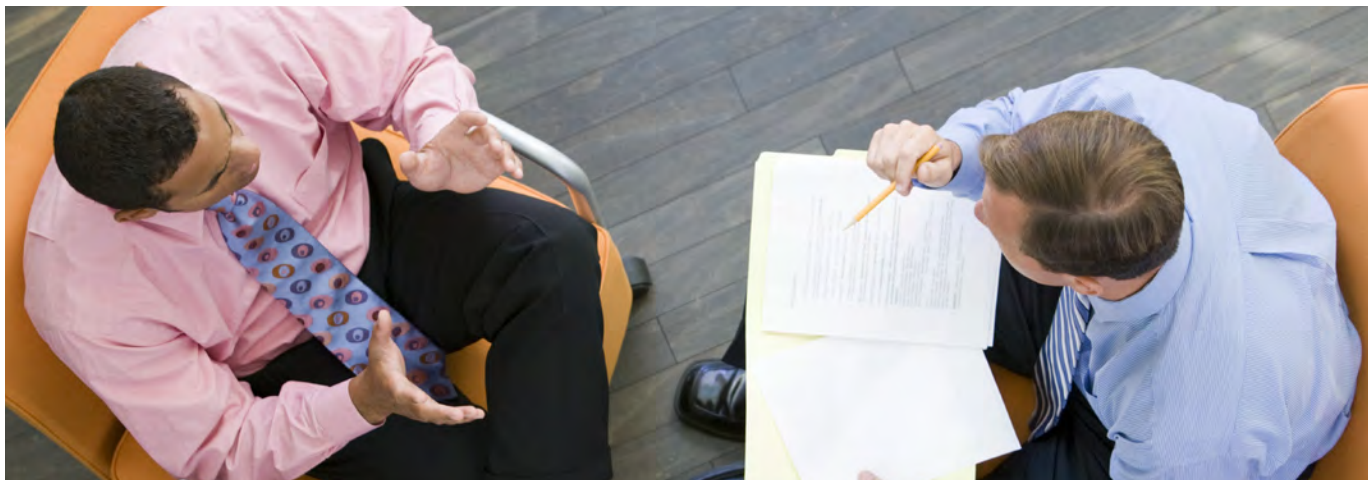


DIVORCE GUIDE



MILLER ZEIDERMAN LLP

info@mzw-law.com • www.mzwnylaw.com

Westchester County Office:

140 Grand Street
White Plains, NY 10601
(914) 455-1000

Manhattan Office:

150 East 52nd Street, Ste 1903
New York, NY 10022
(212) 769-3500



For most people, divorce is much more than a major legal process. It's also a challenging time of transition that can negatively impact virtually every area of life: emotional, psychological, and physical health; domestic; parental; financial; social; vocational; and more.

This special **Divorce Guide** contains helpful articles, tips, and advice to assist you and your family through this transformational process. It will help empower you to build the satisfying new post-divorce life you desire – and deserve.



contents

- 3 8 Warning Signs Your Marriage is Headed for Divorce After Infidelity**
If you can resolve the crisis and rebuild the broken trust between you, it might be possible to save your marriage.
- 5 Unwanted Divorce: When Your Whole World Crumbles Apart**
What happens when your spouse has one foot out the door and you don't know it?
- 7 How to Choose the Right Divorce Lawyer**
8 questions to ask before and 12 questions to ask during your first meeting with a prospective divorce lawyer.
- 9 Understanding the Divorce Process**
An Introduction to how the process typically works.
- 12 How to Work with Your Divorce Lawyer**
Tips to save time, money, and aggravation – and get the best possible outcome during your divorce.
- 15 3 Things a Family Lawyer Considers Before Taking a Case**
A good family lawyer will filter out potential problem clients, so you should learn how to “tick all the boxes” for the lawyer you really hope will represent you.
- 17 5 Ways to Financially Prepare for Divorce**
Some simple steps to ease the financial shock of divorce and prepare you for life as a single individual.
- 19 10 Financial Questions to Ask During Divorce**
Having answers to these tough questions can pave a much smoother path through this transition.
- 21 Documenting Your Financial Situation**
Collecting key financial information will help your lawyer and financial advisor to do their jobs most effectively.
- 23 Tips for Managing Divorce-Related Anxiety and Depression**
These divorce-related feelings are inevitable but not endless. Learn to manage them and they'll start to dissipate.
- 25 How to Create a Successful Parenting Plan**
A good parenting plan will identify likely areas of conflict and provide a roadmap for handling them.
- 27 How to Recognize and Cope with Parental Alienation**
A primer on how and why it happens, and how to restore a parent-child bond damaged by parental alienation.
- 29 5 “Musts” When Co-Parenting After Divorce**
How well you co-parent will determine how well your child adjusts to the new family dynamic.
- 31 3 Things to Do if Your Ex Doesn't Respect the Parenting Plan**
If you have exhausted all reasonable avenues, then you might have no choice but to file a motion for contempt.

8 Warning Signs Your Marriage is Headed for Divorce After Infidelity

Infidelity can be devastating to a marriage. However, if you can resolve the crisis and rebuild the broken trust between you, it might be possible to save your marriage.

By Terry Gaspard, Licensed Clinical Social Worker

Infidelity doesn't always signify the end of a marriage but it does shatter your view of your relationship. It causes you to question whether your marriage will survive the betrayal and whether you can regain trust in your partner again. The answer to the question of whether you should stay together depends on you and your partner's willingness to resolve the issues and repair your relationship.

While infidelity can be devastating to a marriage, some specialists believe that it is important to try to resolve the crisis and rebuild trust if possible. According to therapists Rona B. Subotnik, L.M.F.T and Gloria Harris, Ph.D., getting to the root of infidelity is crucial. In their book *Surviving Infidelity*, they write, "Because extramarital sex still plays a role in the dissolution of many marriages, and because the divorce rate continues to be so high, it is important to know more about it."



While Subotnik and Harris’s goal is to keep most marriages together – even after trust has been broken by the wounds of infidelity – some individuals who have been betrayed consider the threat to their marriage so severe that they can’t fathom continuing in the marriage.

Assessing the Seriousness of the Threat

Knowing the type of affair your spouse is involved in can help you determine the seriousness of it but does not take away the pain associated with it. Nonetheless, assessing the degree of seriousness and the threat that it poses to your marriage, can help you to make a decision about continuing in the relationship.

For instance flings – which can be a one-night stand or go on for months – are the least serious type of affair while romantic love affairs – think *Casablanca* – pose the greatest threat to a marriage.

However, if you have survived infidelity, you may decide that divorce is the only option. Even if you suspected that your partner was cheating, knowing is intensely disturbing. In many cases, the decision to terminate a marriage should not be made in haste. Regardless, divorce is typically a painful process for all involved.

8 Warning Signs Your Marriage is Headed for Divorce

- 1. You frequently feel criticized and put down by your partner, and this leaves you feeling less than “good enough.”** According to renowned relationship expert Dr. John Gottman, criticism is one of the main reasons why marriages collapse.
- 2. You have difficulty being vulnerable and trusting your significant other.** And when you do, your worst fears are actualized – you’re left regretting that you revealed your feelings and desires. Your level of mistrust in your partner is high and preoccupies your thinking on a daily basis.
- 3. You don’t enjoy each other’s friends or families so begin socializing away from one another.** This may start out as an occasional weeknight out. But if not nipped in the bud, it can spill over into weekends – ideally when couples have an opportunity to spend more time together.
- 4. You have ghosts from past relationships that surface because they were not dealt with.** You may overreact to fairly innocent things your partner says or does because it triggers a memory from a past relationship.

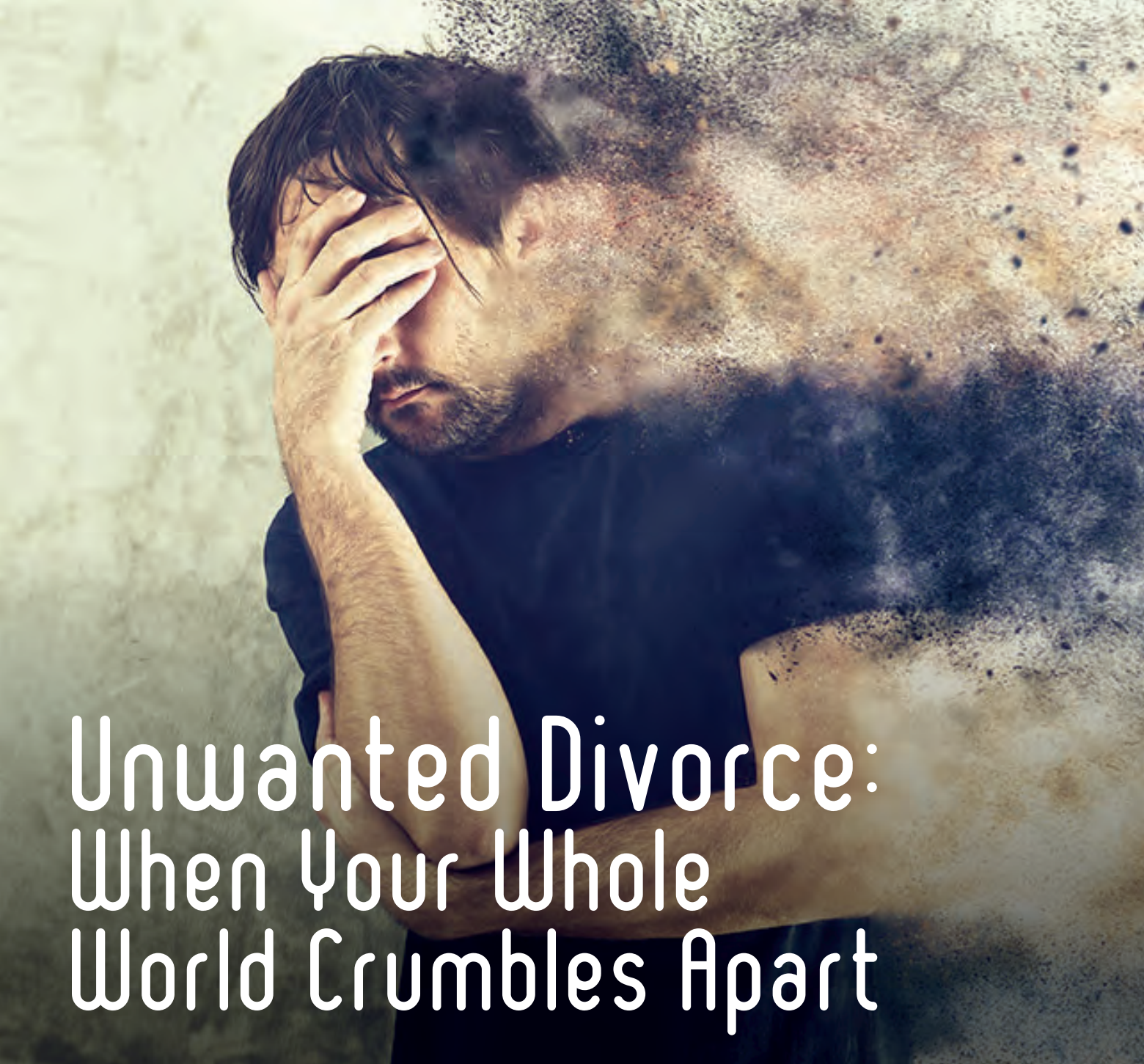
- 5. Your needs for sexual intimacy are vastly different and/or you rarely have sex.** Relationship expert Cathy Meyer writes, “Whether it is him or you that has lost interest, a lack of regular intimacy in a marriage is a bad sign. Sex is the glue that binds, it is the way we adults play and enjoy each other.”
- 6. You and your partner have fallen into a pursuer-distancer pattern: one of the main causes of divorce.** Over time, it erodes the love and trust between you because you’ll lack the emotional and sexual intimacy that comes from being in harmony with each other.
- 7. When you disagree you seldom repair your relationship and get back on track.** You fall into the trap of blaming each other and fail to compromise or apologize. As a result, you experience less warmth and closeness. According to Dr. John Gottman, the number one solution to this problem is to get really good at repair skills. He tells *Business Insider* that you’ve got to get back on track after a fight if you don’t want issues to fester.
- 8. Emotional, verbal, or physical abuse that causes a partner to feel unsafe.** For the most part, experts agree that any type of abuse erodes feelings of security, trust, or sense of belonging in a relationship and these issues can’t be resolved in the context of a marriage. Emotional abuse can occur after infidelity if the partner who cheated doesn’t make a commitment to stop and/or continues to be unfaithful and/or has an emotional affair with someone.

If you choose to work on your marriage, be sure to pay close attention to the role you play if you are drifting apart; focus on what you can do to reconnect with your partner rather than resorting to the “blame game.” If your partner makes a genuine apology – and a commitment to end their behavior – forgiving them for their betrayal is important to the healing process. In addition, try to remember what first attracted you to your partner and focus on their admirable qualities rather than their flaws. ■



Terry Gaspard (MSW, LICSW) is a licensed therapist, college instructor, and nonfiction author specializing in divorce, women’s issues, children, and relationships. As a therapist, she helps people heal from the pain they experience related to divorce and other losses. Her book, Daughters of Divorce: Overcome the Legacy of Your Parents’

Breakup and Enjoy a Happy, Long-Lasting Relationship, is available on her website. www.movingpastdivorce.com



Unwanted Divorce: When Your Whole World Crumbles Apart

What happens when your spouse has one foot out the door and you don't know it? You weather the divorce storm and give recovery time to catch up to your feelings.

By John Prindle, Author and Musician

We house-hunted as a “happy couple” for about three months until we finally found our dream home: close enough to the city, yet far enough away that the yard was huge – and there were raised garden beds and even a glass greenhouse!

Our realtor, Troy, had been with us every step of the way. He was a gregarious guy who told funny stories, and he was a cancer survivor. When we met him at our new house to get the keys, we all hugged. It was a beautiful day.

Blindsided by an Unwanted Divorce

Little did I know that just four short weeks later, my wife would make me the recipient of an unwanted divorce. We'd gone on a short vacation just after closing on the house. Due to my job, I had to fly home a few days ahead of her. I guess she used those few days to really cement the idea of divorce in her head and come up with her plan – because when she returned, she was swift and sure about it. She texted on her way home from the airport. The dreaded, “we need to talk.”

“Sounds pretty serious,” I texted back in jest, never thinking my life was just about to unravel. She entered the house (our old one – at this point, we hadn't even moved into the new one), walked down the hall, and set her suitcase on the floor. Then she leaned against the wall and slid down it until she was seated on the floor. “I want a divorce,” she said.

I can't remember exactly what I said, but it was something along the line of, “wait – can we at least talk about it?”

But we couldn't. Her mind had been made up. I needed to get out of there, so I packed a few things and went off to a crappy hotel by the airport. I hadn't had a drink in five years. But that night I got myself a six-pack and hung out with the tv remote, wondering just what the hell I was going to do.

Divorce is much harder on the dumpee. I've read about the awful guilt that the dumper feels, and how it's not easy for them either – but I think we all know that it's worse if you're the one who gets rejected. Oftentimes, the dumpee is completely blindsided. I was.

Other Life Stressors AND An Unwanted Divorce

But sometimes an unwanted divorce hits right when there are other major life stressors, making it even worse. We had just purchased a new home. I had just started a new job a few months before. About two weeks after my wife said the dreaded “D” word, they found out the boss and owner of the small company I worked for had been embezzling. His business partner took it over. Everything changed. Work had been the safe spot I could go to, and now even that had become a major stressor. Longtime employees warned me that the company might go under, and we should be looking for new jobs. Not only was I getting divorced, but I might also soon be unemployed.

I lived in our old house and she lived in our new one. I worked with our same realtor, Troy, to sell the old house. He was shocked to hear that she was leaving me. “But you

just bought that house,” he said in disbelief. Apparently, it's not very common for one spouse to leave the other just one month after buying a house. Who would have thought?

To add insult to injury, she said the “D” word just two weeks before my birthday, and I met her – at her request – at a UPS store the day before my birthday to sign some paperwork and get it notarized. “You do realize that tomorrow's my birthday,” I said to her. She simply looked at me and shrugged.

She kept the new house. She made a lot more money than me. I couldn't afford that mortgage alone. In one fell swoop, I lost everything. My wife, my home, my sense of security, and even my will to live. And each day at work I had to wonder what I'd do if the company went under. Jump off a bridge maybe?

Two Years Post-Divorce: I Survived, and Things Do Get Better

I'm coming up on the two-year anniversary of my divorce, and I'm still not over it. Sure, I'm doing a lot better in some ways; worse in others. Sometimes divorce comes bundled up with a whole lot of other major life stressors, and you wonder how you'll ever get through it.

I have finally let go of the intense hatred I felt for my ex – but it wasn't easy. I wanted those wasted 14 years of my life back; I wanted my ex to suffer worse than she made me suffer; I wanted her next partner to treat her like crap and bail on her at the worst possible time; I wanted a piano to fall on her head, cartoon-style. I was steeped in negativity for quite a while.

The last two years have undoubtedly been the hardest of my life. But I survived. If you're going through a similar situation, hang in there. Divorce is bad enough. Divorce plus a few other major life stressors is an emotional hell that I wouldn't wish upon my worst enemy. But give it some time and things do get better.

Don't give up. ■



John Prindle is a writer, photographer, and musician who lives in Portland, Oregon. He is currently editing his second novel, which he regrettably abandoned during his divorce.
www.twitter.com/JohnPPrindle

How to Choose the Right Divorce Lawyer

Here are the eight questions you should ask before meeting with a lawyer, and the 12 questions to ask during your introductory interview to help you find the right divorce lawyer.

By Donna M. Cheswick,
Divorce Financial Professional

In order to choose a good divorce lawyer, a large part of your introductory interview will involve asking questions about their expertise, fees, and philosophy. Like many, you may find the idea of questioning a highly-trained professional intimidating.

When interviewing a divorce lawyer, don't be apprehensive or nervous, or worry that you're insulting them by asking questions. A good lawyer will value an informed and proactive client. Also, lawyers are in business, and you are a potential customer who may ultimately pay thousands of

A good divorce lawyer should make an effort to put you at ease, use language you can understand, listen patiently to your questions, and take the time to answer respectfully.

dollars in services. You want to act responsibly by being selective so that you feel comfortable and confident in your choice.

8 Questions Before You Meet

Obtain some preliminary information about the lawyer you are thinking of hiring before you meet with them. This will allow you to familiarize yourself with their practice – and weed out the ones whose philosophies are incompatible with your own. Visit the lawyer’s website, and then call their office to ask a few basic questions, such as:

1. What percentage of their business is in family law?
2. How long have they been practicing as a family lawyer?
3. Does their practice include alternatives such as collaborative law, or do they encourage the use of outside alternative dispute resolution/mediation to minimize costs?
4. Do they have an introductory complimentary consultation? If so, how much time is allotted?
5. What is their hourly rate, and in what time increments do they bill?
6. Do they provide itemized invoices showing costs incurred and retainer balance?
7. What is the minimum retainer, and is it refundable if not used? How is replenishing that retainer handled during the course of your case?
8. Are they a solo practitioner or do they have other lawyers at the firm?

Once you select a lawyer to interview, prepare a brief written overview of your current situation (length of marriage, problems leading to the decision to divorce, actions taken so far, a summary of your marital assets/debts, number and ages of dependent children, and any other complicating issues that might apply) and a list of questions to ask the lawyer before your interview. This will help keep the meeting on track – and also help to prevent you from getting overly emotional. During your interview, a good divorce lawyer should make an effort to put you at ease, use language you can understand, listen patiently to your questions and take the time to answer respectfully, and be sure you

understand their responses. Complimentary consultations are usually quite short, so you should be prepared to pay the lawyer’s hourly fee once the free period is up.

12 Questions for the Initial Interview

During your initial interview, consider asking the following additional questions. If not, be sure to get them answered before hiring the lawyer:

1. What is your preferred strategy/philosophy for handling a divorce case (a lamb, a pit-bull, or a fox)?
2. What percentage of your cases end up in court? What percentage of your cases settle out of court?
3. What do you think I could expect to pay (if you’re the higher wage earner) or receive (if you’re the lower wage earner) in spousal support and/or child support?
4. Can you give me a realistic expectation of what is typical with cases similar to mine?
5. Do you foresee any problems arising in my case?
6. Do you charge extra for copies, filing fees, and other fees?
7. What is your preferred method of communication (phone call/email), and what is your response time to communications with your office?
8. Do you recommend working with other professionals such as a certified divorce financial analyst, business valuator, forensic accountant, or coach/therapist if needed?
9. Can you provide long-range forecasts of what I should expect my future will look like for a potential marital settlement agreement?
10. May I have a copy of your retainer agreement, engagement letter, or other contract you require so that I can review it before agreeing to retain your services?
11. Will you provide me with copies of correspondence and legal documents pertaining to my case?
12. What documents do you need from me in order to get started?

You should never feel pressured to “sign on the dotted line” before you have educated yourself and have enough information to make an informed decision. One of the biggest determining factors in how your divorce will proceed are the choices you make in how you plan to divorce, and the lawyer and other professionals that you will use to help you get there. ■



Donna Cheswick (CDFA®) helps clients and their lawyers understand the financial complexities surrounding divorce. She facilitates and teaches monthly Divorce Workshops for Women, and she has published articles on divorce and finances for national print and online media. www.medallion-wealth.com

UNDERSTANDING the Divorce Process

An Introduction to how the divorce process typically works.

By Diana Shepherd, Divorce Financial Professional

Like snowflakes, no two divorces are identical. Every marital breakup has its own unique legal, financial, emotional, and/or parenting issues, which may require creative, outside-the-box solutions for the parties to reach agreement. In divorce, one size *definitely* does not fit all.

However, every divorce undergoes the same general journey from initiation to closure. Whether you and your spouse make this journey slowly or quickly, expensively or inexpensively, stressfully or peacefully is up to you, but the destination is always the same: from shared to separate lives.

Here's a basic primer of how the divorce process works in the United States and Canada. Bear in mind that you need to speak to a family lawyer to discover how the options vary in your state or province, as well as how the details and circumstances of your situation may affect your process.

Temporary Orders and Filing Divorce Papers

Although it may feel like it sometimes, life does not come to a halt while you're negotiating your divorce. Whether your divorce case takes six months or six years to finalize, you



have to keep food on the table and a roof over your heads, among other things. During this temporary period before a divorce is finalized, most people are able to reach an agreement about how to pay for their expenses. If they can't reach an agreement, they might have to go to court to ask a judge to issue temporary orders.

A temporary order/agreement establishes quick decisions about the children, property, bank accounts, support, and other key issues during the separation period. For example, if one spouse moves out of the home and the other has no income, how will the latter feed the kids and pay the bills? One of the most common temporary orders is for spousal support. To obtain this order, you must establish that one spouse needs the support and that the other spouse is able to pay it – which may require a Financial Affidavit or Statement detailing both spouses' living expenses and incomes.

You should hire a divorce lawyer and a financial advisor as soon as possible. You'll set your temporary order/agreement in a brief, relatively informal hearing before a judge, so prepare a complete list of what you want to request. The items you can request include: temporary custody and visitation arrangements; a restraining order (if there has been domestic violence); child or spousal support; or who gets the car(s) and house.

Filing the Petition

Next, you or your spouse will file a petition, application, or complaint for divorce with your local family court. The person who files ("the plaintiff") serves a summons upon the other

and liabilities of both you and your spouse; budget worksheets; insurance policies; credit-card statements; wills; and any credit or mortgage applications.

Unless you create a separation agreement, your divorce lawyer will use this as a starting point for the discovery process. Your lawyer needs as much specific information about the marriage as possible in order to work out the financial and children's issues fairly. Most of discovery involves financial matters, for which your lawyer needs specific, accurate details. From the value of items you bought during the marriage to stocks, pensions, and revenue from a business, you and your divorce professionals (e.g., lawyers, financial advisors, valuers, appraisers, etc.) may have to retrieve documentation of every dollar value – including that of pre-marital assets.

Contested vs. Uncontested Divorce

There are two general types of divorce: contested and uncontested. In a contested divorce, a judge will decide the outcome if you can't come to an agreement on your own. In an uncontested divorce, both of you agree on how to divide your assets and debts, who gets custody and pays child support, and whether one spouse needs to pay spousal support to the other. Obviously, an uncontested divorce will be faster and simpler than a contested one. However, the more issues you're able to resolve on your own means fewer to resolve in court – which will help to reduce your expenditures of both time and money in a contested divorce.

If you and your spouse can't reach an agreement, then your case goes to trial. Divorce trials can take many months or even years, and they're never pleasant.

spouse, stating that they want a divorce and what they are seeking in terms of property, child custody, spousal and child support, etc. The other spouse ("the defendant") must answer the summons and, if they wish, can make their own claim.

Collecting Information and Discovery

You must gather all relevant information for your lawyer and/or financial advisor, including:

- Full names, addresses, phone numbers, and Social Security or Social Insurance numbers for you, your spouse, and your children (if applicable).
- The date of marriage, date of cohabitation, county or region where the wedding occurred, the wife's maiden name, and any information about prior marriages of either spouse (including the names and prior names of ex-spouses).
- A copy of your premarital agreement (or other domestic contract) and information about any prior legal proceedings, separations, or marital counseling during the marriage.
- All available financial data, including: income-tax returns from the last five years; a recent pay slip; the major assets

Motions and Dispute Resolution

If you need to readjust certain arrangements during the divorce process – such as custody, visitation, or support – you can initiate this by filing a motion with the court. A short hearing takes place in which the lawyers representing you and your spouse present their cases before the judge. In most cases, only the lawyers are permitted to speak. However, if you are going the do-it-yourself (a.k.a. *Pro Se*) route, you'll be able to represent yourself in this hearing. Once the judge makes a decision on the matter, the regular process continues as before.

You and your spouse must also decide how to resolve your divorce. Will you fight it out through adversarial litigation in court, or will you ask your lawyers to negotiate on your behalf outside the courtroom? Alternative Dispute Resolution (ADR) methods – such as arbitration, mediation, or Collaborative Divorce – are also available for those seeking to resolve their divorce-related issues in a cooperative environment.

Some states and provinces have made mediation compulsory in the divorce process; check to see if this is the case in your jurisdiction.

Trial

If you and your spouse can't reach an agreement, then your case goes to trial. Divorce trials can take many months or even years, and they're never pleasant. Generally, you and your spouse each tells your respective side of the story in court. You take the stand, and your divorce lawyer asks you questions that prompt you to explain your side (direct examination), and then your spouse's divorce lawyer has the option of asking questions or challenging the validity of your testimony (cross-examination). This process is repeated for your spouse. Finally, the judge – who only knows you through what they have heard in court – weighs all the evidence and makes all the final decisions about your divorce.

The Issues

- **Money and property.** Your property will be classified as either “marital” or “separate.” All marital property will go into the marital pot that will be divided between the two spouses, and separate property stays out of the pot. The rules are complicated, but generally speaking, separate property is anything that was brought into the marriage, inherited during the marriage, or gifted during the marriage – and kept in one spouse's separate name. The goal of property division is “equitable distribution” – meaning a fair division of assets and debts. The more financially complicated your divorce, the longer this will take. You'll likely need an accountant, a Certified Divorce Financial Analyst® (CDFA®), and perhaps a business or pension valuator to help you make sense of all the assets.
- **Spousal support/alimony.** In family law, marriage is seen as a financial partnership. When that partnership breaks down, the partner with more income or assets may have to pay support to the other. Sometimes also known as “alimony” or “maintenance,” spousal support is based upon one spouse's need and the other spouse's ability to pay. For instance, you may “need” \$5,000/month to cover your expenses, but if your ex is making minimum wage (and is not independently wealthy), then you're unlikely to get that \$5,000/month. Spousal support is intended to cover living expenses while the financially disadvantaged spouse goes back to work or school to retrain for a higher-paying job. In the case of a long-term marriage in which it would be unrealistic to think the support recipient could ever re-enter the workforce, the court may order permanent or indefinite support. Ask your lawyer whether you're eligible for – or likely to have to pay – spousal support.
- **Child support.** All parents are obligated to support their children. In a divorce, the non-custodial parent is usually ordered to pay child support to the custodial parent; the custodial parent is expected to use these funds to pay for the child's expenses. “Custodial parent” means the one that the children live with most or all of the time; the “non-custodial” parent would have parenting time according to an agreed-upon schedule. The amount of child support is

based on a number of different factors, including the annual income of each parent, the total number of children in the family, and the custody arrangements for the children.

- **Child custody and parenting time.** In most jurisdictions, custody has two components: legal and physical. Generally speaking, sole legal custody means that one parent has the legal authority to make *all* major decisions involving his/her children, while joint or shared legal custody means that *both* parents have an equal say in all major decisions about their children's lives. Physical custody can be sole, split, or joint/shared (the terminology varies by jurisdiction). One of the most important decisions you'll make during your divorce is where and with whom the children will live. Unless your spouse is abusive, both of you should work together to create an agreement in which you each get a fair share in raising your children. Custody battles in court are usually full of character slurs and accusations that are emotionally traumatic for you – and even more so for your children.

The Waiting Period

There is usually a set minimum waiting period between the divorce petition and the final decree. Even if your process is very quick, the waiting period must elapse before the judge officially grants the divorce. Lengths vary between states and provinces, but the average waiting period is about six to 12 months.

The Divorce Judgment

After all the issues have been decided (either by you and your spouse or by a judge), a court clerk reviews all the papers and sends them to the judge. When the judge signs a document that officially ends the marriage (a Divorce Judgment Order or a Divorce Decree), you are legally divorced.

The divorce process is complicated, and this summary doesn't touch on what an emotional rollercoaster a divorce is. Divorce is never easy – and if your ex is uncooperative or downright adversarial, it can turn into a long, painful, and expensive process. It can also damage your children's psychological growth if you and your spouse don't consider their well-being and act in a way that will lead to a respectful co-parenting relationship post-divorce.

But once it's finalized, you're free to start over – so the sooner you reach the end, the better for all involved. Consult the necessary divorce professionals – from lawyer to financial expert to therapist – to find out how to reduce time, money, and emotional costs during your divorce process. ■



Diana Shepherd is the co-founder and Editorial Director of Divorce Magazine and a Certified Divorce Financial Analyst®. She has been writing and speaking about divorce-related issues for more than 20 years. www.DivorceMag.com



How to Work with Your Divorce Lawyer

Tips for working with your lawyer to save time, money, and aggravation – and get the best possible outcome during your divorce.

By Diana Shepherd, Divorce Financial Professional

You and your lawyer will become partners, for better or for worse, during and perhaps for years after the divorce process. How well your partnership works can have an enormous effect on your divorce and how much you'll have to spend in legal fees. Here are some tips on how to work with your divorce lawyer.

What Your Lawyer Needs to Know

Once you've chosen a family lawyer, you'll need to provide information about your marriage, minor children (if any), assets, and liabilities.

When your lawyer requests information, respond as quickly, completely, and concisely as you can; don't write a 24-page document when all that was required was a "yes" or "no." The following checklist will give you an idea of what you may need to disclose:

- 1. Why are you seeking a divorce?**
- 2. What caused your breakup?** If you're secretly hoping for reconciliation, then you and your lawyer are working towards different goals.

3. **Personal data about you, your spouse, and your children (if any).** Write down your names; your home and work addresses and telephone numbers; your ages and places of birth; your Social Security or Social Insurance Numbers; your states of health, both mental and physical; your Green Card(s) and immigration papers (if applicable).
4. **Facts about your marriage.** When and where did you get married? Did you sign a prenuptial agreement? If so, bring a copy. Have either of you been married before? Will there be issues involving your children, such as custody or access?
5. **Financial information.** What assets and debts did each of you bring into the marriage? What are your incomes and what are your expenses, jointly and individually? What are the names and addresses of your employers? How much money do both of you have invested: in the bank, the stock market, etc.? Has either of you invested in insurance or a pension plan? What property do you own? Was the property purchased before or after the marriage? Do you have a mortgage? Prior to seeing your lawyer, create a budget detailing how much you spend every month on items such as housing, food, clothing, personal grooming, gifts, vacations, etc. If you have children, make sure you include their expenses.
6. **Legal documents.** Bring copies of prior or pending lawsuits, bankruptcy suits, judgments, and garnishments.
7. **Your divorce goals.** Be very specific about your goals in terms of realizing your future; make sure your short-term goals for property, other assets, custody, visitation, and support are consistent with that future.

What Your Lawyer Expects from You

Your lawyer hopes you'll be calm, businesslike, and well prepared. Ideal clients can control their emotions, are organized, willing to work with the lawyer, and listen to their lawyer's advice. If you think your lawyer is giving you bad advice, then get a second opinion. If the second lawyer provides similar information, then your expectations – not the lawyer's advice – may be the problem.

Your lawyer will expect to be paid on-time and in-full. If your financial situation is bad, your lawyer may be able to create some kind of payment plan. If you're broke because your ex cleaned out the bank account, your lawyer can file

motions asking the court to grant temporary orders for child or spousal support, custody, payment of your lawyer's fees, etc. And if you suspect your divorce might get nasty, ask your lawyer about filing orders to protect you and/or your kids – financially and physically.

To get the best service from your lawyer, it's essential to be a good client. Here's how to gain your lawyer's respect:

1. Don't call your lawyer outside of work hours unless it's an emergency.
2. Don't burden your lawyer with your emotional issues; hire a therapist for that.
3. Always tell your lawyer the truth, even when it's unpleasant or unflattering to you.
4. Be cooperative. Provide requested information and documentation promptly, and don't create roadblocks in your own case.
5. Be realistic. Don't expect your lawyer get you the sun, moon, and stars, or to behave like the hero in a John Grisham novel.
6. Be reasonable. Don't blame your lawyer for the system or expect him or her to change it.

If you don't abide by these tips, your lawyer may decide to fire you as a client (yes – lawyers can and do fire clients!). This may also happen if you don't communicate properly, if you continually disregard the lawyer's advice, keep asking the same questions and expecting different answers, or if you don't pay your legal bills.

Some lawyers may keep representing difficult clients as long as the clients continue to pay their bills. Sometimes, clients actually sabotage their own cases – by blurting something damaging in person or on social media, lying to try to discredit the other side, or hiding/destroying property, for instance. This behavior can be intensely frustrating for a lawyer, and could ultimately end with him/her walking away from the case.

If you think you may have done something wrong, ask if this is the case. If there has been a misunderstanding, clear it up immediately. It's important

that you and your lawyer maintain a strong, trusting relationship in order for you to get the best possible representation – and to achieve the best possible outcome.

What You Should Expect from Your Lawyer

From the day you hire your lawyer, you both should have a clear understanding of what you need and expect from each

Your lawyer hopes you'll be calm, businesslike, and well prepared. Ideal clients can control their emotions, are organized, willing to work with the lawyer, and listen to their lawyer's advice.

other. Your lawyer should provide a written “retainer agreement” or “engagement letter” that details the terms of your lawyer-client relationship. This document should explain four key areas:

1. **Scope of Services.** This portion outlines your goals as well as the legal services that the lawyer, associates, and/or paralegals will provide to achieve specific results.
2. **Fees, Disbursements, and Billing Policies.** This is an estimate of the fees or disbursements you can expect to pay as well as the lawyer’s billing policy and rates.
3. **Client Communications.** This area details how and when the lawyer will update you about your case (e.g., phone calls, emails, snail-mail, in-person meetings) and estimated time he/she will take to respond to your calls, emails, etc.
4. **Withdrawal from Representation.** This part discusses the circumstances under which the lawyer may withdraw from your case, and how your files will be transferred to you or to another lawyer.

If he/she won’t provide such an agreement, find another lawyer.

After learning about your case, your lawyer should create a strategy. Be aware that this plan may change along the way, depending on what your ex and his/her lawyer do. Your lawyer should clearly explain all your options, and offer advice regarding the best paths to follow, but respect your wishes if you strongly disagree with a suggested course of action. If

you find yourself in constant disagreement with your lawyer, either you’ve chosen the wrong professional or you’re being unreasonable. Consider your motivations and actions to see if you’re refusing to accept your lawyer’s advice for purely emotional reasons.

Even a good divorce lawyer will sometimes have bad news for you: that your spouse won’t budge on an important issue; that you’ll have to give him/her money or other assets; or simply that your expectations are unrealistic, illegal, or not financially feasible. Expect to feel frustrated or disappointed from time to time as your divorce progresses, but don’t take it out on your lawyer: he/she can’t always pull a great solution out of his/her hat!

You should expect your lawyer to return phone calls reasonably promptly (24 hours is reasonable if he/she isn’t on vacation) and to consult you before taking any major actions.

Finally, if you want to ensure that your divorce agreement reflects your goals – and doesn’t cost you an arm and a leg – then stay involved with the process, and answer your lawyer’s requests promptly and honestly. ■



Diana Shepherd is a Certified Divorce Financial Analyst® (CDFA®), an award-winner writer and editor, and the co-founder and Editorial Director of Divorce Magazine. www.DivorceMag.com





3 Things a Family Lawyer Considers Before Taking a Case

A good family lawyer or law firm will filter out people they see as potential problem clients, so you should learn how to “tick all the boxes” for the lawyer you really hope will represent you.

By William L. Geary, Family Lawyer

Many people think that establishing a relationship with a lawyer is solely up to them. In other words, potential clients believe that if they have the money and they want a particular attorney, they can retain that attorney to have him or her represent them. This perception is not exactly accurate. A good family lawyer or law firm will filter out people they see as potential problem clients. People should be wary of firms or lawyers which are open to taking on any and all cases for any and all causes and should be aware of what a family lawyer considers before taking a case.

1 Can the Potential Client Actually Pay to Get Through the Matter?

No one – absolutely no one – can determine exactly what it will take, money-wise, to get all of the way through a domestic relations, matrimonial, or family law matter.

However, attorneys have general concepts concerning potential ranges of total costs, depending upon the matter, the past history (if any) of the matter, the court in which the matter will be heard, the judge or potential judges, and the magistrate or potential magistrate (and even the opposing counsel – if one is known).

If it looks as though the matter will take months or even up to a year or more, and the potential client absolutely does not have the funds to make it, then the lawyer will most likely explain that fact to the potential client and either suggest another attorney in the firm with a lower billing rate, or another lawyer from another practice.

One of the problems that we have seen though, in the above type of situation, is that we usually can't find another attorney or firm which would be able to get the potential client through the whole matter either – based upon the available resources.

Note that sometimes, because of developments in cases, even the person who has become a client, just can't make it through due to the length of the process (continuances by parties or the court) or the other side's conduct in maintaining positions which are unrealistic.

2 What Does the Potential Client Expect to Achieve? What Are the Goals?

In talking with potential new clients, attorneys listen to the potential client's version of what has happened, and the client's perceptions of what is currently happening and why. Frankly speaking, there are times when the client's desired outcome is either most likely impossible or even potentially one which the law will not permit. Attorneys and clients are not permitted to bring actions in court without some underlying support to the action. Bringing an unfounded action which is without basis factually, or which is without basis in the law, can result in attorney fees and monetary sanctions being awarded against the client and the attorney. Bringing such actions also puts the attorney and the client in a definite losing situation – something that would be bad for both.

Defining and ascertaining the potential client's goals and expectations can aid an attorney in determining the financial scope of the representation and thus whether the potential client's goals can be met with his or her resources.

Whether the potential client is bringing an action or is defending an action must be considered in relation to goals. When the potential client is defending an action, the attorney must determine if there is a desire by the potential client to counter with his or her own action against the other party.

Does the potential client have a number of theories

from friends, family, or the internet? If so, is the potential client willing to trust the attorney as to whether or not those theories are applicable in the client's situation?

3 Do You, the Potential Client, and the Family Lawyer Communicate Well?

In assessing potential clients, attorneys will attempt to determine whether they and the potential client can communicate easily. By this, we mean that the attorney will be looking to see if the potential client understands the attorney when the attorney outlines potential courses of action and potential timelines and theories. Lack of understanding can only lead to problems. It is also important to determine whether the potential client is likely to follow the lawyer's advice, or will they have more faith in something they saw on TV or heard from their best friend's cousin's dogwalker.

We Are Discussing a Lawyer-Client Relationship Here

The formation of a lawyer-client relationship, especially in a family law matter, is not something that should be taken lightly – neither by the attorney nor by the potential client. The matters to be dealt with are too important, and the results of any court actions regarding those matters are results which have long-lasting, deep, consequences – some good, and some not so good.

You and your lawyer have a long and difficult road ahead of you when you start your relationship, and you need to be able to trust and rely upon each other. For that reason, both of you should make sure that your choice of partner in this matter is a good one. As the potential client, you should understand what a family lawyer considers before taking a case so you “tick all the boxes” for the lawyer you really hope will represent you. ■



Practicing law since 1979, William Geary has been concentrating in family law since 1995. He is admitted to practice before the courts of the state of Ohio, the U.S. Federal Court for the Southern District of Ohio, and the Supreme Court of the United States. He holds Martindale-

Hubbell's highest rating for legal ability.

www.columbusfamilylawyer.com

5 Ways to Financially Prepare for Divorce

Following these simple steps will ease the financial shock of divorce – and put you in a better position to transition to your new life as a single individual.

By Rosemarv Frank, Divorce Financial Professional



1. Save Money

Forego as many unnecessary expenditures as possible and save funds to pay for your divorce team of professionals: therapist, financial advisor, and lawyer. You will need the assistance of these experts, who help people like you through divorce on a daily basis, just to understand what is happening to you and what to do about it. Divorce is like no other life experience, and trying to go through it without professional help is like trying to take out your own appendix.

2. Take Care of Delayed Needs

This is going to seem in direct conflict with number one – and in some cases, it might be. However, if you’ve been putting off some non-urgent medical or dental care, you should get it done before embarking on a process that will likely sap your strength and negatively affect your overall health. In addition, ask yourself why you may have been delaying taking care of yourself. If you have delayed things like home repairs or necessary replacement of a vehicle, better to do it before the divorce while the current household income is fully available. Remember, you and your spouse “wore out” these items during the marriage, so it is appropriate that marital funds are used to restore or replace that value. Of course, I’m not suggesting that you should replace your 1997 Chevy Cavalier with a brand-new Porsche 911; if you’re using marital funds for the purchase, buying a luxury car will make the marital “pot” that you’ll be dividing smaller – and you may have to give up some other asset to keep that car in the divorce.

3. Understand Your Finances

However much you think you understand about your household finances, focus on learning more. You can never know too much – and the more you know, the better decisions you will be able to make regarding settlement. Collect all the documents you can: tax returns, payroll vouchers, bank and investment account statements, retirement plan and account statements, pension information, credit reports, mortgage statements, etc. Think about every dollar that flows into or out of your household and get some documentation to substantiate the income or expense. This seems ambitious, but just do the best you can. Your lawyer and divorce financial advisor will help you with whatever may be difficult to obtain and/or understand.

4. Prepare for a Better Career

Plan on ramping up your career or replacing your current low-paying job with a career. Whatever your circumstances,

Divorce is like no other life experience, and trying to go through it without professional help is like trying to take out your own appendix.

your household income is about to be reduced and you’ll need to increase your earning potential. If you require additional education or training, plan on determining the funds needed for that and make it part of your divorce settlement negotiations. Your future financial well-being will depend upon your ability to be financially self-sufficient. A career with long-term growth potential is clearly different from a “McJob,” which may fill a short-term need for limited income.

5. Pay Down Joint Debt

Seriously consider paying down any unnecessary credit-card debt. If you have the funds in a checking account, or in an easily liquidated reserve, eliminate debt that is considered joint by a creditor, because there will be no way to modify the ultimate responsibility for that obligation: it will remain shared in spite of who is assigned responsibility for payment as part of your divorce decree. Joint mortgages and vehicle loans will need to be refinanced individually; determine if it might be easier to pay off the debt completely rather than trying to refinance it. In anticipation of closing all jointly-held credit cards, prepare by ensuring that you have at least two cards in your individual name that will survive the divorce.

Basic preparation for the impact of divorce will ease the financial shock of it all. By following these five simple steps, you will find yourself better able to cope with other unanticipated issues as well as be in a better position to transition to your new life as a single individual. ■



Rosemary Frank (MBA, CDFA®/ADFA®, CFE, MAFF) has worked on dozens of divorce cases providing litigation support, expert witness testimony, or financial neutral consultant services. She has extensive experience with high-net-worth situations as well as highly contested divorce. www.rosemaryfrank.com



10 Financial Questions to Ask Yourself During Divorce

Having answers to the tough questions before you begin your divorce process can pave a much smoother path through this transition.

By Adrienne Rothstein Grace, Divorce Financial Analyst

The basic information your lawyer will ask you to provide is pretty simple: state/province of residence, length of marriage, gross salary, retirement plans, and the like. But to truly understand your situation and your needs, it is important to dig a little deeper. Here are 10 questions to ask yourself as you begin the divorce process.

1. What Assets Do You Own?

This is a basic question that should be top of mind. You can

likely come up with a list of bank accounts and real estate off the top of your head, but what retirement assets do you and your spouse own? Stock options? Art, jewelry, or antique collections? Time shares? Business interests? A thorough inventory of marital assets goes far beyond liquid cash.

2. What Do You Owe?

Along with knowing what you have, it is important to know what you don't have! This includes all credit-card debt and

outstanding loans. Be specific. Do you owe more on your house than it's currently worth? Do you still have student loans outstanding? Are there high balances on multiple credit cards?

3. Could Your Spouse Be Hiding Assets?

It may sound unlikely, but sometimes assets have a way of disappearing after divorce proceedings begin. For example, a spouse may transfer assets to a third party or create false debt in order to skew their financial picture and try to avoid paying a large settlement or spousal support. If you suspect that your spouse is hiding something, let your financial professional and lawyer know – and begin to locate all possible financial documents to find traces of elusive assets.

4. What Is Most Important to You?

A financial advocate, who represents just you, will certainly need to know what you find most important. For example, do you wish to remain in the marital home? Knowing that will help them to structure different settlement proposals and future predictions based on your priorities.

5. What Are You Willing to Give up?

Divorce settlements rarely work out with everyone completely happy, so you should prepare yourself for a potentially harsh reality. Having a list of must-haves a mile long is a recipe for disappointment; after all, it is often far more expensive to continue fighting your ex over a particular asset than it might be to just let it go.

6. How Do You Expect Your Custody Arrangement to Be Structured?

If you have children, it is important to know who they will be spending the most time with, or whether they will be splitting their time equally between both parents' homes during and after divorce. Factoring in child-support payments can affect the way a financial picture comes together. Be sure to check your state's or province's child-support guidelines so you can take realistic numbers into account.

7. How Would You Describe Your Financial Situation?

As important as the specific content of your answer is how it makes you feel. Does this question propel you into insecurity or outright fear? Are you blithely assuming that your lifestyle will continue unchanged after divorce? Are you assuming (perhaps incorrectly) that you will receive spousal support? This is a really good time to consider some supportive therapy, as emotional issues triggered by your financial situation surface and may distract you from a logical, reasonable solution.

... it is often far more expensive to continue fighting your ex over a particular asset than it may be to just let it go.

8. Do You Expect to Pay or Receive Spousal Support (Alimony)?

Though fewer divorce settlements include long alimony payments these days, many people still assume that lifetime support will be part of their own settlement. Getting accurate information is very useful in helping your team create models for your financial future.

9. Where Are You in the Divorce Process?

For better or worse, most people will seek out a family lawyer first in their divorce process. You may decide not to bring in a financial professional until further into the process, perhaps thinking you'll save money by delaying. However, having your lawyer and financial professional work together from the beginning can save both time and money in the long run. How far have you gotten in gathering and cataloging information for your financial affidavit? Do you even know what a financial affidavit is? Your financial expert can help to guide you through the financial process just as your lawyer will guide you through the legal one. Taking the time to understand your current situation as well as the road ahead will help your team tailor their communication, advice, and instructions to your specific needs.

10. What Questions Can a Professional Answer for You?

This might be the best place to start. Divorce is a confusing, emotional, overwhelming experience, and most people simply don't know what to expect. A little Q&A with an expert can go a long way toward making you feel more in control of the process. Have some patience and compassion for yourself – and if you don't understand something, keep asking questions until you do. ■



Adrienne Rothstein Grace is a Certified Divorce Financial Analyst® and Certified Financial Planner who brings 30 years of financial advisory experience to clients in transition. Her holistic approach to financial transition planning guides clients through prudent preparation as well as rebuilding. www.transitioningfinances.com



Documenting Your Financial Situation

Collecting key financial information and creating a budget will help your divorce lawyer and financial advisor do their jobs most effectively – and let you know where you stand.

By Diana Shepherd, Divorce Financial Professional

Your divorce lawyer and your financial professional are going to ask you to gather information and documents for them, so you might as well start this process now. Here are some things you should consider and prepare for as you go through the divorce process.

1. Early Divorce Stages

If you are in the early stages of your divorce you will need to compile information regarding all the assets and debts acquired during marriage; assets acquired before the marriage, or at any time via gift or inheritance; all sources of income for you and your spouse; and a list of your weekly, monthly, and annual living expenses, which includes everything from mortgage/rent to food, clothing, car expenses, etc. Here are some tips:

- Make a list of your assets and assign values to each of them (see #2, below, for help with this);
- Ask your divorce lawyer to help you determine which ones are marital and which are separate property;

- List your debts, determining which ones are joint and which are separate;
- Determine your current and post-divorce needs;
- Start making a budget. (See #4 and 5, right, for information on how to create pre- and post-divorce budgets.)

2. List Your Assets

Creating a detailed list of all your assets, from real estate to retirement plans, can help simplify the property-division process during divorce. When you start to make your list, make sure to include all of the following items owned by you and your spouse – both individually (separate property) and together (marital property).

- **Financial accounts/investments:** including bank checking and savings accounts, certificates of deposit (CDs), mutual fund accounts, stocks, bonds, and other financial investments
- **Pension and retirement plans/benefits:** including profit-sharing plans
- **Cash-value life insurance policies and annuities**

- **Trusts:** especially trusts where you are a/the beneficiary
- **Real estate:** including the marital home, vacation homes, and investment properties
- **Vehicles:** including cars, trucks, motorcycles, motorhomes, boats, ATVs, etc.
- **Household furniture and appliances:** bear in mind that unless your furniture is a valuable antique, you'll be getting garage-sale prices for all of these – even that 60" flat-screen TV
- **Valuable jewelry and art**
- **Collections and memorabilia:** including gold and silver coins, stamps, comic books, sports memorabilia, etc.
- **Expensive power tools**
- **Country club, golf course, and other memberships:** these can be worth thousands of dollars
- **Expensive musical instruments, and hobby or sports equipment**
- **Businesses:** including any ownership interest you or your spouse has in a business. This includes professional practices (doctor, dentist, lawyer, etc.)

Here are some frequently-overlooked assets:

- **Stock options**
- **Retained earnings**
- **Deferred bonuses**
- **Vacation pay**
- **Benefits from previous employers**
- **Tax refunds** (from joint returns)
- **Capital loss carryover**
- **Property tax reimbursement**
- **Contents of safety deposit boxes**
- **Prepaid insurance premiums**
- **Frequent flyer points**
- **Credit card reward points**
- **Season tickets** (sporting events, concerts, theater)
- **Timeshares**
- **Prepaid professional dues**

Ask your financial professional if you're unsure which of these apply to your situation – and whether they are significant enough to worry about. You can download an "Asset Worksheet" to help you complete this task at: download.divorcemag.com/divorce-magazine/pdf/asset_worksheet.pdf

3. List Your Debts

Compiling a list of all your liabilities – including all loans, mortgages, and other debts – is an important aspect of preparing for your divorce. When you start to make a list of your debts, make sure to include all of the following items owed by you and your spouse – both individually and together.

- **Loans:** including car loans, educational loans (for tuition), personal loans, business loans, promissory notes, and lines of credit
- **Leases:** for vehicles, electronics, property, etc.
- **Financing household equipment:** including appliances, electronics, furniture

- **Mortgage(s)**
- **Home equity loans or balances on home equity lines of credit**
- **Credit-card debt:** including bank, department store, and gas cards.
- **Back taxes owed**
- **Professional debts**
- **Business liabilities**

For each debt, include information about whether the liability is joint or separate (if the latter, who is responsible for it), how much is still owed, the interest rate, and repayment details (including monthly payment amount and due-date, and the term, if applicable).

4. Create a Pre-Divorce Budget

By creating a budget, you'll reduce the uncertainty and guesswork about what you can and can't afford both during and after the divorce. You need to determine what your current living expenses are and how you'll pay for these expenses; potential sources of income during divorce include your own employment income, and spousal and/or child support (if you'll be receiving these).

In addition to your regular living expenses, you need to make a budget for professional help from a divorce lawyer, mediator, financial professional, valuator, etc. If your income from all sources won't be enough to cover your living expenses and divorce-related costs, you need to take a hard look at your expenses and see where you can trim them. Ask your financial professional for help with this process. If you're still coming up short, you may need to dip into savings and/or speak to your lawyer about the possibility of increasing the amount of support you'll receive during the divorce process. If your spouse can't afford to pay more support, the two of you will have to consider liquidating and dividing some marital property so you can both pay your bills.

Download a copy of the "Expense Worksheet" to help you complete this task at: download.divorcemag.com/divorce-magazine/pdf/expense_worksheet.pdf

5. Create a Post-Divorce Budget

Once you have finalized your divorce agreement – including property division and spousal and/or child support, if applicable – you'll be equipped to create a realistic post-divorce budget for your living expenses. Use the pre-divorce budget you created as a starting point, since your post-divorce budget will include almost all of the same items (with the exception of divorce-related bills, once you have finished paying your professional team). ■



Diana Shepherd is the co-founder and Editorial Director of Divorce Magazine and a Certified Divorce Financial Analyst®. She has been writing about divorce-related issues since 1996. www.DivorceMag.com

The Best Tips for Managing Divorce-Related Anxiety and Depression

Depression and anxiety during divorce are inevitable – but not endless. Learn to manage these feelings, and they will eventually dissipate. Here's how to start.

By Kat Forsythe, Therapist and Coach

When Ron left, Sally spiraled into such sadness that she could hardly bear it. She'd asked for the divorce, so she was surprised at her despair, as well as depression and anxiety during divorce. To compound her melancholy, she had trouble sleeping, and woke up each night at 3:30 with her heart beating so hard, she thought she was having a heart attack.

During divorce recovery, you won't leave home without these feelings. Some divorcees escape the torture of these challenges, but most of us dive headlong into them. They can be as mild as down-in-the-dumps or as severe as constant weeping and vomiting.

If you feel as though you're surrounded by a curtain of black gauze and you can see happy people on the other side but you can't get to them, welcome to the all-too-familiar signs of depression and anxiety during divorce. There may be some comfort knowing you're in good company with just about everyone else going through a divorce. Most people with divorce depression experience one or more of these signs during the divorce process.



The good news is that these feelings are usually only temporary until your brain catches up with your new life. The not-so-good news is that, for the most part: “The Only Way Out Is Through.” The only way through these two nasties is to navigate them with all the tools you can find, frequently with outside divorce coaching. You can mitigate your pain, but you can’t erase it.

Here’s encouragement: In the process of facing and managing your emotions head on, you’ll hone an arsenal of treatment regimens that will serve you for the rest of your life. If you work on handling them now, you’ll be able to reach in your quiver of arrows later and shoot these two effects down to size.

In all my work with folks journeying through divorce, here’s the #1 tip I’ve discovered to combat these feelings: no matter what, keep moving.

Depression and anxiety are common by products of divorce, and for good reason! Take time to recognize your moods and address them head-on.

Movement is motivating – even the smallest effort begins to balance your mood. Sitting still is stifling and stagnant (unless meditating or sleeping). When depressed, the tendency is to plant yourself in one place, not move, and obsess over the precipitating event, rehearsing it over and over in your mind. From that seated or prone position, deep despondency ensues, manifested as weeping, worry, anger, fear, or physical illness (most frequently nausea). None of these are good for your mental health!

First, ask yourself, “If I weren’t feeling this way, what would I be doing?” Then, try on that activity for size.

Take Baby Steps

If you can’t get up and move, you may have lost the ability to self-motivate. In that case, talk yourself into motion by taking baby steps. For example, if you can’t get up from a prone position, talk yourself off the couch. Say, “Slide your legs off the couch. Put your feet on the floor. Sit up slowly. Lean forward. Stand up. Take three steps.” Three steps get you far enough away from the bed/couch/chaise that you’re less likely to return.

Then, do the simplest things: brush your teeth, change your clothes. While still in motion mode, put on your shoes, pick up your keys, and walk out your front door. Keep yourself in motion. Getting outside the house – even going for a mini walk – is a mood booster. Keep moving at an even pace, not too fast and not too slow.

Anxiety causes erratic motion – too fast or too slow. When you feel your heart pounding, slow down. Watch for signs of agitation: yelling at other drivers on the road, or disgust with

the person with 12 items in the 10 item checkout line. You’ll know when your irritation stems from your own sour mood. Use these incidences as a sign to put on the brakes. The old adage of “take a deep breath and count to 10” works because it gives your over-worried brain a tiny but critical break.

Drugs and How They Impact Your Depression and Anxiety

A word about drugs for depression. I believe that some depressions and many anxiety disorders are intense and severe enough to warrant prescribed drugs, usually an SSRI (Selective serotonin reuptake inhibitor), better known as Prozac, or its many cousins. These drugs require a 4-6 week adjustment period, taking the drug religiously every day, and continuing daily for months or years until it’s time to wean off. Prozac and family

(Celexa, Zoloft, and others) are mood elevators, and they must be taken as prescribed, or they can cause serious side effects.

Self-medicating: using over-the-counter drugs, herbal remedies, alcohol, marijuana, or stimulants (Red Bull, No Doze, as well as recreational drugs or “uppers”) are less helpful in treating long-term depression/anxiety problems because the amount and regularity of taking them isn’t consistent. Don’t try to medicate yourself.

If you’ve tried the behavior modification techniques (“Keep Moving” is the #1 example) and you’re still despondent – and you believe you’re seriously depressed or anxious – see a doctor or medical professional for guidance and the right drug for you, immediately.

Depression and anxiety are common by products of divorce, and for good reason! Everything familiar is changing. Your emotions and reasoning are straining to capacity to re-calibrate and get you through the turbulent waters of change. Take time to recognize your moods and address them head-on. Start with “keep moving” to keep the depression demons at bay.

Take one baby step at a time – that’s one less step you’ll have to take later. Keep going, keep moving; your divorce-related depression will eventually dissipate. ■



For more than 25 years, Kat’s passion has been helping people navigate the turbulent waters of life, especially divorce. She helps clients rediscover, redesign, and reclaim the life they want to live – based on their own strengths and her practical, no-nonsense six-tiered plan.

www.katforsythe.com

How to Create a Successful Parenting Plan

A comprehensive parenting plan will help stop parenting disagreements from escalating into bitter battles. Like a peace treaty, a good parenting plan cannot anticipate every possible conflict, but it can identify likely issues and provide a roadmap for handling difficult situations.

By Dr. Ann Buscho, Licensed Clinical Psychologist

I have worked with divorcing clients for the past 25 years. I have learned many things I wish I had known when I got divorced in the early 1990s. Most parents discover that raising children is even more rewarding than they had dreamed of. I wish I had known that being a single mom was more complicated than it looks.

And I wish I had known how to create a successful parenting plan and co-parenting relationship with my ex.

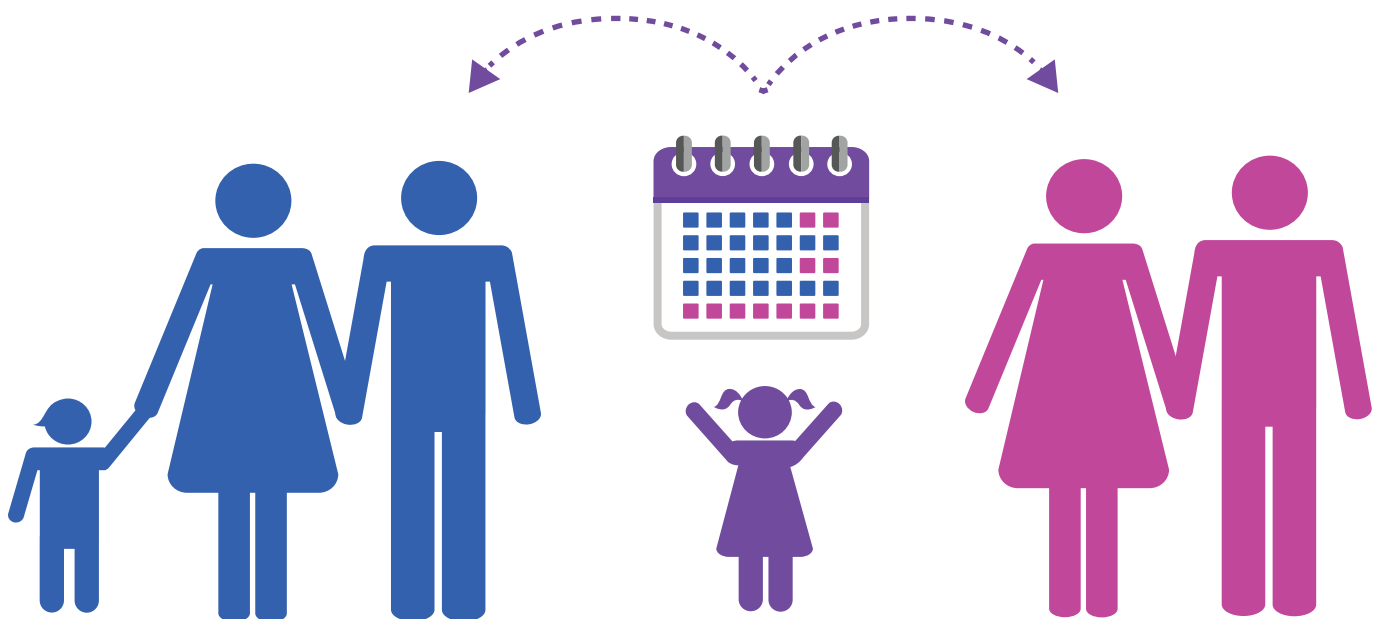
In my work since then, I have focused on helping parents establish a safe and healthy co-parenting relationship. Parents can anticipate issues that will predictably arise and have a documented plan as to how to deal with them. The best way to do this is to create a written co-parenting plan with explicit agreements that both parents have bought into.

Often these plans are attached to and filed with the final divorce papers.

Why You Need a Detailed Plan

Traditionally, the parenting plan has been about child custody and the legal authority to make decisions on behalf of the children. This bare-bones plan does little to support a healthy co-parenting relationship during the initial period of separation and post-divorce. Research has shown us that the single most harmful aspect of a divorce for children is parents in conflict.

Conflict and fighting hurts kids when it continues after the divorce is over. Many adult children of divorce will confirm this. Even when parents feel that they shield the children from conflict, children will absorb the parents' stress. A child told



me that he could tell when his mom and dad had been arguing by how his mom hugged him. Children have sensitive conflict radar detectors and are keen observers.

Given the research, I have found that a more comprehensive and detailed parenting plan will help parents avoid future battles. With a plan, co-parenting disagreements or skirmishes will not escalate into conflicts. Like a peace treaty, a good parenting plan cannot anticipate every possible conflict. But it can identify likely issues and provide a roadmap for handling issues that are not easily resolved. The plan is created by the parents working together. Often parents seek the help of a divorce specialist. The plan is unique to each family and anticipates many of the issues that will predictably arise. It can be revised as the family lives with the plan and the children grow older.

How to Create a Parenting Plan

Sometimes parents turn to a therapist to facilitate this conversation. The therapist can share child development and divorce research, as well as his or her clinical experience. This information helps parents consider their decisions. Over time, parents may revisit the parenting plan if family circumstances change.

If the parents are communicating well, there are tools online to help them create their own plan.

A former client, Stephanie, called me recently. She let me know how glad she was that she and her ex had made an agreement about how and when their children would be informed of any new relationships. Four years ago, when she and her ex were developing the plan, I coached them to discuss this issue. The topic brought up painful emotions for both of them and they were reluctant to talk about it. They agreed that if a parent was in a committed, long-term relationship, that parent would inform the other parent before telling the children. They also agreed that it was the right of the parent in the new relationship to tell the children.

Stephanie told me, “I am so glad that we agreed to this even though I didn’t get the point of it when we divorced. If my kids had come home to tell me their father was getting married before he had let me know, I would have been so upset. My kids would have had to see my shock or anger. Because he had already told me, I’d had time to digest the information. I was more able to help my kids process the news.” Dealing with new relationships is just one of a number of topics that are included in a good parenting plan.

Parenting Plan Essentials

A parenting plan includes a detailed schedule. It spells out which parent is “on duty” and which is “off duty.” The plan is tailored to each family’s needs. Taking into account their work schedules, the parents develop a basic time-sharing calendar. I encourage parents to talk about exceptions, such as holidays, birthdays, summer planning, travel with or without the children, and family traditions. The parents decide who holds the passports, who is the liaison with doctors, the schools, etc.

Parents often want to include agreements about screen time, school activities and religious education. They discuss extracurricular activities, medical decisions, decisions about driving, sleepovers, parties and more. Parents often discuss and make agreements about communication with the children when off duty. They discuss discipline, rules at each home, and the children’s chores. We craft agreements around parents’ use of alcohol or drugs, particularly when the children are present. We discuss extended family relationships and how the parents will support those relationships.

Most importantly, parents make agreements about their communication: how and what information is shared. They make agreements about boundaries and privacy. Many other topics may be included depending on the needs of the family.

What if a Problem Arises Later?

Parents should make an agreement about what they will do when they cannot resolve a future disagreement. For example, they may agree that either of them can request the assistance of a neutral therapist or mediator. The other parent agrees to attend, and the parent initiating the assistance pays for the first meeting.

Parents who nest (or “birds-nest”) during the transition to divorce will also be much more successful with a nesting parenting plan. A nesting plan will likely include many of the above topics, as well as unique topics such as finances and care of the home.

If both parents fully participate in crafting a plan, it will help to stabilize the children and family post-divorce. The parenting plan is one of the essential tools of a successful co-parenting relationship; having a good plan is one of the best ways to help your children adjust and heal. ■



Ann Buscho, Ph.D., specializes in issues related to divorce, parenting plans, and co-parenting counseling. She is passionate about helping parents divorce respectfully so that the entire family can heal and thrive. Dr. Buscho’s experience and training have taught her to focus on helping parents develop parenting plans that support the health and well-being of all family members.

www.drannbuscho.com

Related Article

How Specific Should Your Parenting Plan Be?

Creating a detailed parenting plan – along with some flexibility on both of your parts – goes a long way to smooth the road ahead as you begin co-parenting with your ex-spouse.

www.divorcemag.com/blog/how-specific-should-parenting-plan-be



How to Recognize & Cope with Parental Alienation

By Russell J. Frank, Family Lawyer

Parental alienation is a very serious concern for many separating and divorcing parents. Here's a brief introduction to parental alienation: how and why it happens, how to recognize it, and how to restore the damaged parent-child bond.

During separation and divorce, some parents intentionally – or sometimes unintentionally – work to alienate their ex-spouse from their children. Parental alienation generally occurs when one parent sways a child into disengaging with their other parent – usually by speaking negatively about the other parent and/or refusing to permit or coordinate contact and time-sharing between the child and that other parent. It can also occur when one parent does not fully engage in co-parenting or when a child is regularly questioned about the personal life of the other parent. This results in creating a moral dilemma within the child, as many children, in the face of divorce or separation, will want to try and remain as loyal as they can to each parent, particularly the younger they may be. For example, if a parent reacts with sadness or even disappointment when the child reports they've had fun while with their other parent, then it can likely lead to negative feelings within that child, including guilt and overall confusion about their relationship with both parents.

Other behaviors that lead to parental alienation include actions such as:

1. Listening in on phone calls or monitoring text messages from the other parent.
2. Excluding, withholding, or even purposely providing wrong information to the other parent related to a child's activities and appointments.
3. Casting blame on the other parent for their own financial woes.
4. Refusing to be reasonable with requested changes in visitation schedules, using the children to spy or report back on the other parent.

There are also more obvious behaviors such as denying access, contact, and time-sharing, or even permitting the child to determine when such timesharing should occur. The latter example can be extremely detrimental to the child, as it forces a child to choose between parents – something that no child should have to do, as these types of decisions are better left to the adults and/or the Courts.

When One Parent Shares Inappropriate or Misleading Information with the Children

Perhaps even more concerning is when a parent decides to begin discussing, directly with the children, the actual details related to the breakdown of the parents' marriage and the ensuing legal battle. This is often done as a defense mechanism by the alienating parent as a way to curry favor with the children in an effort to further justify their alienation, but the truth is that these types of discussions and providing this type of information to children can be very destructive emotionally and psychologically.

Many times, the alienating parent will justify their behavior by telling the other parent that the children do not want to see them, something that will, inevitably, become a self-fulfilling prophecy if not addressed in a timely manner. Parents must try to always remember that they are the parent and they must remain in control of making time-sharing decisions. In reality, up until about the time a child enters high school, and ideally after they become teenagers as well, parents should still be able to determine time-sharing issues on behalf of their child, not permitting their children to dictate time-sharing terms and conditions.

Creating a Divide Between Parent and Child

Typically, as a result of these alienating behaviors, a physical, emotional, and many times psychological divide is created between that parent on the outside and their children. Once this occurs, it not unusual for a child to not want to communicate with, see, or spend time with that other parent. When a child refuses to talk with or spend time with the other parent, then in many cases, a child psychologist or counselor would be necessary to assist in redeveloping that parent-child relationship, something known as reunification therapy.

Restoring the Parent-Child Bond

Reunification counseling may come in as an effective tool in helping to restore bonds previously lost due to parental alienation. In these situations, a child psychologist or counselor generally assists the child and parent in rebuilding their relationship. The counselor may recommend reunification counseling to help restore the parent-child relationship.

Reunification therapy can be used as an intervention for separated or divorced families – particularly when children are finding it difficult, for whatever reason, to visit their non-custodial parent. In the initial assessment and follow-up sessions, the counselor or therapist will identify the issues that are contributing to the estrangement between the parent and the child, and then work to develop an appropriate treatment plan for all affected family members. Through counseling, the child and parent will try to repair their relationship, usually by working on effective communication techniques and rebuilding the trust that has been fractured by the alienating parent.

Due to the conflicts already existing between the parents, a Court order may be required in order to initiate this type of counseling. If the parents cannot agree on the counseling itself or a specific counselor, then either party may motion the Court to appoint an appropriate therapist with the underlying goal of reunifying the child and the other parent. The court order would detail the expectation that each parent cooperates with the therapy and also set parameters for extended family involvement, while providing discretion to the therapist to set the specifics for treatment, payment arrangements, and all other related issues.

In some cases, depending on the severity of the issues and the levels of distrust between the parties and/or the child, it can be beneficial for each party to have their own individual therapists, including one for the child and one for each of the parents. In these cases the therapists would work together to ensure the family reunification issues are being addressed. In other cases, however, the reunification therapist would likely spend time meeting individually with the children and then with the parents separately before meeting with both the child and the reunifying parent together.

If you have additional questions or concerns about parental alienation and its effects on your children, it's important to seek professional advice with a licensed therapist and perhaps even speak with an experienced family law attorney to discuss your specific case and circumstances. ■



A partner at CPLS, P.A., attorney Russell J. Frank focuses his practice areas on family and marital law. He volunteers as a Guardian Ad Litem, representing children whose parents' rights have been suspended or terminated.
www.cplspa.com

5 Things You Must Do When Co-Parenting After Divorce

After divorce, civil co-parenting is essential. How well you co-parent will determine how well your child adjusts to the new family dynamic – as well as shuttling between mom’s house and dad’s house.

By Cathy Meyer, Relationship Coach

If you have children and are divorcing, your focus should be on effectively co-parenting both during and after divorce.

Here are five suggestions that will make co-parenting easier – and allow your children to suffer fewer negative consequences of your divorce.

1 Choose Shared Custody

Although not all situations are optimal for 50/50 shared custody, if you and your ex are both loving and involved parents, the best thing you can do for your children is give them equal time with each of you.

Aside from your regular day-to-day responsibilities – like making sure your children have nutritious food to eat, clean clothes to wear, and that they are in school before the bell rings every weekday morning – your main priority during and after your divorce should be to effectively co-parent your children.



Beginning the divorce process by being willing to share your children with each other, in spite of any negative feelings you may have for one another, is a good place to start. Divorce will end your marriage; it won't end your role as a parent and, let's face it, you will be forever connected to each other by your children. You might as well put your best foot forward when dealing with that lifelong situation.

2 Put Your Children's Needs First

Divorce does not end your responsibility to care for your child's financial, emotional, and physical needs. The emotional or financial stress you are experiencing does not excuse you from putting your children's needs above your own.

Don't fall prey to the belief that children are resilient and can wait for you to be supportive and attentive to their needs until you have finalized your divorce. Be fully present with your children – who now need you more than ever before – and do whatever you can to make sure their life runs smoothly both during and after your divorce. Keep their schedule as regular as possible, and don't uproot your children from school, friends, or family until your and your co-parent have agreed upon a parenting plan that works for everyone. If you've moved out of the family home, make sure to talk to your children daily and see them several times a week.

Of course you have needs, too – but those needs will never trump the need your child has to feel secure. If you want to start dating again, or spend the day at the spa, or go for a girls' night out, wait until the children are with your ex to indulge those needs.

3 Don't Put Your Children in the Middle

A concerned and loving parent does everything within their power to keep divorce from hurting their children. These parents do not expect or want their child to share their anger or resentment toward the other parent.

Your child will take his/her cues from you. If you treat your co-parent with respect and civility, it allows your child to feel safe loving both of you. If you disrespect the other parent or share inappropriate information about the divorce – like their other parent's affair or other “wrongdoings” – with your child, that puts them in a position where they feel that they have to choose sides. Listen to your child when they express their feelings and validate, not dismiss those feelings. Don't use your child as a messenger between his/her parents. Allow your child to be a child by remaining the mature, adult parent during and after your divorce.

4 Don't Try to Turn Your Child Against the Other Parent

Don't share private or misleading information about the divorce that paints your co-parent as the villain and you as the innocent victim with your child. You will create a painful loyalty conflict for them, and make them feel as though they have to hate their other parent if they love you.

Cutting a child off from their other parent causes that child great emotional pain and distress. You might not like your co-parent, or you might wish to punish them by turning their children against them, but – unless your ex is an addict, a criminal, or has a history of domestic violence – it is not your place to decide whether they have a right to parent their child.

Parental Alienation can occur when one parent persuades their child into disengaging from or actively hating the other parent. Speaking negatively about and/or willfully withholding a child from the other parent can cause Parental Alienation – as can blaming the other parent for their own financial problems, or withholding or providing the wrong information to the other parent about the child's appointments and special events (like the school play or their soccer game).

Some parents use their children as weapons against the other parent if they feel they have been wronged. What better way to hurt someone than to restrict their ability to spend time with and openly love and be loved by their own child?

The problem with parental alienation is it eventually backfires. If you engage in alienating your child from their loving, caring, other parent, then one day that child will realize that you used them as pawns in your game of revenge – and then you'll find yourself the focus of that child's anger and disgust. When you attempt to alienate your child from your co-parent, you are doing potentially irreparable damage to that child's ability to love and be loved as well as endangering your future relationship with your child.

5 Be Flexible

If 50/50 shared parenting is not going to work in your family's situation, be flexible when it comes to visitation with the non-custodial parent. Don't hold your child or the other parent to a rigid schedule that will exclude one parent from important events.

If your child is involved in sports or after-school activities, allow your co-parent to share the responsibility and pleasure of those activities with your child. If your ex calls and wants to take the child out for a burger or movie and it isn't “their night,” let your child decide whether to go or not. And if you have a special event to attend, ask your co-parent if they'd switch nights or weekends with you – and be sure to return the favor!

The key is to make your parenting plan child-focused, not parent-focused. In other words, if your child has a desire to spend extra time with your co-parent, decide based on the child's needs and desires – not your own. ■



Cathy Meyer is a Master Certified Relationship Coach and Certified Marriage Educator. She is also the Managing Editor of DivorcedMoms.com – the leading resource for divorced moms to connect, communicate, share experiences, and find expert information – and a divorced mother of two. www.DivorcedMoms.com

3 Things to Do if Your Ex Doesn't Respect the Parenting Plan

If you have tried to be reasonable with your ex, and they are still refusing to follow the parenting plan, then you might have no choice but to file a motion for contempt.

By Danielle Prado, Family Lawyer

Sometimes, parents going through a divorce or custody dispute can set aside their differences for the benefit of their child(ren). They may be able to agree on matters without the intervention of a judge and work together to co-parent.

However, the unfortunate reality for many families going through a separation is that one parent may refuse to follow the parenting plan, making things more acrimonious than necessary. A parenting plan is a child custody plan that is negotiated by parents, and which may be included in a marital separation agreement or final decree of divorce.

Examples of not following parenting plans might consist of denying parenting time, talking badly about you with or in front of the children, or not attending required counseling sessions. Issues regarding the parenting plan can be even more frequent when one parent is in recovery for alcohol.

What to Do if Your Parenting Plan Isn't Being Followed

1 Document Everything

Document everything. Keep a blank calendar and make a note of when you are and aren't supposed to have parenting time. Use it as a shorthand diary and record when the other parent fails to follow the parenting plan. Keep track of details such as when they bring the child to you, or if they misinform you about important events with your child.

Be aware of your ex's social media, if possible. Social media posts always come with time stamps, which could show that the other party was not following parenting plan agreements. All of this will be useful if you decide to pursue the matter further in court.

2 Address the Situation Outside of Court

First, try to address the situation with your ex outside of court. If you have an attorney, have them write your ex or their lawyer a letter explaining why you think they are not following the parenting plan. Sometimes, the conduct was unintentional, and communicating with them can avoid further confrontation. On the other hand, making it clear that you are not a push-over and that you expect to maintain your full parental rights as agreed upon can go a long way in preventing future breaches.

If you do not have an attorney, and you and your ex are not on friendly terms, then see if your court offers mediation for family law. Sometimes, courthouses will provide dispute resolution to families for free or at a low cost. Dispute resolution is often far less expensive and time-consuming than a formal hearing before a judge.

3 File a Motion for Contempt

If you have tried to be reasonable with your ex, and they are still refusing to follow the parenting plan, then filing for contempt may be a solution. If you serve your ex with a contempt action, he or she will be forced to appear in court and explain to the judge why he or she decided to ignore your prior agreements.

Filing a motion for contempt should be a method of last resort, after multiple breaches by the court. This is because hearings are time-consuming and expensive, and if your ex has disobeyed the parenting plan just once, the judge will likely be lenient. It is best to have a well-documented pattern of contemptuous behavior before filing suit in court.

It can be useful to have an honest conversation (if possible) with your ex and ask them why they refuse to follow the parenting plan. There are different tools to help you document whether or not your ex is following the parenting plan. For example, if your ex has struggled with alcohol use disorder in the past, you may have a difficult time trusting them to be sober around the child. If that is the case, you might consider using a remote alcohol monitoring tool, like Soberlink.

Combining a professional-grade, personal breathalyzer with wireless connectivity, Soberlink supports accountability for sobriety and child safety, featuring tamper detection and facial recognition technology, the state-of-the-art alcohol monitoring system collects court-admissible data with a high level of precision and accuracy. Soberlink takes the guesswork out of proving sobriety, which eliminates the grounds for he-said-she-said arguments in court.

If your ex says they aren't drinking, a remote alcohol monitoring tool can prove whether or not they're telling the truth. This technology frequently builds a sense of trust and enables parents to work together more effectively for the best interest of the child.

There are many other tools and options to make sure the parenting plan is being followed, but if not, try the options discussed above.



Danielle Prado is an experienced family lawyer who is licensed in Texas and the UK. Well versed in many different areas of family law, Danielle currently focuses her time on educating people through writing and providing helpful information to people going through divorce. www.soberlink.com