

**CATHY  
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Empowered Divorce

# When to Divorce

An indepth look at the emotional, financial and legal aspects of divorce

I believe that divorce is a journey that YOU take, whether you take that journey is not dependent on your spouse's behavior or participation. It is about YOU creating a new vision of your life. Because you can't change your past, you can't change another person, but you do have control over how you handle a situation and the steps you take to change that situation in a proactive manner.

A person's power does not lie in resisting change, the situation you've found yourself in, or the behaviors of others. Your power lies in your interpretation of the situation, in your ability to renew your life, and transform your pain into power.

Living a fulfilling, joyful life is not based on circumstances but on your interpretation of the circumstances.

Wishing and hoping for a better life is meek and futile. Setting and committing to intentions for a better life brings out the empowered, active creator in us all.

*Cathy W. Meyer*

## INTRODUCTION

You won't find a clear answer as to why or when people divorce because to date, there has been no consensus on what constitutes a viable marriage. (What are the causes of *marriage*?) What's "good enough" is relative and depends on innumerable considerations and factors.

You will find copious amount of information and advice on what is and isn't a good marriage but no one can tell you whether your marriage is viable or "good enough." That is a decision you must make yourself.

Society's historical answer to maintaining marriages that are less than blissful has been to force women through a variety of emotional, economic, legal, and social measures to get into and then stay in marriages, i.e. to make alternatives to marriage either extremely undesirable or largely unavailable.

In the day and age of no-fault divorce laws the alternatives are no longer unavailable, although there are other issues to consider when deciding whether or not to divorce. In this book we will discuss each because to make an informed decision knowledge is imperative due to the life altering nature of divorce.

When deciding whether to divorce or not you will need to take the follow into consideration...

- The emotional aspect
- The financial aspect
- The legal aspect

You are reading this book because you are experiencing a transition in your attitude toward your marriage. I want to welcome you and acknowledge how difficult it was to take this first step toward deciding what route to take where your marriage is concerned.

This is your first step toward creating the life you want, whether that means divorce or not is up to you. It is a bold step; you are brave for taking it.

Having gone through my own divorce, I understand all of your emotions, fears and the sadness that comes along with the decision you are trying to make. It will take much thought and preparation to move toward either divorce or a renewed commitment to your marriage.

You will get there and I will be with you every step of the way!

## Chapter One

### The Emotional Aspect of Divorce



*“Love, the quest; marriage, the conquest; divorce, the inquest.”* Helen Rowland

I know few who have experienced divorce and not done a comprehensive “inquest” or investigation into every aspect of their life. There are a few who can’t face taking an internal evaluation of themselves but for the most part, people will take the time to look back and evaluate their role in the relationship and demise of the relationship.

Divorce is a choice we make or a situation we are thrown into that requires deep self-examination if we are to come out the other side unscathed and prepared to rebuild and live a rewarding life.

That is what this book is for, to help you navigate this “inquest” so you will be properly armed before stepping into the emotional, legal and financial world of divorce.

You are thinking about taking a step that will have long-term consequences for you, your children if you have any and your spouse. Being aware of the psychological and emotional

aspects of your decision to divorce will help you understand yourself and if done correctly, help you grow.

Your first question is, "do I want to end my marriage?" You should do a thorough self-examination about how you are feeling, where those feelings are coming from and share any and all feelings and thoughts with your spouse. You don't need your spouse's permission to divorce but, you do owe your spouse the consideration of sharing your feelings about the marriage.

I encourage anyone considering divorce to not make a final decision without first seeking outside help from a therapist, clergy, marriage educator or coach. Some marital problems that seem insurmountable may be solved if you are willing to address them and seek help from a third party who is not invested in the situation.

You haven't done yourself, your spouse or your marriage justice if you don't first attempt to save your marriage. Only after all resources have been used should you take that final step toward divorce.

Your hard work attempting to save the marriage will arm you with lessons you can take into your new life should you divorce. The time spent understanding yourself and the dynamics of your marriage will make the divorce process go more smoothly. It will also help keep you from taking negative behaviors and skewed beliefs into any future relationships.

In every way, it is important to become attuned to the emotional aspect of divorce, painful as it may be. Divorce, like marriage, presents unique opportunities for self-understanding and healing.

Below is a checklist I will use to help you evaluate your desire for a divorce. I will discuss each individually in an attempt to help you set future goals and attain personal growth...whether that growth happens inside your marriage or outside.

- I have accepted that my marriage is over.
- I am better off without my spouse.
- I am ready to leave my marriage
- I have no problem telling friends and family that the marriage is over.
- I fully understand the reasons my marriage is over and the role I played.
- I am ready to invest emotionally and financially into becoming the person I would like to be.
- I understand the importance of becoming fulfilled as a single person before committing to a new relationship.
- I am emotionally strong enough to deal with any conflict that may occur between my spouse and I due to my decision to divorce.

## *I have accepted the marriage is over?*

Acceptance comes when you are at the “point of no return.” Of course, the decision to divorce is a personal one, only you know when you’ve reached the point when putting work into the marriage is simply not in the cards for you. If you answer yes to the following questions it might be time to let go and accept that you’ve done all you can, your marriage is over.

## *Am I better off without my spouse?*

Am I better off without my spouse? That is the singular most important question you can ask yourself when trying to decide whether to divorce. When answering the question remember, the answer is not only about how you feel about your spouse or your spouse feels about you but how your total life will be different should you end the marriage.

There may be prospects for a better romantic relationship after a divorce, but other things will be different too. When you take into consideration EVERY aspect of what divorce means for your life will it mean improvement on a daily basis for you or will it mean a decline, emotionally and financially?

There may not be a clear-cut answer to the above question, no automatic formula you can use when deciding whether or not to divorce. There are situations in which divorce is often the best solution, in which you will actually be better off without your spouse.

A divorce may be the best answer to marital problems if those problems are caused by a spouse who is abusive, or has a drug, alcohol or gambling addiction. If you’ve found yourself in such a situation with a spouse who refuses to seek professional help for their abusive or addictive behavior there really isn’t a relationship worth saving.

Your own well-being can be an indication of whether or not you need to make changes via a divorce. If you are chronically sad, have trouble sleeping, difficulty focusing on day-to-day tasks you could possibly be suffering from depression.

Likewise, if you have developed problems with anxiety about things that never bothered you before or, you are constantly battling physical illnesses these are signs of trouble. The stress you feel due to marital problems may well be making you emotionally and physically ill.

For many who are contemplating divorce there is not a single or dramatic incident or circumstance that leads to thoughts of divorce. For them the problems in the marriage do not include abuse, addiction or stress related illnesses.

Instead, there may be a growing dissatisfaction or sense that the marriage just isn't working and that the relationship is taking more out of them than it is giving back.

Barry Lubetkin and Elena Oumano wrote a book on the psychological aspects of divorce called *Bailing Out*. Early in the book they comment, "Bailing out when you know your relationship is no longer viable can be one of the most affirmative, liberating acts of one's life. Bailing out can be a wonderful growth experience if you use this period of your life as a time to explore, discover, and evaluate beliefs that have determined your behavior. The irrefutable fact is that staying with someone in a miserable or indifferent relationship, whether in a marriage or a live-in situation, erodes your self-esteem."

If you are able to honestly say to yourself that you would be better off without your spouse, advance planning before taking the step to divorce is to your advantage. It has been proven that the length of time between the decision to divorce and marital separation is associated with the ability to emotionally adjust to divorce.

In other words, the longer the period between the decision to divorce and separation, the better the adjustment after the divorce.

As an example of the damage that can be done when someone makes the decision to divorce without taking the time to adjust to the idea I will share my own personal experience with divorce. My marriage was not plagued by severe marital problems, we had our share but nothing that would cause me to believe my ex was unhappy enough to leave the marriage.

He had not shared the details of just how unhappy he was which left me stunned, surprised and hurt when he left. The problem in our situation is that he was also stunned, surprised and hurt. He took a drastic step in response to an argument and set in motion events that would have long-lasting negative effects on him, our children and me.

I have been divorced for nearly 12 years and the conflict between my ex and I is still very high. The children and I had something forced on us and we had no choice but to carry on and learn to adjust to the fact that he was gone and not coming back. It took us quite some time to come to terms with the fact that someone who had been so loving could turn into someone who cared so little about the negative effects his decision and behaviors were having on our lives.

My ex, moved on also, he remarried and let go of his relationship with his children but he held onto anger, malignant anger that has cost him what I consider to be the most precious thing a parent can have...the relationship with his children.

I don't think about him or the situation often these days. I do periodically wonder what life would have been like for him, our children and myself if he had put the brakes on, slowed down a bit and allowed us all to adjust to the idea of divorce.

We've recovered BUT we suffered in the process. A little advance planning can go a long way in keeping down emotional turmoil, financial hardship for all involved and it, without a doubt made the legal process a bit smoother.

In the end, do what you need to do to protect your ability to live a full and rewarding life. Seek your happiness at a reasonable pace though. Don't be in too much of a hurry or you may find divorce becomes a daily companion that holds you back instead of frees you up to move on.

## *Am I ready to leave?*

Does every situation, no matter how seemingly trivial, evolve into a fight?

Do you or your spouse continually refer to hurtful events in the past?

Is all the respect gone from your relationship? Do you feel it is impossible to bring that respect back?

Have your goals and directions changed but spouse's have stayed the same?

Is your spouse no longer encouraging your independence and individual growth?

Have you and your spouse both changed so much that you no longer share moral, ethical, or lifestyle values?

Have you and your spouse lost the art of compromise? When you disagree, are you unable to create a path together that is acceptable to both?

Do you and your spouse have a basic sexual incompatibility?

Do you feel completely unattracted to your spouse?

Despite help from a professional therapist, marriage educator or coach have you stopped making love, continued to argue and seen no change in the dynamics between the two of you?

The above questions focus on the negative aspects of the marriage. You can't say for sure that you are ready for divorce without first taking into consideration any positive aspects. Conflict and frustration due to marital problems can skew our view of the benefits of marriage, especially when compared to some of the negative aspects of divorce.

Have you considered the following and come to terms with the changes divorce will mean in each situation?

If you have a child have you taken into consideration the possibility of becoming the primary caregiver on a day to day basis? For the custodial parent divorce means parenting on your own.

for most of the time. It is an intense responsibility; truly single parenting is the hardest job one can do so think carefully before voluntarily taking on that responsibility.

On the other hand, if you are to become the non-custodial parent have you considered the pain to both you and your child of no longer being part of their daily life? For non-custodial parents, divorce means a part-time, every other weekend relationship with children. This should be your most important consideration before taking any steps toward divorce.

Divorce doesn't only end the marriage; it changes relationships that were established due to the marriage. Will you miss your in-laws, neighbors if you have to move, and any friends who could be considered his /her friends?

Finally, have you given any thought to the solitude and loneliness that come along with being newly single? It takes time to rebuild a life, in the beginning there will be more solitude and time to yourself. If you are someone who doesn't like time alone make sure you have a good support system of friends and family in place before moving on to divorce.

If you can honestly say that you've taken all the above into consideration and are sure you are ready for the next step then, you are at a point of acceptance.

## *Can I Tell friends and family?*

In her book entitled *The Good Divorce*, author Constance Ahrons identifies five stages in the divorce process. The first three are the decision, the announcement, and the separation and they cause the most confusion and turmoil. "Deciding to divorce, telling your spouse and your family, and leaving your mate form the core of the emotional divorce," she notes. "These three transitions are characterized by ambivalence, ambiguity, power struggle, soul searching, and stress."

Make no doubt about it; your decision to divorce will touch the lives of others and in most cases not in a positive manner. When you announced you were getting married your friends and family were probably very happy for you. Unless your spouse has been an unlovable jerk, don't expect the same reaction when you announce you are divorcing.

Unlike you, friends and family have not been part of the dynamics of your marriage. Most probably have no hint that there are marital problems. When sharing your news keep your expectations low and be prepared for some anger, disappointment and pain on their part. Telling friends and family is going to be painful and awkward for you and them also.

If you find the idea of sharing your news too disconcerting, I suggest you take some time to work through those negative feelings. I've found that the more comfortable we are with the

choices we make, the less likely we are to behave in a manner that is harmful to ourselves or those we care about.

To keep down confusion and turmoil for yourself and others don't share your decision to divorce until you are emotionally ready to handle the responses you will get. Below are a few tips that will help you get through this step in your divorce journey.

- Be gentle,
- Do not disparage or demean your spouse,
- Be tactful, you don't need to go into all the gory details, tell only what you are comfortable telling,
- First tell those you know will be supportive and concerned for your feelings,
- Keep your expectations low as far as how others will react,
- Finally, be prepared to endure some opposition.

Your friends and family will most likely try to talk you out of going through with your divorce or at least try to convince you that you should try a little bit harder to reconcile. Nevertheless, you must stand your ground; you and your spouse know all of the circumstances involving your decision and should not necessarily be swayed by the hopes of your friends and family. Therefore, assure them that you both have already done all you can and that the divorce is imminent.

## *Did I play a role?*

It takes two to make a marriage and two to break-up a marriage. Unless you are a victim of domestic abuse, you've played a role in the demise of your marriage. Take a look at your role in why the marriage is ending and own it. Don't point fingers and blame your ex for all the problems.

Noting is more unattractive than a victim and nothing can hinder your ability to live a rewarding life than playing the role of a victim. Divorces are the result of hundreds of emotional wounds, loads of lying by omission and commission and the failure to nurture the relationship between husband and wife. Marriages don't end abruptly; they erode over time. And although one or the other spouse may play a larger role in the demise of the marriage, both play a party to the situation.

It is common for people to hold onto one or two actions by the other spouse or some character flaw and use it against them to justify their desire for a divorce. Few are willing to accept responsibility for the role they played in the failure of the marriage. It is more comfortable if the failure was caused by the other spouse, it minimizes guilt, especially if you are the spouse asking for the divorce.

There is a human phenomenon psychologist's call selective attention.

Human beings have a natural tendency to pay attention only to data that supports their pre-existing point of view or desire. Information that contradicts their beliefs or wishes is filtered-out of their awareness. Obviously this practice can lead to severely distorted notions of people and events and to making very poor choices and decisions.

I see this selective attention "phenomenon" in many divorced clients I work with. Once it is decided there will be a divorce one or the other spouse will begin to rewrite the history of the marriage and especially the biography of the person they were married to.

The ex becomes evil and this sort of thinking is most prevalent in the one seeking a divorce. Why? Guilt, shame, a way to justify their actions. We feel better about ourselves if the ex is evil and we had no choice but to leave.

What is wrong with this kind of thinking? It takes away any chance of a civil divorce. It damages any children of the marriage and God forbid an adversarial attorney become involved with the selective attention thinker. You can kiss a large chunk of your marital assets goodbye if this happens.

I remember my ex as being a kind and loving man. He was a great father and as long as he had us, up until the day he left we never wanted for anything. He had his issues just as I did. He could be hurtful but in no way was he evil. Being able to remember him in this way enables me to see him as human being...someone who makes mistakes but isn't evil.

It helps me to continue to try and have a civil relationship with him. Something we should all strive to have with an ex-spouse.

He on the other hand, remembers me as being the cause of all his misery. An abusive shrew that kept him from living the life he wanted to live. His revision of who I was in the marriage and who I am as a person keeps him from being able to see me as human. I have to be seen as the evil one in order for him to continue to feel good about himself and the destructive decisions he has made since leaving the marriage.

Because of this he will never be able to have a civil relationship with me.

Just as our marriage failed, so has our divorce. The key to a successful divorce is the ability of both spouses to see each other as flawed human beings, not as evil beings and to take responsibility for their role in the demise of the marriage.

Is the way you process data about your ex keeping you from having a "successful divorce?"

Divorce is about taking apart something that was once precious to you. Do it with respect for all involved, respect for yourself and you will be able to move on with an open heart and no negative baggage.

## *Can I invest emotionally and financially?*

The emotional and financial effects of “breaking up” can extend, 2, 4, 8 years into the future. How long your recovery takes depends on what stage of the emotional process you are in when the decision to divorce is made. Since divorce is not normally a decision both spouses come to, together it makes since that one spouse will be further along in the emotional process than the other. You may both go through the legal process of divorce at the same time but how you are feeling emotionally will vary.

It only makes since that the spouse choosing to divorce will have a better chance of recovering more quickly both emotionally and financially.

Below is a look at what each gender may experience during and after a divorce.

### **For women:**

1. Women initiate divorce twice as often as men
2. 90% of divorced mothers have custody of their children (even if they did not receive it in court)
3. 60% of people under poverty guidelines are divorced women and children
4. Single mothers support up to four children on an average after-tax annual income of \$12,200
5. 65% divorced mothers receive no child support (figure based on all children who could be eligible, including never-married parents, when fathers have custody, and parents without court orders); 75% receive court-ordered child support (and rising since inception of uniform child support guidelines, mandatory garnishment and license renewal suspension)
6. After divorce, women experience less stress and better adjustment in general than do men. The reasons for this are that (1) women are more likely to notice marital problems and to feel relief when such problems end, (2) women are more likely than men to rely on social support systems and help from others, and (3) women are more likely to experience an increase in self-esteem when they divorce and add new roles to their lives.
7. Women who work and place their children in childcare experience a greater stigma than men in the same position. Men in the same position often attract support and compassion.

### **For men:**

**1.** Men are usually confronted with greater emotional adjustment problems than women. The reasons for this are related to the loss of intimacy, the loss of social connection, reduced finances, and the common interruption of the parental role.

**2.** Men remarry more quickly than women.

**3.** Men are initially more negative about divorce than women and devote more energy in attempting to salvage the marriage.

**4.** The positive effect of divorce on men's finances is so significant that divorce can even lift them out of poverty, while women are far more likely to be plunged into destitution. When a father separates from the mother of his children his available income increases by around one third. Women, in contrast, suffer severe financial penalties

Let's look at divorce from the woman's perspective. She will fare better emotionally because more often than not she is the one who has already distanced herself emotionally from the marriage and her husband. That means less work to do on the emotional front!

On the other hand, divorced women end up with most of the child-rearing responsibilities, have a greater chance of living in poverty and only 75% can count on receiving court ordered child support.

This knowledge should motivate you to get your financial ducks in a row before leaving the stability that marriage has to offer. If you are a stay-at-home mother who has been out of the work force, getting back to work and building a career will keep you and your children from suffering financial hardship after the divorce.

Although women and children are more likely to suffer financially post divorce, women will more quickly adjust to being single again than men. This is a good thing because; if you fail to prepare yourself financially you are going to need all your emotional energy to deal with the financial issues.

So what is in store for men on the emotional front? They are 10 times more likely to commit suicide after divorce and the ones who do are often depressed and remarry quickly to cope with the depression. In other words, men don't fare as well on the emotional front as women when it comes to accommodating and adjusting to divorce.

A man who is left is most likely to extend the stress level of both spouses in an attempt to reconcile the marriage. And, once that doesn't happen is more likely to become angry and vindictive in response to the loss of the marriage and time with his children.

But, his emotional lot in life will be made easier by the fact that he will be better off financially than his ex.

My suggestion, women, although your decision to divorce is most likely based on how you feel emotionally do not fail to take into consideration the financial implications of a decision to divorce. There is a myth floating around out there that women get alimony, the assets are split

equitably and that an ex will be held responsible. Nothing could be further from the truth; once you are divorced an ex-husband is no longer responsible for your financial welfare.

Men, if you are thinking about divorce please consider the ramifications to your relationship with your children and the studies that have proven that marriage is far more beneficial to men than women. If you've made the decision to divorce seek 50/50 custody because quality time with your children can make the emotional adjustment easier to navigate.

## *Can I handle being alone?*

When working with divorced clients I encourage them to not begin dating or thinking about a new relationship until they have recovered from the old relationship...the one they have just extracted themselves from.

Recovering from divorce takes time, however it is important to know that you will recover, and you will move on. Whether you move on to a better and more rewarding relationships is completely up to you.

The emotional upheaval you feel during and after divorce is an opportunity to grow as a person. Consider the first year after your divorce a time-out that offers you to sow the seeds of your self-development. A time in which you give yourself the opportunity to emerge from the experience of divorce knowing yourself better and feel stronger and more enthusiastic about what the future holds.

In order to fully recover from a divorce and move on with your life you need to understand what went wrong in your marriage, acknowledge the role you played and change negative behaviors that could interfere with future relationships.

It is imperative that you fully accept and understand that you made choices in your marriage that had a negative effect on the marriage. You made mistakes; learning from those mistakes is the best way to not repeat them in future relationships.

### **Some questions to ask yourself before even thinking about dating or a new relationship:**

- Step back and look at the big picture. How did you contribute to the problems of the relationship?
- Do you tend to repeat the same mistakes or choose the wrong person in relationship after relationship?
- Think about how you react to stress and deal with conflict and insecurities. Could you act in a more constructive way?

- Consider whether or not you accept other people the way they are, not the way you think they should be.
- Examine your negative feelings as a starting point for change. Are you in control of your feelings, or are they in control of you? Do you respond to circumstances based on emotions or logic?

I'm not suggesting you beat yourself up for mistakes you made or negative behavior traits but I do suggest you take an honest inventory and make constructive changes. The post divorce healing process gives you an opportunity to learn more about yourself, how you relate to others, and the problems you need to work on.

If you are able to objectively examine your own choices and behaviors, including the reasons why you chose your ex, you'll be able to see where you went wrong and make better choices in future relationships.

## *Can I handle conflict with my ex?*

Divorce does not put an end to conflict. If you are leaving a marriage that is full of conflict, that conflict will follow you into your post-divorce life. You may no longer live in the same home, but you can bet, if you were married to someone with anger management issues, you will continue to be the recipient of their anger. In some cases, divorce can exacerbate the anger so for your sake it pays to have a plan for dealing with the conflict to come.

Even if you are lucky enough to have a civil relationship with your ex, there will be times when you don't see eye to eye on issues such as child visitation, holiday schedules and such. Arming yourself with coping skills to use during periods of conflict is essential for those of you who have children and will be attempting to co-parent with your ex.

The following tips can help you keep conflict to a minimum and in some cases resolve it all together.

- Try and respect your ex-spouse and his/her household. Find ways of being respectful rather than resentful. Do not personally criticize them, but don't make excuses for their behavior either.
- Live by the divorce agreement reached between the two of you or, handed down by a Judge that addressed financial arrangements such as child support, spousal support or division of property. Do not let your attitude towards it, after the fact; taint your relationship with your ex or your children. If you came to an agreement with your ex, **live up to that agreement**. If you have a court order, **follow that order**. No amount of anger over financial issues is worth contaminating your relationship with your ex or your children.

- Hurt feelings from the past are the number one reason you and your ex engage in conflict with one another. Do your part by keeping down conflict by letting go of the past and living in the present.
- The two of you can make your children's best interest common ground. If you are both focused on doing what is best for the children, there is less room for conflict.
- Try seeing stressful situations from your ex's perspective. Every situation will require some give and take and it is easier to give a little if you can view the situation from the other person's point of view.
- Always put your children's needs before your own. You may not like your ex, may not want to be around him/her BUT your children love their other parent and it fills their hearts to see each parent get along with the other. Parents who manage to put their children's needs first during and after divorce help minimize the negative effects of their divorce on the children.
- If all your efforts at having a civil relationship fails and you become afraid for your safety don't hesitate to take out a restraining order or contact the domestic abuse hotline at **1-800-799-72533**. There is no shame in setting hard, cold boundaries and legally removing yourself from the vicinity of someone who is hell bent on making your life miserable.

Effort on your part to build a new and productive relationship with your ex will help all involved in the healing process and to move forward with their lives. If your effort is thwarted, you should accept the reality of the situation...you do not have an ex that is interested in anything other than being angry. Move on, cut ties, do not engage when your buttons are pushed and send him/her a clear and loud message...if you can't behave reasonably, I will have nothing to do with you.

## Chapter Two

### The Financial Aspect of Divorce



If you aren't prepared, divorce can have profound financial consequences on the entire family. Studies show that divorced women face a 30% decline in their standard of live. The legal divorce process can deplete both husband and wife of their financial resources, especially if the divorce involves extended conflict and litigation.

Children of divorced parents are likely to experience the need to adjust to a more moderate lifestyle due to the fact that most live with mothers after the divorce. Since a woman's standard of living declines, it only makes sense that her children would also.

In some cases, you will eventually recover and regain your financial footing, in some cases divorce marks a permanent, downward change in your financial situation. You may be unhappy now, but loss of income can make "unhappy" intolerable so, make sure you have planned ahead in a manner that keeps you from jumping out of the "pan into the fire," so to speak.

Most divorces are made based on how someone is feeling emotionally. Very few people who enter the divorce process think about the financial implications until after the process has begun. By that point, attorneys are involved, emotions are high, and the battle has begun. It is

too late to put reasonable effort into keeping divorce from having a major impact on your financial well-being.

Divorce means separating your financial lives. I have an exercise and want to encourage you to take a close look at your family's finances in order to have a realistic idea of what divorce will mean for you and your spouse. This exercise will help you determine what steps you need to take, before filing for divorce that will keep down most of the negative financial impact.

## *Exercise: Finances and Divorce*

**A. EMPLOYMENT DETAILS:** List employment details for yourself and your spouse.

Your Employer:	Your Job Title:
Gross Annual Income	Gross Monthly Income
Your Net Monthly Income	Your Other Income (pensions, rents, child support, second job, etc.):
Spouse's Employer	Spouse's Job Title
Spouse's Gross Annual Income	Spouse's Gross Monthly Income
Spouse's Net Monthly Income	Spouse's Other Income (pensions, rents, child support, second job, etc.):

**B.FINANCIAL ASSETS:** List property and automobiles and fill in the information requested.

Real Property (homes, land, etc.):
Property #1 (list):
Address:
Date of Purchase:
Purchase Price:
Down Payment:

Source of Down Payment:
Owing Balance on First Mortgage:
Owing Balance on Second Mortgage:
Current Appraisal Value:
Monthly Payment:
Title Held By:
Equity:
Lot Description (Must have this for legal paperwork.):
Property #2 (list):
Address:
Date of Purchase:
Purchase Price:
Down Payment:
Source of Down Payment:
Owing Balance on First Mortgage:
Owing Balance on Second Mortgage:
Current Appraisal Value:
Monthly Payment:
Title Held By:
Equity:
Lot Description (Must have this for legal paperwork):
Is there property you inherited? If so, value of property.
Do you have timeshare property? Value?

Automobiles, Recreational Vehicles, etc.
Vehicle # 1
Year:
Model and Make:
Title Held By:
Balance Owed:
Monthly Payment:
Current Bluebook Value:
Equity:
Presently Possessed by:
Vehicle #2
Year:
Model and Make:
Title Held By:
Balance Owed:
Monthly Payment:
Current Bluebook Value:
Equity:
Presently Possessed by:

**C.PERSONAL PROPERTY:** List your valuable personal property items (e.g., jewelry, computer), their financial worth, and any money you may owe on that item.

Person Property:	
ITEM: WORTH: BALANCE OWING:	ITEM: WORTH: BALANCE OWING:
ITEM: WORTH:	ITEM: WORTH:

BALANCE OWING:	BALANCE OWING:
ITEM: WORTH: BALANCE OWING:	ITEM: WORTH: BALANCE OWING:
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**D.FINANCIAL ACCOUNTS:** List your (and your spouse's) financial accounts, including checking, savings, retirement, stocks, etc.

Checking Account Amount:	Savings Account Amount:
PENSION #1 WORTH:	PENSION #2 WORTH:

401K #1 WORTH:	401K #2 WORTH:
STOCK 1: CURRENT VALUE:	STOCK 2: CURRENT VALUE:
LIFE INSURANCE PLAN #1 PREMIUM: BENEFICIARY: AMOUNT:	LIFE INSURANCE PLAN #2 PREMIUM: BENEFICIARY: AMOUNT:
ARE YOU EXPECTING A TAX REFUND THIS YEAR? HOW MUCH?	
IRA #1	IRA #2

AMOUNT:	AMOUNT:
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**E. BUSINESS INTERESTS:** List any personal business interests you and your spouse have and their value.

Business Interest #1	Value:
Business Interest #2	Value:

**F. DEBTS AND OBLIGATIONS:** List current debts and other financial obligations you and your spouse have and record the information requested about them.

Name of Debt:	Incurred For:	Balance Owed:	Monthly Payment:	In Whose Name"

**G. ANTICIPATED MONTHLY EXPENSES AFTER THE DIVORCE:** Do some financial planning about how you will meet your monthly financial expenses if you divorce. Estimate the amount for each expense. Then add up the expenses. Finally, try to estimate your anticipated monthly income. Then compare your expenses to your income.

Monthly Expenses:	Estimated Cost:
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Mortgage/Rent	
Property Tax	
House/Rental Insurance	
Food/Household Supplies	
Utilities	
Clothing	
Uninsured Medical Expenses	
Uninsured Dental Expenses	
Child Care	
Health Insurance Premium	
Education Expenses	
Auto Loan Payment	
Auto Gas, Insurance, Maintenance	
Entertainment	
Misc. for Children	
Other: Retirement savings (401k, pension benefit, IRA)	
Other	
Other	
<b>Total Expenses:</b>	
Monthly Income	
Support Payments from Spouse	
Other	
Other	
<b>Total Income:</b>	
Difference between income and expenses	

**H. THINKING AHEAD FINANCIALLY:** It has probably taken a lot of time and effort to fill out the information in the forms above. But if you have done this, you are in a better position to answer the following questions that are important to consider when you are considering divorce. Review some of your calculations above and try your best to answer honestly the following questions that are applicable to your situation.

1. Do you have adequate money saved that would support yourself and/or your children after the divorce, especially in the first few years when money can be extra tight?

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2. Do you have home furnishings, a car, and other possessions you will need after the divorce, or will you need to purchase them?

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3. Have you paid off your debt as much as possible? How much debt will be assigned to you after the divorce?

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4. Who will count the children as withholding exemptions for income tax purposes? Often, the exemption is alternated yearly between mother and father.

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5. Do you have adequate education or training necessary to provide for your children and yourself after the divorce? If not, how will you get that education or training?

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6. Will you need and can you afford childcare if you have to go to work full time after the divorce?

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7. Will your work provide healthcare benefits for yourself and your children? Will your spouse's work cover health benefits for your children if they don't live with him/her?

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8. Does your work provide pension/retirement plans or can you invest for retirement as an individual?

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9. If you don't have all the things you will need to provide for yourself and your children after the divorce, how long will it take you to get them, and how will you get them?

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10. Is it possible that you and your ex-spouse could set up college savings funds for your children, so they will not be disadvantaged by the divorce, but still receive help with college?

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11. It is difficult to maintain your financial lifestyle after divorce. What are some things that you could give up to save money?

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13. There are many other smaller family expenses that we sometimes forget about, such as lessons for piano, ballet, karate, etc., extra-curricular school activity fees (e.g., sports, choir, etc.), summer camp, scouting, and many more. How would you cover these kinds of more minor expenses (but important expenses for your children)?

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Now that you've taken a close look at your finances, what do you think the possible financial implications of divorce will be for you? Are you concerned, are you optimistic? I suggest you take time and write down what steps you need to take that will lessen the financial burden before taking any steps toward divorce.

A few suggests you may find helpful...Close any joint banking accounts. Open accounts in your name alone and start having any income deposited there. Close all joint credit card accounts by paying the balance down. Refinance any property that is held jointly into the name of the spouse who will take possession of the property post-divorce. If you have no income, re-enter the work-force and start rebuilding a career.

The negative emotional aspects of divorce are easier to navigate if there are no financial hardships to deal with. I do realize that there are situations where financial control is taken out of your hands that the legal system does not always work in the favor of everyone who enters into the Family Court System. The more prepared you are, the less likely this will happen.

In the next chapter I will cover legal issues you will face should you decide to divorce. The topics discussed will hopefully help you steer through the legal process in a way that will protect you emotionally and financially. Most that go through a divorce find that how they fair emotionally and financially hinges on how well they are able to deal with the legal aspects of divorce.

## Chapter Three

### The Legal Aspects of Divorce



By its very nature, divorce is not a pleasant experience. Involve divorce attorneys and Family Court Judges and the unprepared person the situation becomes much more stressful. In most cases a person is so emotionally worn down by the time they decide to divorce they've not had the wherewithal to consider what the legal process of divorce entails.

Once the legal wheels start spinning there may be no turning back. The moment those papers are filed everything you've worked for, sweated for and planned for during your marriage is at risk. The wheels spin fast at first then slow down to an agonizing pace. Days can seem like weeks, even months!

You find yourself smack in the middle of the process with the sinking feeling that things might not go as planned. That great idea that you had...to divorce and move on with your life might not have been so great after all. In fact, it has turned into an absolute disaster.

Welcome to the wonderful world of divorce and its cast of supporting characters...lawyers, judges, interrogatories, continuances, custody disputes and high expectations. Most parties to divorce have never been involved in legal litigation, used an attorney or been inside a courtroom. For them divorce is their first sobering involvement with the world of legal litigation. Divorce is both an end to marriage and the beginning of an education in law.

If you aren't emotionally prepared to maneuver the choppy waters of the legal divorce process, you are not ready to divorce.

### **Can you answer the following questions?**

- How is custody of children decided in your state?
- How is child support determined under your states divorce laws?
- How does the court divide marital property?
- Can I move to a new location after divorce?
- What do I need to know before hiring a divorce attorney?
- Who has to move out of the marital home?
- What is divorce mediation?

If you are confused by the above questions you are not ready to enter the legal process of divorce. You've got some learning to do! And until you've done your homework, believe me you don't want to find yourself tangled up in the legal process of divorce.

There are three things you should do before filing for a divorce.

### **Once you've come to terms with the emotional ending of your marriage and gotten yourself financially prepared you will need to do the following:**

- **Understand Divorce Law:** Most will tell you that your legal education begins with a divorce attorney. I strongly disagree! No one is prepared to hire a divorce attorney until they have an understanding of their state's divorce laws which will give them a better understanding of what they should and should not expect from a divorce attorney.

Divorce in the United States is governed by laws that are particular to each state. State divorce laws deal with all aspects of the divorce process, from residency requirements, to child custody, to the division of marital property. I have compiled a complete list of divorce laws by state here. Check them out and get an idea of how your state handles different aspects of the divorce process.

- **Be Prepared:** There are documents a divorce attorney will need to get your divorce underway. Gathering these documents and having them ready before you hire an attorney can help keep those “wheels” spinning and speed up the process.

This is not fun but you will be glad you took the time to compile these documents at the beginning. You will need copies of tax returns for the last three years. If you filed separately you will need copies of your tax returns and your spouse’s tax returns. Make copies of all bank accounts, joint accounts and individual accounts for the last year.

Credit card statements for accounts held jointly and separately should be copied and provided to an attorney. You will also need at least three paystubs or proof of monthly income for yourself and your spouse, a list of all monthly expenses, a list of all marital assets and debts and a brief description of how parenting duties are handled between the two of you. Once you’ve put together these documents you are ready to hire a divorce attorney.

- **Hire a Divorce Attorney:** This is the person who will promote your best interest during the divorce process. You won’t find a divorce attorney who has as much invested in your divorce as you do BUT with a little research you can find one who is invested enough in his/her legal reputation to make sure that you are legally protected.

## A look at the divorce process

Below is a loose outline of what happens during the divorce process. I say loose because, each state and local district handles divorce differently. Regardless of your state’s laws and your districts legal procedures, you will experience each step in some form or another.

- **File for Divorce:** A divorce or dissolution usually begins with the filing of a form, typically referred to as a petition. This must be filed with the court that deals with marriages in the county where you live, which may be called the Family Law Court. After the petition has been filed, a copy must be served on (or delivered to) your spouse.
- **Divide Marital Property:** You will need to either work out an agreement on how your marital property is to be divided or argue about it in divorce court. Courts prefer that the parties work things out for themselves, and some states or counties require a mandatory mediation, which means meeting with a neutral third party who will help you resolve conflicts over who gets what. If the parties can’t agree on a way to divide their property, the court will decide.

- **Distribute Marital Debt:** Debts incurred during the marriage need to be divided between the spouses along with the property. Joint debts may be deducted from the amount of property the spouses own together or some debts may be considered the responsibility of only one spouse. This depends on the system your state uses for dividing property.
- **Negotiate Spousal Support:** Support paid by one ex-spouse for the support of the other used to be called alimony, but is now often called spousal support or maintenance. The laws for spousal support vary a great deal from state to state, and you should be sure you know what your state requires. Spousal support can be awarded to both husbands and wives.
- **Decide Child Custody/Visitation:** The single most important thing parents need to work out in a divorce or dissolution is the way they will continue to raise their children, and it's always best if they can work out this plan cooperatively. Some states call this a parenting plan and no longer use terms like custody and visitation.

There are many questions that must be resolved, such as where the children will live, how much time they will spend with either parent, where they will spend holidays, or which parent will make decisions about the children. One or both parents might make legal decisions, such as where the children will go to school and what medical care or medication they will receive. Parents also have to resolve issues about the religious training and activities of the children.

If the parents can't agree on these issues, the court will consider the best interests of the children in resolving the conflicts. The court will look at the gender of the parents and children, their physical and mental health, emotional bonds, the effect on children of changing their living situation, and—if a child is around 12 years or older—the child's preference.

The court also considers practical matters such as the ability of the parents to provide the necessities of life, such as shelter, food, and clothing. Court orders involving children are never final. They can always be changed if the best interests of the children require it.

- **Calculate Child Support:** After a divorce or dissolution, both parents remain responsible for supporting the children. Divorcing parents need to decide how they will divide up the childcare expenses. There are several factors to consider in working this out, such as the income and assets of the parents and whether one parent has primary childcare responsibilities. If the parents can't work this out agreeably, the court will make the decisions and order the parents to comply.

- **Mediation:** Divorce mediation is a process where the divorcing parties sit down with a mediator (a neutral third party) to work out and resolve conflicts over property division, finances, debts and support and/or child custody/visitation. If the state is paying for the mediation, the mediator often reports back to the court with information about the mediation session(s). The parties can also arrange their own privately paid for mediation sessions, which will be completely confidential. Decisions reached in mediation aren't legally binding, but can be included in the court's final order or decree. Attorneys usually don't attend mediation sessions, though they may be available to advise the parties on legal issues.
- **Final Judgment of Divorce:** The final judgment of divorce is the final order of the court that legally ends the marriage. The final judgment can also contain legally binding orders about other issues, such as child custody, child support, visitation, spousal support, property division, and how property division is to be carried out. It can also restore the pre-marriage name to one or both spouses.

Filing for a divorce means stepping into the world of the Family Court System. It is a world of legal rules and, at times extreme emotional stress. It can change the way you live, the way you think and the way you do things. Ignorance of what takes place in the system and how to take care of yourself can be the mistake that kills your chances of a successful post-divorce life.

I'm sharing with you information about the divorce process and the negative aspects of the legal process not in an attempt to dissuade you from leaving your marriage. My concern is that you fully understand the process before putting yourself in the middle of the process.

Knowing when or if you should divorce means having a comprehensive understanding of exactly what it means to divorce. Unless you are in a situation where divorce can be handled in a civil manner between you and your spouse having full knowledge of what to expect in a conflicted divorce scenario is the only way you will be able to protect your legal rights.

The steps that I've shared above may seem simple, cut and dry but if you are divorcing a spouse who is angry, hurt over your decision to divorce or is unable to accept the idea of divorce you will become involved with a system in which no one wins but the system.

Understanding the emotional, financial and legal aspects of divorce before deciding to divorce means you will be making an informed decision about how and with whom you want to spend the rest of your life.

## After Thoughts

I'm not someone with "standard" views on marriage and relationships. I do however have fairly traditional views when it comes to choosing to divorce once you've committed to a marriage. It

is my opinion that if you get married you should put in appropriate time and attention to the marriage and do everything possible to save the marriage before making the choice to divorce.

When you take the vow, make the promise to stay with someone for the rest of your life, "for better or, for worse," it is no small thing. I'm keen on folks keeping promises but for every promise made there is a price to pay and when the price you pay in your marriage becomes too high it is better to break your word than do harm to yourself by keeping it.

Here is the problem as I see it...people get married for a lot of foolish reasons. Some marry because they think society expects it of them. Some marry because they think it will solve some problem they are grappling with. Some believe marriage is the natural end to any relationship, that something is wrong if a relationship doesn't culminate in marriage vows. Some marry because marriage confirms them as a person.

None of us marry without the expectation that the marriage will last "until death do us part." But, that doesn't always happen; our expectations about marriage are not always met. Nothing is more evident of that than the 50% divorce rate we experience in this country. In my business as a marriage educator and divorce consultant I often wonder why people don't take more seriously the high rate of divorce. Could it be they don't because there are some very, very good reasons to divorce?

When faced with one of those reasons, I suppose the last thing anyone is going to do is spend time contemplating how their divorce will play a role in the already existent high rate of divorce or societies seeming disregard for the sanctity of marriage.

We are all responsible for our own personal fulfillment and because of this I believe it is a mistake to stay in a marriage that is essentially dead. Especially if your only reason for staying is that you made a promise, or the future of your marriage once looked bright. It just doesn't make sense to stay in a marriage that is no longer working even if, "once upon a time" you thought it would last forever.

Don't get me wrong though, I'm not saying that just because you've found yourself unhappy in your marriage that you should rush into a divorce. If you are unhappy, you will be that way whether in the marriage or divorced. Divorce does not cure melancholy!

The decision to divorce should only be made if something is radically wrong in the marriage. What do I mean by radically wrong? Well, there is abuse, infidelity, broken trust, disrespect to name a few examples of marital problems that might not be overcome with hard work.

We don't take lightly the decision to marry; we should not take lightly the decision to divorce!

Marriage is not a walk in the park. Marriage is the decision to set up housekeeping with another individual. In other words when you marry you take the qualities and characteristics that distinguish one person and mesh them with the same of another person. To me, that sounds like a recipe for disaster!

It only makes sense based on what marriage actually is, that marriage takes work for it to remain happy and a fulfillment to both parties involved in the marriage. This is why my panties get in a wad when I hear folks say, "marriage shouldn't be work." I mean, do these people seriously think that a ring and a ceremony means that sustaining a healthy relationship will

suddenly become easy? Suddenly you are married so you can forget about wooing or seducing your spouse? Think again!

When a marriage is done right the results are worth the work, no doubt about that. And I'm very critical of people who give up on a marriage before doing the work needed to improve the marriage. If you bother to go to the trouble of getting married, you should bother to put in the effort to make it a good marriage.

That being said, I'm also critical of people who think bad marriages should be maintained at all cost. People change, situations change and sometimes the best for all involved is to end the marriage. In other words, if the marriage has changed drastically one needs to re-evaluate their options. Divorce can be a positive change, not uncomplicated but eventually positive.

So, whatever your decision, don't take it lightly. This is a serious subject you are dealing with!

Thank you for taking the time to read this e-book. I especially thank you for not taking the decision to divorce lightly. I hope I have been able to help you along in your journey.

*Cathy W. Meyer*

## **Do You Need a Coach?**

I've always been someone who sought out people I thought could offer advice and support, whether it be a friend, mentor or professional coach I looked for help from those who could guide me and help me create the best possible life for myself.

The positive impact I've received from the many friends, mentors and coaches in my life is what drew me to Coaching as a profession. My career as a Coach has taken me on a path I never envisioned; it has shown me that all things are possible.

I've experienced the blessing of working one on one with clients to help them strengthen marriages, with clients who were going through a divorce and eventually as the digital media manager for The New York Times Company/About.com, a Huffington Post Blogger and Managing Editor of my own website.

It is for this reason that I encourage others to seek guidance from a trained and certified Coach.

When you want to learn an instrument, you hire a music teacher.

When you want to get fit, you hire a fitness expert.

When you want to learn to sing, you hire a vocal instructor.

Every successful person has at some time hired someone to help them create results.

## **Why should you hire a Coach?**

A coach can help you see your blind spots.

A coach can provide objective feedback.

A coach provides another set of eyes.

A coach can keep you accountable.

A coach can be a sounding board.

A coach can be another source of creative ideas.

A coach can help you create your vision.

A coach can help celebrate your successes and be a source of strength when you fail.

A coach can help you process life.

If you want guidance in finding what you are meant to do, the steps you need to take and the rewards of attaining goals, reach out to those who are trained to help you get what you want.

You don't have to go it alone!



To work with Cathy email her at [cathy@cathywmeyer.com](mailto:cathy@cathywmeyer.com) or visit  
<https://empowereddivorcee.com> for more information on Coaching programs.

