship, 59% say they are extremely satisfied with that relationship and 33% are very satisfied. Married partners (64%) are more likely to be extremely satisfied than unmarried partners (47%), according to the poll.

“Some couples are able to deal with the stress because they already had healthy patterns in place -- they draw upon past experiences, communicate in effective ways, they don’t withdraw from discussions, and display less anger or criticism,” says Paula Pietromonaco, PhD, professor emerita in the department of psychological and brain sciences at the University of Massachusetts in Amherst.

But 26% of the more than 500 polled respondents say the pandemic increased their stress given everything else they have to deal with.

Many working mothers are shouldering the burden of additional child care and online schooling and are considering leaving the workforce, according to a new 2020 Women in the Workplace report.

“I am shocked at how little people talk about it -- it just unfolds with no planning. Gender roles get rolled in there unconsciously and assumptions are made and no-one says, ‘We need to talk about this.’ The burdened spouse needs to say, ‘I am not doing well, I need help with this,’ and renegotiate the arrangement,” says Timm.

Stressed couples can also contract with each other about the division of labor, says Karen Forsthoff, a licensed marriage and family therapist in San Francisco. “They can say, ‘OK, this has been really difficult. What do we want? Here’s what each of us wants and let’s put it in writing -- this is what I am going to do and you’re doing to do to help keep us afloat.’”

The focus should be on changing behaviors and not the person. If one person doesn’t fulfill their end of the deal one day, “bring it up from a loving position and say, ‘What can I do to help you get it done tomorrow? It’s all about us in this together and staying connected,’” says Forsthoff.

That’s more productive than engaging in “losing strategies,” such as the need to be right, controlling behavior, unbridled self-expression, retaliation, and withdrawal, says Forsthoff.

Delays, Economy Bring Challenges

But couples are facing more barriers to getting divorced, including court closures and delays, reduced income, and devalued businesses and stock.

Getting a divorce through the courts is taking longer than usual in many places. Los Angeles closed its courts from March 16 through August and only started virtual hearings in September, says Walzer. He has told clients not to expect court hearing dates to be set until next spring and to consider mediation.

In Maryland, a client may not get a hearing until 2022, says Cheryl Hepfer, JD, principal and partner at Offit Kurman in Bethesda, MD, and AAML counsel. “Our courts were also closed for long time. Even now, nearly all family law hearings are very limited and/or delayed and criminal cases are given priority, understandably.”

The delays are driving more couples to consider arbitration, where a family law expert is hired to listen to testimony and evidence and make a decision, or mediation, where a family law expert is hired to facilitate an agreement between both parties.

“Both processes can be done outside of the courts, except for a brief hearing to put on evidence so that the court can grant a divorce,” says Hepfer, who is certified as a family law arbitrator by the AAML.

Another potential barrier to couples separating is some can’t afford to rent or buy another place, or their friends or family members are too worried about COVID-19 to let them to move in. “A lot of people are saying, ‘I would leave but I have nowhere to go,’” says Hepfer.

Although not ideal, couples can live together and file for divorce in most states. In Maryland, the 1-year waiting period was waived in 2015, which applies to couples without children under age 18 and who agree to a divorce plan.

“This has been a real game changer for folks who could not afford to separate for the 1-year period prior to even requesting a divorce, which used to be the requirement for a mutual and voluntary divorce in Maryland,” says Hepfer.

Couples in Maryland still need a written separation agreement, which they can write themselves but can also be done with help from a family law attorney.

Whether couples use the courts, mediation, or arbitration during the pandemic, some or all of the process may be virtual. Many court systems switched to video technology as a result of the shutdowns. The upside is it costs less. “Clients aren’t paying for attorneys to travel anywhere. They are just paying for the time to prepare and be on the call,” says [top family law attorney](#) Peter M. Walzer.

Myres says some court matters, such as scheduling hearings, can be handled virtually. “A lot of what goes on in family law is paperwork, which can be done electronically, including filing for divorce and petitions. We had the systems to do this before, but COVID has accelerated its acceptance.”

When to Seek Help

If couples find they have unresolved conflict, it may be time to seek outside support from therapists or members of the clergy depending on their comfort level, says Pietromonaco.

“It’s important to note that couples struggling the most are really worried about survival. Help for those couples ideally would be social policies, economic support, and child care assistance. Once their practical needs are met, then relationship counseling would be helpful,” says Pietromonaco, who co-authored a research paper in the July 23 *American Psychologist* that looked at evaluating the impact of COVID-19 stressors on couples.

In addition, some couples may be more vulnerable to pandemic-related stress if there is a history of mental illness or trauma. “These couples may benefit from working with practitioners to establish or strengthen their relationship by learning how to communicate and support each other effectively,” says Pietromonaco.

Substance abuse, mental health problems, and domestic violence have risen during the pandemic. Therapists and substance abuse treatment counselors can help. A good place to get information and referrals are free hotlines including the national Substance Abuse and Mental Health Services Administration Helpline (800-662-4357) and the National Domestic Violence Hotline (800-799-SAFE (7233)).

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