

6 Steps To Create A Great Divorce

Divorce is a life-crisis. In California approximately 50% of all married couples divorce. It is not uncommon for women, especially, to find themselves with limited employment options, suffering with anxiety and/or depression, and unable to pay a mortgage, while caring for two small children. That divorce is commonplace does not mean it isn't traumatic for you. Becoming a Divorce Warrior is essential.

Divorce does not *have* to be hell, as long as you and your former partner can be flexible, put the children's needs first (e.g. be cordial or at least civil at the children's events), and be respectful towards each other's new love interests. In fact, divorce can even be a relatively positive experience, if you play your cards right. It needn't be a war, particularly when you use professionals formally trained in Collaborative Divorce, who are committed to calling forth your best selves throughout the process. Here's how

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1. Distinguish what's important, from what's not.

Sweating the small stuff can be gut wrenching for both of you, especially when there is/has been infidelity. Paying an attorney to help decide who gets the Jimmy Hendrix CD's is also outrageously expensive – money that ultimately comes out of your children's pockets (if you have children), and out of the total assets you'll have to begin your new life. Getting an appraisal for the vacuum cleaner is equally, absurd (Yes, it happens.). Be flexible wherever possible. Allowing your former partner to pick up a child after school versus after dinner, without compromising extracurricular or academic commitments, invites generosity and trust. If you're asking for changes to the parenting plan, be respectful and appreciative, and don't act like you're entitled to such adjustments, because you're not. S/he doesn't owe you anything, and if you act like s/he does, your co-parent will, understandably, be less likely to bend.

2. Choose a way to divorce that preserves your assets as well as the dignity and respect of your restructuring family.

The most important decision you'll make is *how* you'll divorce. It's a myth that only couples that can get along can participate in mediation or collaborative divorce process. Plenty of high-conflict couples can get through a co-mediation with a collaboratively trained family law attorney and therapist, or better yet, with a collaborative divorce team of financial, legal and mental health professionals. Avoid the extra-layers of mean-spirited, expensive, movie courtroom battles. One source set the *average* litigated divorce in California as costing \$120,000. Imagine what the high conflict divorces cost? Mediations and Collaborative Divorces costs, *on average*, about \$35-40,000, for high-conflict couples, and put the couple's mutual respect and the kids' needs first. Mediation and Collaborative Divorce processes help you set the tone for co-parenting during the years ahead, spare the children the years of tension, anxiety and guilt, all while avoiding costly court battles and preserving your family's assets. You, as a couple, not attorneys or a judge, make the decisions and take the lead. The team is there in a supportive role, mindful of your costs and the limitations of your budget. The cost of a Collaborative Divorce depends largely on the level of conflict, and the amount of intervention needed to reach a mutually acceptable agreement.

3. Put your kids' needs first.

Too often, kids are aware of all the psychodrama behind the scenes, and their hearts are broken. Your words and actions toward each other seriously impact your child's academic, psychological and interpersonal effectiveness during the divorce and throughout the rest of their lives. Above all else, your children need to know that you are not divorcing *them*, that you both still love them, and that you will work together in a civil way to co-parent them as you all move forward. Your job as a parent is to reduce the amount of trauma and wounds they experience so they are more equipped to take on their natural developmental challenges. Keep your problems with their other parent to yourself. Your problems are NOT their problems. In a Collaborative Divorce, the children are seen briefly by a child specialist, who represents their interests and concerns during the divorce, and helps to ensure the kids are not pulled into the middle of your adult concerns and interests.

Make transitions between households easy on your children: help them to learn to have their bags ready, write out and email any critical information for your co-parent *before* the children are picked up (e.g. prescriptions, school information, extracurricular information). When your co-parent comes to pick-up the children, open the door, stay focused on handing over the kids, and go to the back of the house to avoid exposing your kids to any possible conflict, raised voices, or grief. (Go to PasadenaCollaborativeDivorce.com to "Resources" to get started preparing a "Family-Divorce Story" with guidelines about how to tell your children about the divorce, "Children's Divorce Rules," and "101 Ways to Make Divorce Easier on Your Kids.")

4. Speak well of your former spouse.

Remember, how your kids hear you speak of your spouse is likely to be the pattern they follow with their own spouses, and how they will speak to their future spouse in front of your future grandchildren. No kidding. Your children *know* the parent you're belittling, devaluing and/or rejecting is also a part of *them*. Think of trash-talking your co-parent as dropping a bomb with shrapnel that's guaranteed to hit your kids.

Collaborative professionals know that co-parents are typically *not* at their best during a divorce. At the same time, get whatever support you need to manage your frustration, anger and sorrow, to spare your children. They don't need more damage on top of the inevitable losses and grief they are already experiencing. Even if your spouse is not able to keep a lid on it, your children *will* remember, once the dust settles, which parent spared them the maelstrom of negative judgments, and which parent didn't. In the long run, your kids *will* be more trusting of you for your restraint and protection.

5. Play fair.

This means don't hide your assets in offshore accounts, put everything in your parents' names, change the beneficiaries on your life insurance policies before there's an agreement, take the kids to Timbuktu without your co-parent's permission, etc. Aside from such maneuvers being illegal and carrying stiff penalties, when discovered later, you sabotage the trust needed to effectively resolve your divorce, and your entire family is likely to suffer both emotionally and financially.

Meet *together* with a certified divorce financial analyst (these are CPA's at Pasadena Collaborative Divorce), and put all your toys on the table. It's tempting to hide money, or act unilaterally, but one slip and you'll destroy the minimal trust necessary for a Collaborative Divorce or mediation and thrust your family into the adversarial, asset-sucking process of litigation, i.e. "the black hole of divorce," as many divorce professionals call it.

If you litigate and there's limited trust, you'll each have to hire forensic accountants to hunt down hidden money – they cost roughly the same as your litigating attorney (typically \$300-\$500/hour). When you set a court date, you could *each* get stuck paying for 2 professionals (the attorney and forensic accountant) for days to sit in court for 8 hours a day until your case comes up – that's *in addition to* all the preparation costs! Do the math. Hiding assets is bad karma for your family's well-being *and* assets.

Usually, the partner that has not been managing the family's assets feels especially vulnerable. If you push your family over the cliff into a litigated divorce, the judge can order the sale of assets (e.g. such as stock) in order to pay client retainers. One attorney recently shared that a litigating attorney asked for a \$50,000 retainer to work on the case, and despite my attorney-pal's protests, the judge granted this. Also recently, a client came to me and said just two days in court had cost her \$60,000, because her former husband refused to mediate or engage in a collaborative divorce. His shenanigans cost *him* \$50k for his wife's attorney fees (more than the asset he was litigating to exclude from the community property pie) because she only makes \$30k/year.

Judge-determined outcomes in court are a crapshoot, no matter how great your attorney is. Justice may largely depend on your judge's particular soft spots and biases. One client's wife was in jail for assault with a deadly weapon against her children, and this dad was still ordered to pay spousal support while she was in jail because he at least had a modest income. Either he supports his former spouse or the state will have to, so the judge naturally held the husband responsible. The "justice" you may be hoping for is not likely to be what you imagined when you litigate.

Instead of relinquishing control to your attorneys, keep control of the process by preserving enough trust to make a mediation or collaborative divorce a viable option for your family! In a collaborative divorce, a neutral financial specialist generates a clear picture of all of the family's assets and debts, before *anything* is divided. The less financially savvy partner gets to ask any and all questions. This benefits the more knowledgeable partner as well because the less savvy partner, once educated, is more likely to be more reasonable and able to negotiate. Without allowing for a third neutral financial expert to educate the less financially astute partner, s/he is often likely to feel overwhelmed and bullied in this unfamiliar financial territory. Rigid positioning and defensiveness are likely to follow in ways that increase tension and overall divorce costs.

6. Envision divorce as a beginning, while also experiencing the ending.

Most divorce professionals can attest that any divorce is a loss, often with a considerable amount of bitterness and resentment thrown in. Grief is a natural part of the process, with partners cycling between denial, anger, bargaining, depression and finally, acceptance. Acceptance takes time, even with the best support.

Many churches and community mental health clinics offer divorce recovery groups, and therapy is always advisable to help you get through the inevitable challenges, while avoiding getting “stuck” or entrenched in your grief. Many divorcing parents put their children in therapy *before telling* them about the divorce. These parents want to give their children at least a couple of months to establish a solid relationship with their therapists and to have some skill at learning to self-reflect and participate, before requiring the children to share their troubles about the divorce with a stranger.

Therapy is nothing more or less than taking a class in yourself – learning about how you relate to yourself and how you relate to others, by extension, and developing some of the skills that may be missing. Many parents consider therapy a fundamental part of their children’s education, especially during high school, so their children are more equipped to make effective choices once they’re on their own, and/or away at college.

Intense anxiety and depression are more the rule than the exception for family members during a divorce. Divorce is typically a life crisis for most family members. While asking for help from extended family and friends may be difficult, *this is a time when you need to call on those who love you most for help* with kids, financial support and guidance, etc., just as you would when a parent or loved one dies.

Aside from losing your relationship, you are losing your family structure, and often you may also lose many of the family’s relationships that were rooted in your being a unit, - this loss of friends is less likely when you choose a collaborative process to help you sustain those relationships. Your living situation as well as your financial status are also likely to change. For some children, their schools will change, and their support group of peers. For parents who have been the primary caretakers, there is often a loss of identity, along with the loss of the consistent parenting you once cherished, as parenting becomes shared in ways that may involve the children being away from you, and with your co-parent for days at a time.

At the exact same time as you may be experiencing considerable losses, divorce is a very real opportunity to reflect on the choices and mistakes you’ve made and your contributions to the ending of the relationship. It’s a time to develop the relationship skills likely to make you more effective as you prepare mindfully to be in a position to choose another partner or nurture a new relationship going forward. Einstein is credited with saying “Insanity is doing the same thing over and over again and expecting different results.” You have the option to re-invent yourself, to clarify your values and align your daily decisions in the direction of those values, to gain clarity about where you’re going professionally and to create a clear vision of your new future as a single parent - a future that wasn’t possible before.

As a clinician in private practice, I have often referred to myself as a Divorce Doula (an assistant to a natural birth), precisely because divorcing individuals really do have an

extraordinary re-birth, particularly when they seek the support they need to catapult themselves into a major growth spurt. They almost always wish to jump too soon into the consoling arms of a new partner who typically ends up being the “rebound partner.” It may take 2-3 relationships before you consciously and deliberately select and create a relationship based on your similar values and skill sets. Originally devastated by divorce, people are remarkably resilient, especially when they invest in growing and mastering the skills they’ll need going forward.

Prior to my own divorce, I thought faith required absolute belief in positive outcomes. How could I muster *that* in the middle of all of our lives being turned upside down? Slowly, I realized that faith is just the alternative to fear and anxiety about what seemed like an infinite number of unknowable factors. I was generating fear and anxiety by mulling over all the unknowns, all the areas where I didn’t know what to do, and ultimately the fear was just an ineffective way to try to get *some* control over what I *couldn’t know ahead of time anyhow!* It occurred to me that I could stand in “faith” just as easily as fear. If you can’t know what’s coming, you might as well stand in the positive context of what *may* be possible and aim your attention and efforts there, rather than the negative misery of the terrible things that *might* happen, and that you have no control over. Either way you don’t know what will happen. But with faith, I could generate hope and more focused and effective actions. With fear, I was miserable and more immobilized.

My mantra became: “All is well. One thing at a time.” Did I always “feel” like all was well? No! But I just kept reminding myself that my kids were healthy and well, thriving and loved. I was healthy and well. I had a network of people to call on in a pinch. I could borrow money to keep a roof over my head and food on the table. I could build up the business I’d neglected while being the primary caretaker. And slowly, but surely, my new life emerged. I had always been a warrior and advocate for others. But as I waded through the muddy challenges of divorce, I became a warrior for myself, creating the Love and Life I wanted. I have seen this rebirthing happen time, and time again for men and women of all ages, and in all circumstances. It can happen for you as well!