

Attorneys: New York Law Won't Affect Nevada's Divorce Business

By PATRICIA ROGERO

Four Reno attorneys agree a new divorce law in New York State will not affect Nevada's divorce business.

Starting Friday, the Empire State will not recognize out-of-state divorces unless the New Yorker has been absent from the state a full year.

Attorney William K. Woodburn surmises the statute is aimed at the one-day Mexi-

can divorce much in vogue among New York residents.

"It probably won't change a thing here. Most New York divorces are granted in Mexico anyway," Woodburn says.

"A lot of New Yorkers have been going to Mexico since New York courts recognized certain types of Mexican decrees," attorney George Vargas reports.

Another attorney, Gordon

W. Rice notes that California, for years, has had a statute requiring Californians to stay out of the state for 18 months before its courts recognize another state's decree.

New Yorkers certainly can save money by going to Mexico to shed their spouses.

According to Judge Morris Ploscowe, New York University law professor, who has written extensively on the cost of divorce, a trip to

Juarez will save an aspiring divorcee about \$1,100.

The saving is made in lower air fare costs, cheaper attorney fees, and living expenses for one day in Mexico against six-weeks in Nevada.

But if New York courts won't recognize the Mexican decree, New Yorkers might run into problems not of a financial nature.

DEFAULT DIVORCE

"In a default divorce, if a person returns to New York, he could be charged with adultery at worst, if the Nevada (or any other) divorce is voided," Rice says.

Attorney John S. Belford says that unless both parties in a divorce action have submitted to the jurisdiction of

the Nevada courts, other courts haven't had to recognize divorces in the past.

"That is the only kind of action that is open to question," Rice says. "The U.S. Supreme Court has held in two decisions that if both parties are represented in an action, other states are required to recognize" the final decree.

In Woodburn's opinion, "if both parties are represented, the New York courts would be required to grant recognition to a Nevada decree under the 'full faith and credit' provision of the Constitution."

According to The Associated Press, three Juarez, Mexico divorce courts are hiring extra help to handle thousands of

additional cases attributed to the New York law change.

PETITIONS FILED

From Saturday to Tuesday afternoon, 3,522 divorce petitions were filed, making a total of more than 7,500 for the month.

If the present rate continues, reports say, officials are expecting 10,000 petitions will have been filed in August.

Juarez officials said 99 per cent of the petitions filed since Saturday were filed by New York State residents.

A Mexico attorney said he understood New York will recognize the divorces as long as the petitions are filed by Friday, regardless of when the decree is granted.

Woodburn said Mexican di-

vorces are recognized by the states under the legal principle of comity — recognition of the jurisdiction of a foreign nation. "That's distinguished from recognizing the jurisdiction of a sister state under the 'full faith and credit' clause."

OTHER STATES

Rice believes "no state is required to recognize the Mexican divorce because it doesn't come under the constitutional provision" requir-

ing recognition of judicial proceedings in other states.

"Since there has always been a question of residency, over-night divorces are subject to scrutiny — whether both parties are present or not," Rice added.