Who are clients who are either approaching their golden years or who have reached this phase in their lives? Clients would not normally classify themselves as being in this age group; however, American society has attached certain perceptions about those who are no longer young. The primary demographic for this age group is the Baby Boomers. Baby Boomers are classified as anyone born between 1946 and 1964. Anyone born before 1946 is known as a veteran/traditionalist. The oldest Baby Boomers in 2009 are 63 and the youngest are 45. From a historical perspective between 1946 and 1964, the presidents of the United States were Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson. During the Baby Boomers’ formative years, the defining moments in history were the Cuban missile crisis; the Cold War; the assassinations of President John F. Kennedy, Robert F. Kennedy, and Martin Luther King; the civil rights movement; and the landing on the moon. There are 80 million Baby Boomers. The numbers are staggering. And they are getting divorced.

An AARP study entitled *The Divorce Experience: A Study of Divorce at Midlife and Beyond* found that the following were the reasons divorce occurs in this age group:

- Verbal, physical, or emotional abuse (54%);
- Different values, lifestyles (29%);
- Cheating (27%);
- Simply fell out of love/no obvious problems (24%);
- Alcohol or drug abuse (21%);
- Being a control freak (16%);
- Money problems (14%);
- Not carrying their weight in the marriage (14%);
- Fell in love with someone else (10%);
Abandonment (10%); • Always being away, sexual problems, stepchildren, and in-laws (5–8%); and • Not having children, religious differences, cultural differences, age differences, declining physical health, and homosexuality (less than 5%).

There are no specific divorce rates for this age group; however, the 2008 Statistical Abstract of the United States published by the National Center for Health Statistics, an agency under the U.S. Department of Health and Human Services, indicates that the divorce rate is 3.6 percent per 1,000 people.

As couples approach or reach their golden years, many arrive at a crossroad where decisions regarding their marital status become essential to their well-being. Many couples will remain in troubled marriages ‘till death do they part for a multitude of reasons, not the least of which is that they are better off financially. Other couples are still as committed to and as in love with each other as they were on the day they were married. However, many couples who are approaching their golden years or who have reached this phase in their lives and are facing the remainder of their lives with their spouses make the decision to divorce. Medical advances have increased life expectancy, and the decision to divorce at this stage in life becomes a “now or never” type of mentality. And, with the advent of erectile dysfunction medication, the “seven-year itch” has now become the “thirty-year itch.”

When dealing with these clients, it is not enough to know the law and its application. Clients in this age bracket have different concerns than those who are younger. It is hard for all couples who divorce to face the daunting prospect of starting their lives over. However, for clients who are approaching their golden years or who have reached this phase in their lives, it can be overwhelming. They have reached a point in their lives where they have achieved some level of personal and financial security, and the rug is being pulled out from under them. Lawyers need to be sensitive to both the psychological and financial concerns presented by clients in these age brackets. It can be difficult for Generation Xers and
Millennials to relate to those clients who are approaching their golden years or who have reached this phase in their lives.

Many couples in long-term marriages have literally been together since their teenage years. They were married in the 1960s and 1970s. The culture of that era was significantly different than American culture now. It was not only the era of drugs, sex, and rock ‘n’ roll, but it was right smack in the middle of the Vietnam War where young men were drafted into military service; some of our major cities were plagued with racial riots; there were sit-ins and mass arrests; the women’s liberation movement was in its infancy; and the political climate was in turmoil. As Bob Dylan put it back then, the times they were a-changing.

However, although the times were changing, patterns in marriage during this period retained many of the characteristics of earlier generations. For example, the awareness of domestic abuse did not factor as prominently as it does now. A wife, during this period, was often called the “little woman,” and she knew her place. The economic and political climate in the 1950s and 1960s has been described as follows:

Newspaper ads separated jobs by sex; employers paid women less than men for the same work. Bars often refused to serve women; banks routinely denied women credit or loans. Some states even excluded women from jury duty . . .

As late as 1970, Dr. Edgar Berman, a well-known physician, proclaimed on television that women were too tortured by hormonal disturbances to assume the presidency of the nation. Few people knew more than a few women professors, doctors, or lawyers.

Characteristically, women did not work outside the home, and if they did, it was in a position that only provided a supplement to their husband’s income. It is also not uncommon for men from this era who have been the primary breadwinners to have entrenched in their minds that all of the parties’ money is theirs. They were the one who earned it so it is theirs. Although the times did change, many couples did not adjust to the changes brought about by the cultural revolution of the 1960s and remain in the same behavioral patterns established early in their marriages.
Clients in this age group may also require more time and attention for a full explanation of all of the ramifications of the decisions being made concerning their financial futures. It is not uncommon for these clients to exhibit tendencies toward not making any type of decisions because of their fear of the unknown. However, even where the parties’ resources may be limited, lawyers should not hesitate to encourage their clients to consult with outside sources to assist them with their emotional and financial needs. Lawyers should have available to them a list of resources in the community that can assist them with their clients in this age group. On the other hand, there will be clients who want to settle all of the financial affairs involved in a long-term marriage in a week. In those situations, lawyers will have to urge their clients to use caution and consider the long-term financial ramifications of any decisions.

In addition to being aware of the socioeconomic aspects of clients who divorce in this age group, lawyers need to be aware of the possibility of death both during and after divorce. The 2008 Statistical Abstract of the United States published by the National Center for Health Statistics, an agency under the U.S. Department of Health and Human Services, indicates the following death rates per 100,000 in population between 1950 and 2005:

<table>
<thead>
<tr>
<th>Age Group</th>
<th>White Men</th>
<th>White Women</th>
<th>Black Men</th>
<th>Black Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>45–54</td>
<td>519</td>
<td>296</td>
<td>977</td>
<td>585</td>
</tr>
<tr>
<td>55–64</td>
<td>1,113</td>
<td>690</td>
<td>2,066</td>
<td>1,164</td>
</tr>
<tr>
<td>65–74</td>
<td>2,576</td>
<td>1,708</td>
<td>3,827</td>
<td>2,384</td>
</tr>
</tbody>
</table>

The 2008 Statistical Abstract of the United States also indicates that the leading causes of death in the age group of 45 to 54 are (1) cancer, (2) heart disease, (3) accidents, (4) chronic liver disease and cirrhosis, (5) suicide, (6) cerebrovascular disease, (7) diabetes, (8) HIV, (9) chronic lower respiratory disease, and (10) viral hepatitis. The leading causes of death in the age group of 55 to 64 are (1) cancer, (2) heart disease, (3) chronic lower respiratory disease, (4) diabetes, (5) cerebrovascular disease, (6) accidents, (7) chronic liver disease and cirrhosis, (8) suicide, (9) nephritis, nephritic
syndrome, and nephrosis, and (10) septicemia. And the leading causes of death in the age group of 65 to 74 are (1) cancer, (2) heart disease, (3) chronic lower respiratory disease, (4) cerebrovascular disease, (5) diabetes, (6) accidents, (7) nephritis, nephritic syndrome, and nephrosis, (8) influenza and pneumonia, (9) septicemia, and (10) chronic liver disease and cirrhosis.

As the statistics indicate, there is a significant jump in the death rates after age 55, and the causes of death become more serious as clients age. There are two reasons lawyers need to be aware of these statistics. The first reason is the possibility of clients’ death in the midst of divorce so they can be prepared to address any issues that arise. And the second reason is that lawyers need to be aware of the types of medical issues that clients in this age group either current face or will face in the future. These medical issues color what their lives following divorce will be and can play a significant role in spousal support and property division in divorce.

NOTES


5. Id. at 22.

6. Id. at 191.

7. Id. at 80–81.

8. Id. at 191.