

How Can My Spouse's (or My Own) Marital Misconduct Impact My Divorce?

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If you are currently going through a divorce, or anticipate one in the near future, you may have wondered if marital misconduct can affect the outcome. Missouri is considered a modified no-fault state in regard to divorce. This means that fault is no longer required for parties to file for divorce. It does not mean that conduct is irrelevant.

In Missouri, parties filing for divorce must state that the marriage is "irretrievably broken" without any reasonable likelihood of being preserved. A party's marital misconduct is a factor the court can consider. State law allows courts to consider the parties' conduct during the marriage when dividing property and debts and awarding maintenance. In other words, marital misconduct may impact the division of property and debts and reduce a party's ability to receive maintenance. Missouri law specifies that child support obligations are not impacted by marital misconduct.

Marital misconduct is one of many elements that will be analyzed by the court during your case. For this or other family law questions, please contact one of the family law attorneys at Sandberg Phoenix.