

PROACTIVE CHANGE™

Responsible Divorce

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P R O A C T I V E C H A N G E TM

Responsible Divorce

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Thanks to Diane Yale, JD

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Introduction

The "responsible divorce" we advocate is about balance.

We recognize that there are conflicting needs, and we do our best to balance them:

- Quite obviously, there is a need for separation; divorced people cannot continue to act as a married couple; they need to rebuild their lives as separate individuals.

- On the other hand, both parties have some common goals. At the very least, these common goals include making the divorce more gentle on themselves, keeping their own dignity, saving the money that could easily be wasted in a high-conflict divorce...

When there are children involved, there is even more of a common goal: continuing to parent the children. The parents divorce each other and lead separate lives, but they remain parents of the same children. It works best for the children when the parents find a way to cooperate with each other, starting with the divorce process itself.

The "Responsible Divorce" Pledge

In the box below: the pledge we suggest you make as you go through your separation and divorce. It is written as “we” because, ideally, both you and your ex would agree to it.

If your ex doesn't, you can still see this pledge as a reminder to do what you can to avoid contributing to the spiral of ever-growing strife that characterizes the adversarial divorce.

We know that the kind of divorce where parents fight it out to "win the divorce" has bitter, destructive results. Children are deeply affected.

We acknowledge that, even as we break up, we still have a very important common goal: taking good care of the children.

We view our divorce as a transition: from being part of a couple, to leading separate lives. We pledge to make this transition in a humane and responsible way, so that separating does not jeopardize our common goal.

Children and divorce

Whether or not your children say it or show it, you can be sure they are deeply affected by the divorce and the struggles around it.

Children usually feel a lot of pain and inner conflict during and after divorce. They often feel responsible for the break-up of the marriage - even more so when they see that so much of the fighting is about them: child custody, visitation, child support.

Children would love nothing better than to be loyal to both parents. Unfortunately, in many adversarial divorces, they feel a lot of pressure to side with one parent or another.

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“I wish my parents would just be friends”

Is it really so hard?

By Jeff Zimmerman, Ph.D.

In many divorces the end of one’s relationship as spouses also signals the end of one’s relationship as parents. Children are caught in loyalty conflicts as they love two people (their parents) who are enemies of one another. This causes the children to feel anxious, depressed, and/or angry. It can cause them to keep secrets from one or both parents and in more severe circumstances cause them to feel like they have to “pick a side” and align with one parent so at least they are not caught in the middle. In our offices, children will often tell us that while they understand their parents will not get back together, “I wish my parents would just be friends.”

Parents often tell us how while they themselves are willing to get along with the other parent, it is the other parent’s fault that the relationship is not better. They will give us countless examples of how they have been hurt before, how the other parent clearly isn’t willing, and of how they have been told the other parent is “toxic” and they should have as little to do with them as possible. In short, they say, “It’s just too hard

and it just won't work." But, is it really to hard? Maybe it just can work.

One night a divorced mom took her first grader to see her third grader's school play. She got to the auditorium early and found some seats up front. As she was sitting down, she said to her first grader, "Do you think daddy would like to sit here up front?" She knew from past experience that dad would show up at the last minute, just before the play started. Her first grader beamed with delight and mom had him save the aisle seat. He, of course, turned backwards in the second seat in the row and kept a keen eye out for dad who did arrive moments before the show was to start. Dad came down to say hello when the child waved to him and mom said, "We were wondering if you'd like to sit here and watch the play." To which dad simply said, "Sure, that'll be great."

The play began and the third grader (who was a wonderful tree in the show) saw his parents and brother together up front. At the end of the show he came off the stage and received his hugs and congratulations together from both parents (not worrying about somehow getting to both parents spread out across a crowded auditorium). As the family left the school, the third grader was holding both

mom's and dad's hands, looked up and said, "I'm so glad you guys are friends again."

Mom and dad were deeply touched by the impression such a small easy gesture had on their children. It did not require a resolution of all of the marital hurt. It did not require them to socialize together, trust each other, or get back together. It only took a moment and the awareness to treat each other in the same fashion they might treat a social acquaintance. Or said another way, it only took the recognition that the school play was about their child and that they were each there as a parent, not as an ex.

It's really not so hard and yes it can work. Think of all the times and the small ways you can show your child that you respect their love for their other parent by interacting in a positive and civil fashion, there-by keeping the divorce from always being the dominant factor in every moment. In the family above, mom and dad acted in a way that kept the divorce out of the auditorium. You can too.

Dr. Jeff Zimmerman is a psychologist who specializes in helping families of divorce and training divorce professionals. He is President of Beacon Behavioral Services, LLC and Co-Founder of the P.E.A.C.E. Program (Parents Equally Allied to Co-parent Effectively). He practices in Avon, CT.

Assumptions Hurt Kids

By Thalia Ferenc, MSW, MA, CSW

It was a common scenario. Six year old Tyler's parents were getting a divorce and he spent every Wednesday evening and every other weekend with his Dad. One week, Tyler complained to his father that his mother was mean to him, and that she made him go to bed at 7 o'clock and only gave him a peanut butter sandwich for supper. (He forgot to mention that he had been playing in the street and almost got hit by a car so Mom had been giving him a consequence.) Dad felt angry that his son was being treated so poorly, but he tried to make it easier on Tyler by saying only, "Maybe you were bothering Mom and she just needed some time to herself." It hadn't occurred to Tyler that his mother thought he was a bother and that she might not want to be with him so much.

He went back to Mom's house and after a few days, when Mom was putting him to bed, he said, "Do you think I'm a bother?" Mom said, "Of course not! Why would you think that?" Tyler replied, "Dad told me." Mom was furious that Dad would poison Tyler's mind with no reason whatsoever.

She didn't say anything to Tyler, but he could tell how mad she was about what he said. He decided he really must be a bother and Mom was mad that he had found out the truth. After she left the room, he cried himself to sleep.

Mom phoned Dad, called him a few choice names and threatened to get his parenting time removed if he ever lied to Tyler like that again. Dad swore at her and yelled, "We'll see who ends up with custody when we're done. You're too busy with your boyfriends to pay attention to our son!" After that, Mom and Dad didn't talk to each other any more.

When Tyler went to Dad's, he was excited about having gone to the circus with Mom and somebody named Paul, who had bought him cotton candy and stayed overnight at their house. (Tyler forgot to say that Mom's college roommate had come to visit with her new husband and that Sara had been there, too.) Now Dad was really angry. Mom was corrupting Tyler's morality. When Tyler was coming in from playing in the yard, he overheard Dad talking to his friend on the phone about "that b----" and how he'd like to fix it so she'd never see Tyler again. That night, Tyler cried himself to sleep at Dad's house.

It wasn't long before Dad decided he really did need to seek custody of Tyler to protect him from the terrible treatment he was getting at Mom's house. When Mom found out, she asked a friend who lived near Dad to watch what was going on when Tyler visited there. One day, Tyler was in the front yard, tripped on his shoelace and skinned his knee on the sidewalk. He started crying and sat down on the front steps to look at the damage as Mom's friend drove by and saw him. Dad heard Tyler crying and came out to see what was wrong, but the friend had driven past by that time. Tyler came home with a Spiderman Band Aid on his knee that he said he had put on by himself. (He forgot to mention that Dad had administered first aid before that and Tyler had begged to be allowed to put on the Band Aid himself.) This was later described in court as "callous disregard for Tyler's medical needs".

The story goes on and on. This one is fictitious, but in my clinical practice, I hear about similar plots being acted out in children's lives every day. When separated parents fail to communicate about their child, the hurt and anger of divorce contaminate the assumptions that are made in the absence of other information. Children often relate only the parts of a story that are significant to them and leave out other important details. Kids who know their parents are mad at

each other often try to please the one they're with by saying negative or distorted things about the other parent. Younger children, particularly, are very suggestible and can be led to say what they think you want to hear. Adolescents are not above manipulating parents with information taken out of context. Youngsters often blame parents for things that they themselves did wrong. Parents **MUST** check things out in a non-blaming way with the other parent and arrive at solutions to parenting problems together. Your wounds and your fury must be set aside when it comes to raising your innocent children. They didn't ask for the divorce, and they still need both of you.

Thalia Ferenc, MSW, MA, CSW is a psychotherapist in Kentwood, MI. She is a Diplomate of Clinical Forensic Counseling and works on parenting plans and coordination, as well as child custody evaluations.

Children's Rights: Georgia Court

Presiding Judge Dorothy T. Beasley, of the Georgia Court of Appeals, wrote an eloquent statement of children's rights after divorce:

"Although the dispute is symbolized by a 'versus' which signifies two adverse parties at opposite poles of a line, there is in fact a third party whose interests and rights make of the line a triangle. That person, the child who is not an official party to the lawsuit but whose well-being is in the eye of the controversy, has a right to shared parenting when both are equally suited to provide it. Inherent in the express public policy is a recognition of the child's right to equal access and opportunity with both parents, the right to be guided and nurtured by both parents, the right to have major decisions made by the application of both parents' wisdom, judgment and experience. The child does not forfeit these rights when the parents divorce."

[*"In the interest of A.R.B., a child"*, Georgia Court of Appeals, Case No. A93A0698, July 2, 1993. Subsequently heard by the Supreme Court of Georgia, which upheld the Court of Appeals finding that, according to public policy of Georgia, joint custody was in the best interests of children when both parents are fit.]

Children's Rights: Ann Landers

Divorced parents who love their kids don't use them as pawns to hurt one another. The children have been hurt enough.

Ann Landers

Defining the Responsible Divorce

We have gathered different opinions about what constitutes a responsible divorce. These are not just abstract definitions, like dictionary definitions would be. They include some sense of what in the lives of these people led them to think what they think.

We invite you to read what people say, to think about your own situation, and to define what is right for you under your circumstances.

This can help you keep some perspective on how you are handling your own divorce and the post-divorce relationship with your ex. We believe it is a good idea for you to have such a discussion with any divorce professional you work with.

Contents of this section:

- "There is no such thing as a responsible divorce"
- Top Misguided Reasons to Stay in a Bad Marriage
- "Divorce can be responsible"
- A personal experience of responsible divorce (Gale)

"There is no such thing as a responsible divorce"

Before further exploration of the "responsible divorce", it is fair to say that there are quite a few people for whom the concept itself is offensive. Why is this acknowledged here? It would not be responsible to blithely assert that there is a magic bullet that makes any divorce bearable.

A responsible divorce to me is an oxymoron. I suppose it means a divorce with the least amount of pain and suffering, especially if there are children involved. The problem with this is if the parties are that willing to compromise and talk and work with each other to create a responsible divorce, why can't they use those same skills to create a responsible marriage? If one spouse is unfaithful, an alcoholic, an abuser, or misrepresents themselves then how does one create a "responsible divorce" with that person?

Marie

My experience has been nothing short of a total nightmare. I have tried to be socially responsible... Unfortunately for six years my ex-wife has continued a campaign of lies and propaganda against me.

James Y.

There is no such thing! That is the problem, everyone just goes along with this morality!!!

Drew M.

On the other hand, as the next article points out, there are times when avoiding divorce is misguided.

Top Misguided Reasons to Stay in a Bad Marriage

by Susan Pease, LCSW, CADC

“If you don’t like where you are in life, there comes a point when you must give up the part of you that’s keeping you back.”

–Dr. Sonya Friedman

Divorce is difficult. This is one of the reasons why couples all over the world choose to stay in unhealthy or unfulfilling marriages, despite an inner voice urging them to leave. Rather than heed this internal guidance, people seek out or invent reasons to justify remaining.

Many float through life in a perpetual state of confusion or ambivalence because things are not so awful. Being confused, they can’t possibly be asked to make a decision so they rationalize staying with their spouse, waiting for something to happen which will make it clearer as to whether they should keep the relationship together or not.

For others, the fear of the unknown is simply too daunting so they numb out or get distracted to make life with their partner bearable (for example, by workaholism, drug/alcohol addiction, and spending excessively). In some cases, the fear of leaving is not about the unknown, rather it is the known that paralyzes them. The other spouse has threatened the one who wants to leave with some kind of abuse: “outing a secret,” bad-mouthing him or her to friends, loved ones, or employers, or even physical violence. Then there is the segment of this unhappy population who choose to have an affair (in real life or, more and more, in cyberspace) as a way of escaping or even as a way to cause the marriage to end.

Leaving your marriage may be the biggest challenge you will ever face in your life. It is important to contemplate divorce only when all other alternatives have been considered and exhausted. If, however, you truly feel your marriage is over and that you have done all you could to save the relationship, it is more of a disservice to yourself and the world around you to stay.

Remaining married or leaving is a very personal choice to and I highly encourage those who are contemplating divorce to get professional guidance and find or create a tight support network of friends and family. The following

information is simply meant to be a guide in making your decision.

Misguided Reason #1 to Stay in a Bad Marriage: The Kids

Many of those who divorce have known that their marriage was over long before they began to actually physically separate. When I ask these people what kept them from leaving sooner, the number one reason they give me is, “because of the kids.” I have no doubt that every parent who has said this believes wholeheartedly that this was a noble and selfless reason to stay. Staying and sacrificing their lives seems like the only thing to do.

Quite often, those who feel committed to keeping things together to this degree are children of divorce themselves. They swear that they will not put their children through what they had to endure. What they don’t understand is that they can get divorced differently than their parents did and spare their children much of what they experienced. How a couple divorces does more to determine how well children fare than the mere fact that they divorced.

While I would agree that being a good parent entails giving up a big part of yourself every day, I also know that you cannot give what you don't have. If you are not happy, your children will undoubtedly feel that and suffer on some level as well, even if you don't think your unhappiness shows. Children (and all of us, for that matter) are negatively impacted by being exposed to a loveless, tense, angry environment, regardless of the circumstances in which it has been created. They are impacted more deeply because they have not yet built up the level of defenses that we have. It is as if they have half the thickness of skin that we adults do. The good news is that they also tend to be more resilient than we adults allowing them to recover faster from unhealthy situations.

When you stay in an unfulfilling, unhappy or even abusive marriage, children come to believe that relationships are experiences that entail suffering, pain and even a slow death. You are not happy, your spouse is not happy and, in turn, your kids are not happy. The world doesn't need more married couples for the sake of having married couples - the world needs more happy people!

Misguided Reason #2 to Stay in a Bad Marriage: Money

While it's understandable that having become accustomed to a certain lifestyle, most people don't want to give that up, it's often not a good enough reason to stay together, especially when your soul and spirit are dying. It is very scary to face the world as a single person after being with a partner for a while, whether it's one year or thirty years. Of course, it's scarier for the people who have been in longer-term marriages, or for those who have never worked, have no apparent job skills and who are now faced with having to get a job, but everyone in this kind of scenario feels challenged and overwhelmed.

The expense of keeping up two households is enormous. The spouse who has not been working, or who has worked but earning less, may want to hold on to the financial security blanket and stay with their counterparts. The spouse making more money may justify staying as a way to avoid having to support two households. What I find ironic is that people who marry for money are judged very harshly, but people who stay for the money are not.

Money is not the only financially related perk of marriage. Medical insurance coverage is also a very real benefit that can have a tremendous monetary impact. Many people feel

they have to stay married to keep their health coverage. It used to be that couples could agree as part of their divorce settlement to continue the ex-spouse on the employer's health insurance plan. This is no longer the case. While alternatives for health coverage exist (COBRA's or private health insurance plans), they are usually temporary and/or quite costly.

Misguided Reason #3 to Stay in a Bad Marriage: You Promised!

Those of you with kids will have heard this (“but you promised...”) said many times. Kids are brilliant and they know that calling you on your word is important and can evoke enough guilt for you to give in to their desires. Exchanging vows of being together forever is a very powerful exercise. It is a wonderful ideal and it is wonderful that most people do take this commitment seriously. But let's examine reality again. Seasons change. Tides change. Relationships change. People change. Life situations change. Everything changes. That is life. That is what is supposed to happen. I remember looking back at my high school yearbook and my friends saying, “never change!” I had to laugh because,

although I knew the sentiment behind this comment (you're a great person and please stay a great person), not changing isn't really something to aspire to!

Neale Donald Walsch writes about this in his book, *Conversations With God: An Uncommon Dialogue*. Walsch is talking to God about the whole concept of marriage as we know it. God tells Walsch that the intention of joining two people together was never about binding them, rather, quite the contrary. It was about letting the other person be true to themselves while being true to yourself. Joining with, not attaching to, another soul. He adds that, "until you can predict your future, you cannot promise anything truthfully." According to Walsch, God does not endorse promising yourself forever to another person as this may not be in both people's best interest.

While the contents of this book may be controversial due to the fact that this is simply Walsch's interpretation of what God said, anyone who is aware of what it is to be a conscious, mature, self-actualized adult would agree that healthy relationships are not about controlling or imprisoning others, rather quite the opposite. The trick in any relationship is to change and grow on your path while allowing your partner to change and grow on his or her path.

Clearly, judging by the current divorce rates, this is getting harder to do in our complex world.

Conclusion:

Too many couples hide behind these misguided reasons to remain married believing they are “doing the right thing.” While I agree that they are important considerations and should be seriously pondered, I do not believe these reasons, alone or in combination, are enough to warrant remaining in a marriage that is based on anything short of true happiness and mutual fulfillment. Instead of being motivated by fear, guilt, or inertia, I would like to see people begin to make choices based on trust. Movement toward a goal rather than away from fears is a much more powerful place to live from.

Susan Pease, LCSW, CADC, is the founder and executive director of the Transition Institute of Marin located in San Rafael, CA. She specializes in assisting women through the divorce process by providing ongoing support groups and educational programs.

“Divorce can be responsible”

The following provides a sample of how people who believe there can be such a thing as a "responsible divorce" define it.

Responsible Divorce should mean that you both raise the children in their interest first. You have to let the each parent live a new life as well.

Kathy R.

My daughters called my home "home" and dad's home, "dad's house." After a while, they realized that BOTH homes were their homes.

Name Withheld

I believe a responsible divorce is one that isolates the adult conflict from the child(ren).

A child who knows the money situation ("I can't afford it, your father doesn't pay adequate support" or "ask your mother, she has all the money") & has information on why the relationship broke down or how the court proceedings are faring (including knowledge of court dates & content of pleadings) knows too much adult information.

Children do not petition their parents for divorce and cannot adequately influence the resulting hostilities /negotiations / compromises. they are vulnerable to manipulation (guilt or fear of losing a parent's love & protection).

Margaret P

"Responsible divorce" means divorce that attempts to lessen the trauma and disruption of the children's lives as much as possible, in order to raise people that are emotionally stable and productive members of the society as a whole.

Pamela R.

My definition of a socially responsible divorce starts with both married persons accepting their contributions to the failure of their marriage and that things would be better for themselves and their children if they were to lead separate lives. A socially responsible divorce also implies that both people take responsibility for the proper upbringing of their children.

If I want my son to become a good adult I must show him coping skills and negotiation for the sake of others needs. In a socially responsible divorce, the friends and families are not expected to take sides and the children are not asked to choose which parent is right or wrong. Two people decide to get married and two people decide to get a divorce. The child does not ask to be born nor does he ask to get divorced.

Brian Q

To me this would mean that despite the husband/wife relationship coming to an end, the parent/children relationship should continue. Since it is unlikely that the parents can remain in the same home, this means that there will now be two homes to provide for the family. The

purpose of child support had originally meant that the children should have the type of life they would have had if there had not been a divorce. Since the parents are now in separate homes, the financial resources that had once been shared prevents the children from having 'the type of life they would have had'. BOTH parents should realize that a sacrifice must be made by BOTH parents to assure that the children have a decent place for BOTH parents.

Heidi R.

My definition of Responsible Divorce is very simple. Children are the most important responsibility a person assumes in life. That statement, to me, is as axiomatic as the laws of physics. Marriage relationships should be dissolved if need be not parent/child relationships. Presumptive shared parenting is the only responsible, rational, and spiritual answer to the destructive practices tolerated in society today.

Tom A.

To me, a responsible divorce is one that focuses on the children involved. I believe that parents need to put their children's feelings first, regardless of their feelings for one another. I'm not saying that parents should stay married because their children want them to. I'm saying that parents need to think about how every event that takes place during a divorce will affect their child or children. Failing to do so will hurt the child in many ways. A child's heart and mind are to be #1 in consideration in a "socially responsible" divorce.

Stacey G.

I believe all parents have a shared responsibility to provide care and nurturing to children they have brought into this world. It is my belief that there should be a presumption of joint physical custody in all divorces of parents of minor children.

Steve P.

A personal experience of responsible divorce

by Gale

I want to get the message out to as many people as I can that divorce doesn't have to be bitter, evil, bad, or vindictive...

My ex-Husband and I split up 5 years ago, and have been legally divorced for 3 years. Everyone remarks about how our divorce is the best they have ever seen or heard of. Together we had two wonderful children (our daughter is now 15 years old, and our son is 13 years old). We continue to co-parent our children...and do everything in the best interest of them. My ex is now remarried with 2 more children (a biological son- age 1 1/2 years, and a step-daughter- age 5 years). I am in a committed live-in relationship with a Man who had two children from his previous marriage (two boys ages 13 years and 16 years). And together we are one big happy family!!!! My children know that they are lucky to have so many people who love them, and want the best for them. Even though I have primary physical custody, they see their Father regularly each week. They have dinner with him every Tuesday and Thursday evening, and sleep over his house every Thursday night. They also spend every other weekend with their Dad.

From day one, we have let the kids know that they would still have two parents who love them very much. That they will now have two homes...which is better than the one they had, but didn't work out. That the reasons for the divorce and issues involved in getting the divorce, are between Mommy and Dad, and the Lawyers... and not them. That no matter what happens in court, their lives will be better, than if Mom and Dad had stayed together. We focused on the positive parts of divorce on their lives, not the negative. We explained to them that this is no different than if Mom and Dad decided to move the family (if we were still together) to another CA, and they hated the changes. Even though it might seem strange and hard today.. we are moving on to a better life. That we would find things to make the transition easier for them. Just like they wouldn't have a choice to stay in MD while we moved to CA, they don't have a choice about spending time with both parents during the divorce. We explained that both parents deserve to spend time with them...and build a new life for them.

My ex and I handle everything in a civil, responsible manner. We planned the kids Bar and Bat Mitzvah's together; we share in big birthday presents (so the kids get what they want, not just smaller gifts that individually we could afford);

We make sure the kids celebrate Mother's Day, Father's Day, & Parents Birthdays with the appropriate Parent.; We handle issues that crop up quietly out of earshot of the kids; We inform each other of issues that we have with the kids in our home, so that we can work together to help the children grow up to be responsible adults; We share information about all activities, sports, school stuff that is about the kids; We treat each other, the others new Partners, and the extra siblings all with respect. We have taught our children that it is okay to have an extended family....that just because they come from a broken home, doesn't mean that it is a bad thing.....that divorce doesn't have to be nasty. That everyone could have a good divorce if they wanted too. Having a good, responsible, civil divorce is much harder than blaming your ex, holding grudges, putting the kids in the middle, etc. But have a good divorce is a choice that looks out for the best interest of everyone involved...it focuses on the principles and values that were important to the family when it was one...and now that it is two!

Gale is a divorced parent.

Co-parenting

Parenting plans help parents remove the frictions, so that they can be loving and responsible parents to their children even though they may feel very angry at each other.

Setting up a joint parenting plan is not just for those divorced parents who get along well, or who want to share equally in all responsibilities. In fact, it might be even more helpful when there is conflict between parents.

Clearly spelling out each parent's responsibilities minimizes the need to argue about them time and again.

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Co-parenting plans

To resolve conflicts, you need to set up structures that will allow your ex and you to continue to both be parents to your children, even though you will no longer be living together - you may even have very little contact with each other. There is a whole range of shared parenting arrangements - from co-parenting (where parents are frequently in contact, to share information or make plans)... to parallel parenting (where parents are each on a separate track).

You create these structures by negotiating a parenting plan with your ex. This makes it clear which responsibilities are shared, how parenting time is shared, who does what, and what degree of involvement you expect to have with each other.

You are more likely to succeed in putting together a parenting plan if you have help from trained professionals - divorce mediators, or mediation-oriented lawyers. In any case, this will turn out to be much, much less expensive than a traditional adversarial divorce.

It Takes Two Parents

By Thalia Ferenc

Two Homes, Two Sets of Rules

Most children of divorce spend time in both their father's and their mother's homes. Whether this means every other weekend at Dad's or an even rotation of days split between the parents, it is inevitable that there will be differences in expectations and routines at the two households.

Even if the co-parents are able to agree on a set of rules and consequences that will apply at both places, there are bound to be situations that couldn't be anticipated. The other parent will, of necessity, be making decisions about your child without consulting you. Since you are different people, raised in different families, with different parenting experiences, those decisions will not always please you.

One of the most poignant dilemmas I see in my clinical practice is that of a child who knows Mom disapproves of an activity that is allowed at Dad's. This child worries that Mom will be angry at him for participating, can't decide whether

to tell her what happened or try to hide it, and doesn't have a clue on how to say to Dad, "I can't do this."

The simple truth is that we have no control over what happens when a child visits with his or her other parent. The sole exception to this is when there is clear abuse or neglect occurring. We can then report the concern to our county's Children's Protective Services office and hope that their staff will consider it serious enough to intervene. For all normal circumstances, however, parenting is a matter of personal judgment and there will be no support for your complaint that your ex-spouse feeds the children too much junk food or doesn't make them wear their jackets on spring days of debatable warmth.

Parents must accept the difficult fact that, although we can ask the ex-spouse for change, we cannot control what happens "over there". Since we cannot control this, we must not expect that our children, who have no power whatsoever, are afraid of alienating either parent, and have limited negotiation and persuasive skills, will be able to control the situation in our absence. Expecting a child to tell their parent, "No, I'm not allowed to eat candy," (or watch a PG-13 movie, or go to your girlfriend's house, etc.) is setting that child up to fail.

It is imperative that we acknowledge to our children that the rules may be different at the other parent's home and that it is okay for them to obey whichever parent is in charge. You may say, "Your mother and I disagree about that, but when you're at her house, you should respect her wishes."

Children can and should adjust to the differences between their two homes. This can even be enriching as they learn to look at things from different perspectives, tolerate divergent opinions, and, in the end, make up their own minds about what is the "right" way to live.

Keeping both parents involved

Noncustodial parents certainly need to make their own efforts to maintain an active and involved relationship with the children, but custodial parents must do their part to support that process. Why bother? Because it's in your children's best interests to have two parents, of course!

Some things a custodial parent might do to help are:

- Separate your feelings about the other parent from your behavior toward them. Some authorities on divorce suggest

thinking of your new relationship with your ex-spouse as similar to a business relationship. We don't have to like our co-workers or bosses or customers, but if we want to succeed in business, we must be cordial and cooperative with them.

You may feel anger, disgust, pain, ambivalence, sadness, and many other emotions when you think of your ex-spouse. You are entitled to your feelings and you must complete the grieving process that divorce entails. Never the less, your relationship with your ex-spouse is different from your relationship with your children's other parent. Together, your "business" is to raise your child in the best way possible. These two roles must be transacted in different gears to be successful.

- Don't interfere with the other parent's style of parenting. Vicki Lansky, in her *Divorce Book for Parents*, says, "Women are often more flexible in accepting a variety of standards of day care for their children than they are in accepting anything less than the way they themselves would parent from an ex-husband. Children can be cared for by less than 'adequate' noncustodial fathers and flourish because the father cares about the kids. Caring counts for more than the mechanics of the job."

- Encourage frequent contact between the kids and the other parent through phone calls and email. Don't use calls from the other parent as occasions for arguing or to discuss money.
- Discuss specific child-rearing problems you're having with each other. Often the other parent is having the same problem and a joint strategy to address the behavior will be more successful.
- Make extra copies of photos so the kids can share them with their other parent or relatives.
- NEVER schedule after school or weekend activities for the children without first discussing it with the parent whose time may be affected.
- Encourage your ex to attend school conferences with you. Your children will see your united front on their academic responsibilities and you can plan together to address any problems.

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Legal Aspects of Divorce

For some people, divorce is all about the legal struggle. Having a responsible divorce means recognizing that we benefit from paying attention to other aspects as well, especially the emotional aspects of divorce.

From this perspective, the legal aspects of divorce are integrated within a broader perspective, and you begin to see the possibility of a choice in which way you can proceed.

Contents of this section:

- Child custody, Child Support and Parenting
- Legal Options
- The Conventional Divorce
- Divorce Mediation
- Collaborative Law
- Collaborative Law and Arbitration

Child Custody, Child Support and Parenting

Terms like child custody, child support and visitation are not the language of the heart. They are family law, and they have a cold, administrative feel.

Most importantly, these legal concepts reflect the laws' approach to dealing with conflict between parents. They have an adversarial connotation: there's a winner and a loser. They put parents on opposite sides. This kind of language is not conducive to finding a way that both parents can continue parenting after divorce.

The real language of parenting is about love, parenting time and parenting responsibilities.

You'll do well to remember, even in the heat of battle, that child custody, visitation and child support are only means to an end -- parenting your children. Whenever possible, leave the legal terms aside. Think in terms of parenting time and parenting responsibilities. These phrases put the focus where it should be -- on parenting. This will help both parents focus on their common goal -- be good parents to their children.

Legal Options

There are many ways to practice divorce law. The American Bar Association defines the choices open to divorcing people as follows:

“All divorces involve decisions and choices. Which professionals will assist you, and how you will utilize their help, are decisions that can powerfully affect whether your divorce moves forward smoothly or not.

“Some couples resolve all their divorce issues without any professional assistance at all, and process their own divorce papers themselves through the courts.

“At the other end of the spectrum, some couples engage in drawn-out courtroom battles that cost dearly in emotional and financial resources and can take considerable time to complete. Most people find their needs fall between these extremes.”

The Conventional Divorce

The American Bar Association defines the conventional divorce as follows:

“Each person hires a lawyer.

“The lawyers may be good at settling cases, in which case they work toward that goal at the same time that they prepare the case for the possibility of trial.

“If the lawyers are not particularly good at, or interested in, settling the case all lawyer efforts are aimed solely at preparing for trial, though a settlement may still result at or near the time of trial.

“Either way, the pacing and objectives of the legal representation tend to be dictated by what happens in court. Cases handled this way generally involve higher legal fees, and take longer to complete, than collaborative law cases or mediated cases.

The risk of a high conflict divorce is higher than with divorce mediation or collaborative law.”

Divorce Mediation

The American Bar Association defines divorce mediation as follows:

“A single neutral person, who may be a lawyer, a mental health professional, or simply someone with an interest in mediation, acts as the mediator for the couple.

“The mediator helps the couple reach agreement, but does not give individual legal advice, and may or may not prepare the divorce agreement. Few mediators will process the divorce through the court. Retaining your own lawyer for independent legal advice during mediation is generally wise. In some locales the lawyers sit in on the mediation process, and in other locales they remain outside the mediation process.

“Mediators do not have to have to be licensed professionals in most jurisdictions.”

Collaborative Law

The American Bar Association defines collaborative law as follows:

“Each person retains his or her own trained collaborative lawyer to advise and assist in negotiating an agreement on all issues.

“All negotiations take place in "four-way" settlement meetings that both clients and both lawyers attend.

“The lawyers cannot go to court or threaten to go to court. Settlement is the only agenda. If either client goes to court, both collaborative lawyers are disqualified from further participation.

“Each client has built-in legal advice and advocacy during negotiations, and each lawyer's job includes guiding the client toward reasonable resolutions. The legal advice is an integral part of the process, but all the decisions are made by the clients. The lawyers generally prepare and process all papers required for the divorce.”

Collaborative Law and Arbitration

By Pamela H. Simon

Collaborative Law, the revolutionary non-adversarial “no-court” method of resolving divorce cases, is sweeping the country, and some foreign nations as well. It fosters full and voluntary disclosure, face-to-face negotiation, assistance from helpful third-party professionals (such as family counselors, financial planners and business valuation specialists,) a strong co-parenting partnership, a cordial relationship between the divorcing spouses, and a settlement that meets the needs of both spouses. It eliminates mud-slinging, demonizing of the other spouse, using children as pawns in the negotiations, jumping through the multiple hoops of civil procedure, and the seemingly endless, costly delays and inherent animosity of litigation.

There is, however, a catch. In its original form, Collaborative Law requires the withdrawal of Collaborative counsel if the parties cannot negotiate a complete settlement. The Collaborative lawyers must help their clients find new litigation counsel, and the clients are back to square one, suffering the loss of all evidence (such as appraisals) compiled during Collaboration. They must forge

relationships with new lawyers, come up with another retainer, and begin the discovery process anew. For the rich and emotionally sturdy, this may not be a huge hurdle. However, for those whose finances and emotions are already battered and stretched thin by their separation, the problem may be insurmountable.

North Carolina, by statute, offers a solution. Although Collaborative attorneys are forbidden from appearing in court, they and their clients may choose from a menu of Alternate Dispute Resolution options without terminating the Collaborative process. The statute allows the use of both mediation and binding arbitration (under the State's own Family Law Arbitration Act.)

Some Collaborative purists have reacted with horror. They fear the "threat" of arbitration changes the dynamics of four-way meetings, offers a too-easy "out" when negotiations become tricky, and puts the attorneys back into the dual conflicting roles of trying to make peace while preparing for war. While these criticisms are logical, they can be overcome. In fact, both a mediator and an arbitrator can serve as just another friendly but neutral third-party professional, jointly chosen and retained by the parties, whose expertise can

“save the day” and the Collaborative process as well – not to mention heaps of time, money, and needless anxiety.

The possibility that Collaboration might terminate altogether -- with the attendant loss of lawyers and evidence, the expenses of another retainer and new experts, and the knowledge that litigation involves all-out, no-holds-barred warfare – is far more threatening than arbitration, particularly to the less-moneyed spouse with little control of the assets. Having experienced first-hand numerous four-way meetings based on Collaborative agreements with an arbitration ‘default’ provision, I can personally attest that the dynamics of the meetings are not damaged. Indeed, the knowledge that the Collaborative process will bear fruit, because arbitration can be used as a last resort, is more of a comfort-blanket than a threat.

Most clients, particularly dependent spouses, simply lack the funds to start from scratch with litigation if Collaboration terminates. Moreover, arbitration following a series of four-way meetings, during which rapport has been established among the clients and the attorneys, is far gentler than litigation. Arbitration is normally conducted in a private place, such as the arbitrator’s office, free from the attentions of voyeuristic courtroom observers. The rules of evidence are

greatly relaxed, and the atmosphere is casual. An arbitrator will not be impressed by, or receptive to, grandstanding by the lawyers. Additionally, an arbitrator, having been selected with care by the attorneys and clients, will be knowledgeable and can be counted on to render a well-considered, equitable award.

Although an arbitrator, unlike a judge, must be paid, the parties can avoid the wasteful expenses of motion hearings, delays during trial, traditional trial presentation (plaintiff's case-in-full first, then defendant's, then plaintiff's rebuttal), scheduling problems and seemingly endless continuances. The arbitrator will give the case his or her full attention, and the savings in time will more than likely balance the arbitration fee.

Moreover, it is frequently unnecessary to arbitrate the entire case, resulting in further savings of time and money. The parties in a Collaborative case may reach agreement as to nearly all issues, and require arbitration of only a remaining few. The "hot spots" in North Carolina, due to clear guidance from the statutes and case law, tend to be the amount and duration of alimony, and whether a 50-50 split of the net marital estate is equitable. In these cases, the arbitrator can serve as a neutral expert, much like a business valuation

expert, who is likely to find that a business is worth more than the owner, and less than the other spouse, would like.

Clients still can, of course, choose the “pure” form of Collaborative Law, requiring attorney withdrawal upon impasse. The vast majority, however, prefer the arbitration option, which is attractive to both clients and attorneys. Clients don’t want to lose a lawyer with whom they have developed a trustful bond, nor waste money on third-party expert opinions that cannot be used at trial, nor pay a second retainer, nor lose control of their case, nor fan the flames of adversity, nor face the uncertainties of litigation. They want assurances that the process they choose will resolve their case.

Attorneys, on the other hand, don’t want to lose a good client, nor acquire a reputation for being unable to resolve a case, nor for abandoning clients who need them. Nor do they want to tarnish the reputation of Collaborative Law. Most of the attorneys who have adopted a Collaborative practice are passionate about it. They firmly believe that it is a saner, more humane method of resolving divorce cases, and they hope that Collaborative Law will eventually replace litigation as the primary mode of practicing family law.

Although North Carolina's Family Law Arbitration Act assumes that the arbitrator's decision will be binding, and appealable only on grounds such as arbitrator bias or other misdeeds, parties do have the option of preserving the right to appeal based on errors of law, just as if the case had been litigated. If they choose this option, the parties cannot later complain that they had no recourse if an arbitrator was ignorant of or ignored the law.

Although none of my many Collaborative cases has ever required use of arbitration, the need for it is likely to arise in one of two greatly differing circumstances. First, there's the situation suggested above, in which the parties have collaborated in good faith, but are unable to reach agreement on just a few issues, such as the amount of alimony and an equitable split of the property. The other circumstance -- which is fortunately rare -- arises when one spouse enters Collaboration in bad faith, intending all along to terminate the process and leave the other spouse hanging (and broke.) A spouse that dishonorable is likely to bet that having snookered his or her spouse and attorney, it will be just as easy to bamboozle an unwary judge. If there's an arbitrator waiting in the wings, however, the dynamics change. An arbitrator is not going to allow name-calling, finger-pointing, histrionics or the introduction of irrelevant evidence.

Choosing a good arbitrator eliminates the unpredictable and unjust results achieved by a spouse who successfully shops for a sub-par judge.

In sum:

Allowing arbitration to serve as the caboose to the Collaborative-procedures train enhances rather than damages the concept of Collaborative Law. It protects the clients and helps prevent abuse of the Collaborative Law principles. To be sure, Collaborative attorneys should heed the critics, and remain vigilant against (1) slipping back into an adversarial mode, and (2) allowing their clients to give up negotiation too quickly simply because they know where to find the caboose. But I, for one, am grateful to have arbitration as an option, and I know my clients are, too.

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Divorce Issues

The following pages provide some examples of the kinds of practical issues that can arise during divorce.

Contents of this section:

- Ten Common Mistakes and Oversights in Divorce Agreements (Related to the Children)
- The Marital Home and Equitable Distribution
- Considering Divorce? The 5 Financial Areas You Need to Think About Now
- Don't Do It Alone

Ten Common Mistakes and Oversights in Divorce Agreements (Related to the Children)

by Anju D. Jessani, Mediator

As a divorce mediator in private practice who also provides pro bono services in the New Jersey court system, I have reviewed over two-hundred divorce agreements. I also see couples coming back for post-divorce litigation and mediation. Often, what brings them back are errors, omissions and oversights in their original divorce agreements. So, for the benefit of those currently going through the divorce process, here's my list of top ten mistakes and oversights related to the children, based on my experience in New Jersey. Please note: Laws differ in each state. But I believe the following may be a helpful starting point in any state.

1. No Specific Parenting Schedule (liberal and frequent visitation clause).
2. No Provision of Access to or Sharing of Medical and School Records (although NJ law now provides for this).

3. No Provision for Discussion Prior to any Geographic Moves.
4. No Provision for Domestic and/or Overseas Travel and Travel Restrictions.
5. No Provision for Future Elective Medical Procedures Such as Orthodontia.
6. No Provision for Potential Impact of Loss of Employment or Disability.
7. No Provision on Method to Handle Future Disputes and Expenses.
8. No Provision for a Periodic Review of Child Support Amount.
9. No Provision for Changing Parenting Time Schedules with the Age of the Child.
10. No Provision for or Discussion of Future College Choice and Costs.

Without going into details on each of the points, let me address the first point, because this is far and away the biggest problem for the courts. At the time of the divorce, one or both parents state that they don't need a schedule - they can work the schedule out and both parents are free to see the children anytime they want. This doesn't give the children much assurance. Most children need the security of knowing where they are going to be and with whom. Holidays become complete chaos with both parties wanting the children at the same time. Sometimes, the parenting schedule breaks down completely when the first of the parties starts dating. So, do yourself, your ex-spouse and your children a favor. Work out a schedule with clear pickup and drop-off times. Get a copy of the children's school schedule so that you account for all the children's holidays including teachers' conventions, winter and spring break, etc. Once you have a schedule, you can always adjust it to meet each other's needs.

Don't commit to provisions that you cannot live up to just to get the divorce process over with. I see some parents agreeing to pay their share of the cost of private school, without factoring the impact of child support and child care on their budget. Don't agree to see the children Wednesday

evenings if you know that you have to work late most weekdays.

You can learn a lot from other people's experiences and mistakes. 50% of marriages end in divorce. Talk to friends and network with people who have been through the divorce process. Share your situation with them. Listen to what other people have to say, but also try and read between the lines when you hear their stories. Consult with attorneys on legal issues, but also educate yourself on the divorce laws. By paying attention to what's going on in the process instead of burying your head in the sand, you can save yourself money, time and future heartache and headaches.

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The Marital Home and Equitable Distribution

By Kevin M. Kilcommons, Esq.

A majority of my divorce cases involve the equitable distribution of real estate. Over the past ten years, and particularly during the most recent upsurge in home values here in the East as well as in the West, market conditions have greatly increased the average equitable interest in residential real estate. As a result, one's marital interest in the home is often just as valuable as pension benefits, and certainly more valuable than stock portfolios. For this reason, divorcing couples must give as much thought about how their marital interests in the home are to be reconciled as they would to the distribution of other marital assets. As is the case with many critical decisions in life, timing is important.

Do we sell the home or can I keep it until the children finish school?

There are several possible scenarios for the settlement of marital interests in real estate. First, one party can remain in

the home, refinance within an agreed time period after the divorce, and then pay the ex-spouse their marital share. This option can work if the owning spouse has the financial wherewithal to shoulder the cost of the mortgage, taxes and maintenance going forward. This is a very difficult decision to make, because the economic realities may be clouded by the parent's wish to keep the home for the benefit of the children. To assist you in making this important decision, seek the advice of your attorney, accountant and/or financial advisor.

Second, the moving spouse can defer payment of their interest for an agreed period until the timing is right to sell the home. This choice is often desirable to permit continuity in the lives of the children (i.e., until they have completed high school or college). As with any of these options, you must consult an accountant and/or financial advisor concerning IRS regulations. Ask about the Internal Revenue Code requirements on the sale of property relative to divorce and in particular, when the marital exemption on gains up to \$500,000.00 is lost; and further, the ramifications of this change in status to the single homeowner selling years after the divorce.

Third, the parties may decide that leasing the home is the best option in a poor market where the sale price may not satisfy the mortgage, home equity line of credit and closing costs. You do not want to put yourself in the position of having to write a check at the closing to pay off these debts. Before you sign a contract to sell your home, or a listing agreement with the realtor, obtain an attorney and an accountant's advice on the best course for you.

We have to sell, but when? Before or after the divorce?

If the finances do not allow one spouse, and children, to stay in the home, then consider when is the best time to sell. Of course, the likely response is to sell the home when the market is most active in your region. However, marital break-ups do not usually coincide with the most active marketing seasons in your region. Moreover, even though the spouses may both be ready to part, issues in the divorce (i.e. alimony and equitable distribution of other assets) may deem it unwise to rush the home onto the market.

First lesson, do not place your home on the market until you have consulted with your attorney. Now you would expect an

attorney to say such a thing, but consider this potential pitfall: The net proceeds of the home sale may be the only liquid assets available to balance any inequities in other marital assets, such as pension benefits, stock portfolios or a business. Take a business owned in whole or in part by the husband as an example: What is the wife's marital interest in that business? The husband, and certainly his partners, has no wish to divide his partnership interest with the wife in the settlement, thus making her a principal in the business. Further, the business must be evaluated to determine the husband's interest, which takes time to complete and will involve one or more experts.

Once the evaluation is completed and, idealistically, the parties agree upon the amount of the husband's business interest, how will he then pay the wife? A common manner in which to satisfy her interest is from his share of the proceeds from the home. However, if the home is already sold and the assets disbursed to the two parties before a final settlement of all assets is signed, then one party may come up short when all the marital assets have finally been valued (such as the spouses' respective interests in one another's pensions or 401ks). One way to avoid this conundrum is to place the net proceeds from the home sale in an attorney's escrow account until all equitable issues are resolved.

Another reason to put off a sale of the home before a final settlement, or a judgment of the court, is that the spouse may be entitled to alimony but have no idea what income they will realize until the issue is resolved. Alimony is a very difficult matter to resolve and often takes more time and effort than any other dissolution issue, as any practitioner, mediator and judge will affirm. Until the supported spouse knows what their alimony income will be, they cannot make reasoned and informed decisions about the future. In fact, the supported spouse may come to realize that income from the alimony together with a job make it feasible to refinance and keep the home. However, if you rush to sell at the outset of the divorce, you will have lost the opportunity to make this choice.

Second lesson: do not sell your home before finding a full-time professional realtor with an excellent reputation for guarding his/her clients' best interests. From a real estate perspective, the sale may have to wait because the home has suffered deferred maintenance and requires substantial work before it can be placed on the market. Also, the stress of the break-up, added to the stress of dealing with the many issues arising in real estate transactions, will make it all the more difficult for the couple to make informed, rational decisions

during negotiations of the sale terms or, once the contract is executed, over the buyer's repair demands.

The sale of your home is perhaps the second most important aspect of a divorce in which the adversaries, husband and wife, must cooperate with one another and stay on the same page. (The first one, of course, is working together as responsible parents.) If the couple cannot speak as one and present the home in the best light, then the sale price will suffer, because the home may not show well due to maintenance issues and the buyer may sense the sellers' distress and offer far less than the asking price. To stay on track, remember that although you may no longer care for one another, you are still business partners in the ownership of your home, and as such, you have a common interest to protect. So, avoid scotching a fair deal over animosity.

Third lesson: Do not sell your home, or decide to keep the home and pay-off your spouse, until you have consulted with a Certified Public Accountant. This bears repeating, because you must know the tax consequences of selling or keeping the home. For instance, what is your tax basis and are you entitled to the \$500,000.00 capital exemption? Or, by buying out the spouse, what will be your tax liability in the future when you do sell and have only the benefit of a

\$250,000.00 exemption as a single person? Know the answers to these questions before listing the home.

The costs associated with obtaining this valuable information may not be very great and considering the value of your marital home, well worth the consultation fees, if any. In the case of the CPA, you may both seek the advice of this professional and share the cost. As for the realtor, this type of advice earns them the commission.

This article has merely touched upon the several issues involved in a decision to sell the marital residence or the buy-out of a spouse's interest. Consult the professionals before deciding what course of action serves the best interests of your children and makes the most financial sense for you.

Kevin M. Kilcommons is a licensed New Jersey attorney located in Clinton Township, Hunterdon County, NJ. He is a founding member of Kilcommons Shanahan, LLC and concentrates his practice in the fields of family, business and real estate law.

Considering Divorce? The 5 Financial Areas You Need to Think About Now

By Barbara Paynter

I am a divorce mediator with a background as a financial planner, a little unusual by today's standard. The reason, I became a divorce mediator is simple:

I believe that the current divorce process is often harmful to families (i.e. adversarial) and less effective than it should be. The process? Hire (attorneys) i.e. adversarial legal experts who will in turn help their clients reach a financial settlement... which means handling many complex financial decisions.

That is why I became a mediator. To help people understand the financial side of their divorce, so they could make informed financial decisions. Mediation is so effective because a lot of sound financial decisions can be made when two people work with a neutral financial expert.

However, I also work with individuals to answer questions one-on-one for them. Sometimes their spouse isn't willing to go in to mediation, or often I get calls from individuals, who

are considering divorce and want to meet with me to help them understand their financial picture ahead of time. In this article, I want to discuss topics I go over with individuals who are considering divorce; financial things they should take into consideration.

1.

First place to start is cash flow. How will you pay the bills in the short run? I give my clients a budget, and have them see if they can set up two households on the incomes they have now.

2.

Debt. Where do you stand on credit card debt? I always tell my clients that cash is best if a marriage is on shaky ground; this is the time to reduce debt; not the time to put home improvements into the house, or add onto credit card debt in any way. If all your credit card debt is in joint name however, you would be wise to open another card in your name only while the offers are coming. You don't need to charge on this card; just get one in your name only to have on hand. After divorce... you need to get rid of debt in joint name.

3.

Do you know what your assets are? You need this information in a good marriage, must less if you are thinking of divorce. You need to know where you stand. You need to gather a written list of your assets, investments, retirement plans, pensions etc...

Common questions I am asked are: “How will I make it without my spouse’s income?” Obviously, there is no concrete answer as this is a decision that depends somewhat on the lifestyle you lead. But if you can get a listing of what you have, start thinking about a budget, and meet with someone like me, and we can show you financially what you can reasonably expect to live on. Then, you can decide if it is worth it or not. Many families are two income families now, it is very hard to split-up, especially with children at home, factoring in child support payments, getting the bills paid can be a major challenge for many divorce parents today.

Another question I hear often is: “Our retirement plan has been based on the two of us being together; I don’t know what retirement will mean now, if we have to split everything in half. Will there be enough? Will I be able to retire? When?” Getting divorced is a critical time to look at this

issue for many couples. If you need to make adjustments in your lifestyle, or how many years you will need to work, you need to know this information as soon as possible.

Another question I discuss very often, concerns defined benefit pension plans: “I know my spouse has a pension, but I don’t understand what my rights are as an ex-spouse, can you explain them to me?” There can be major differences between one pension and another and how ex-spouses are treated in the division of this asset. When I work with my clients, I will talk directly with the pension dept, get a draft of the document needed to divide the pension and study it to see what guidelines this company or state agency uses. In many cases, this is the major marital asset, so understanding it is critical! Make sure whomever you are working with reads the pension QDRO guidelines thoroughly and explains them to you, so that you can make informed decisions regarding this asset. (for example, in some pensions plan the pension dies with the employee, so for example if the ex-spouse gets 50% in the divorce decree, and the ‘retired employee’ later dies then the ex-spouse would lose this major marital asset altogether, knowing this should make a difference in how you handle your settlement.) Again, with two income families, this can affect, either spouse nowadays.

4.

Maintenance issues are where everything gets very hard to predict. In my area, as is common in many areas, the attorneys will tell their clients... “I hope we get xxx judge in a maintenance case” because this judge is either for or against maintenance (depending on your position) ... sad but true, it can come down to the person sitting behind the bench. If maintenance is an issue in your case, you owe it to yourself to be realistic about what the judges in your area have been ‘deciding’ in cases similar to yours. That is the guideline to go by. The information is public knowledge, so if you were to interview attorneys, they should be able to tell you this, maybe not on the spot of course, but be willing to get you this information upon request so that you could be realistic about what you should expect to pay or receive.

5.

Child support differs by state guidelines. I have this information for all the states, since I work with clients across the country. (It is generally pretty clear cut and easy to calculate up front.) One big question I ask clients receiving child support: “How will you pay the bills after the child

support stops?” This is really critical to think about now, because if you are just getting by with child support, just making the house payments, and you aren’t in a job that has major pay increases on the way, etc... then you are heading for trouble. I always tell my clients, it is better to make financial cuts early on, than run into a wall and be out of options. So, if you are going to be relying on child support to pay the utilities.... get a plan. The question I ask clients who are paying child support is: “How does this affect your ability to meet your other financial obligations?” How, are we going work in your ability to meet the child support guidelines as well as provide some discretionary dollars for your children and also pay your bills?

Ok, let’s say you have met with me or someone like me, or just taken this list and worked through everything and decided, yes, I am ready to get a divorce. I am ready to tell my spouse. I would ask one more thing of you. You are now emotionally months ahead of your spouse. Not only have you made the emotional decision to divorce, you have already looked at the numbers and made some major headway at what it would look like. Your spouse meanwhile doesn’t even know this is coming; even if you have been shouting the

‘divorce’ word at them before. Not until you really do it; do they believe you mean it. So, please give them a chance to catch up after you tell them. Don’t present them with.

“Honey I want a divorce, and oh by the way, here I have the settlement all figured out for us!” Slow down, tell them you want a divorce, and know they will need time to accept this, deal with the grief/anger/..... and have patience.

If you are considering divorce, now more than ever, you must know where you stand financially. Divorce is tough on everyone; the two things I tell my clients are:

1) Don’t rush, take your time, these are important decisions you are making. and

2) This is your life, not your attorney’s, or your friends, or anyone else’s. You are quite capable of making the right decisions, but you have to understand your financial situation in order to that.

Barbara Paynter, a Certified Divorce Financial Analyst, specializes in Financial and Parental Mediation. Her practice is in Champaign Illinois.

Don't Do It Alone

By Margot Swann

Don't do it alone! You will fare much better in your divorce if you use a team approach.

It can be terrifying and victimizing to be caught in the pressure cooker of the divorce process. Most of us have never even been involved with an attorney prior to divorce. It's easy to make mistakes – mistakes that may badly blight our future.

One of the most common mistakes is the perception that our divorce attorney is going to be our “white knight” or our best friend – someone who is as concerned and involved with our divorce challenges as we are.

The reality is that your divorce attorney is probably working several other cases along with yours. He or she has numerous tight deadlines, many other challenges, and a life outside the office. And he or she doesn't have to understand your feelings or empathize with your situation to do a good job for you. In fact, your divorce attorney can serve you

better if just given the concise facts of your case, together with a clear list of your personal priorities. The attorney's job is the legal piece. Your attorney knows the law, the judges, the process, precedent, and how to litigate in the courtroom. Most attorneys, however, are uncomfortable with strong emotions, tears, and hand holding – those emotions often lead to disconnection, frustration, and high legal bills.

We recommend that you create a healthy emotional support system. This can consist of stable friends, family, support groups, a church or synagogue, and a good therapist. Having your own therapist during this most traumatic and challenging time is a must. This professional is the empathetic sounding board who will help you divide the emotions surrounding the loss of a dream from the business of the divorce. When you have accomplished this perspective, you will find that you will navigate more rationally and effectively amidst the divorce chaos, and you will make better decisions for your future.

Another member of your divorce team should be a financial expert. Most divorce settlements come down to money and child custody. A financial expert can identify the assets that are subject to division and help you craft a customized, workable distribution. There are numerous types of financial

experts whose expertise might be helpful in helping you and your attorney. Usually, you will only need to work directly with one financial expert during your divorce and should choose that expert based on your specific situation and needs.

A tax CPA can, for instance, give you an idea of the tax effect of your decisions, now and for the future. There are creative ways to look at this aspect of the financial piece which will involve less being paid to the IRS and more staying in your individual pockets.

An investment advisor is the most familiar with retirement plans, stock options, and investment portfolios. Your understanding of these assets will help in making decisions about them, both during the divorce and in the future.

A forensic accountant can untangle a complex web of marital and non marital assets. This expert can often also trace hidden assets.

A financial planner sees an overall picture. This expert can take a snapshot of your financial situation as a married couple and work with you to structure a fair financial settlement, as well as a financial plan for your post divorce

future. Some financial planners have received specialized training in divorce matters and are probably better suited to help you than those who do not specialize in the field.

These experts usually cost much less per hour than your attorney. They work day in and day out with money and are therefore better prepared to assess and suggest as your money is divided. In my particular situation a financial expert proposed an asset solution that my attorney rejected – because he didn't understand it. When I asked him to take the proposal to someone in his firm who had financial expertise, that person told us that the idea was ingenious!

An insurance expert is another member of your team. This expert can advise you about which of the two of you (you or your spouse) should seek your own automobile policy and who should retain the existing coverage. An insurance expert can also suggest how best to handle COBRA, medical insurance, life insurance to cover alimony and child support, and homeowners or rental insurance.

Remember though it may sound expensive to retain several experts for your team, many do not charge a fee and almost any one is much less expensive than your attorney. Learning from these professionals is empowering.

An additional necessary part of your team, if you have children, is someone to help the children process the divorce – a children’s counselor. Face it – you are undergoing one of life’s most stressful traumas. This means that you can’t possibly be able to address the emotional neediness of your children. They need their own support system – a safe place for them to air their anger and fears. Much depends on the age of the children as to where you find this help for them. It may be that their own therapist is appropriate or possibly a support group like Rainbows might be the answer.

Adolescents and teens will probably tell you they do not need this help – don’t believe them! Because they have the least parental supervision and the most opportunity to damage themselves, do not succumb to their resistance. The teen temptation to get involved in drugs and sex to assuage their pain is powerful. Tell them that therapy during divorce transition is not optional. You have a counselor and so must they.

If you have children, please don’t neglect this very important part of the team. If money is a problem remember that many organizations and therapists offer sliding scale fees and other choices.

Another professional that you might want to visit is a career counselor. If you have been under-employed or not in the workforce for a while, this expert can be a great help in finding fulfilling work.

Ultimately you need a fair settlement, a peaceful heart, good work, and happy children. Gathering the right group of professionals will give you a better chance of achieving all of this, save you money, and empower you to create and achieve a new vision for your life. Don't do it alone. You can be the CEO of your divorce and your future!

Margot Swann is the Director of *Visions Anew Institute* in Marietta, GA. Like most of the professionals in her team, she has herself experienced the trauma of divorce. She brings her skills as a business owner, columnist, divorce support facilitator, Stephen Minister, and radio and television commentator.

New Frontiers

Old soldiers and old stereotypes never seem to die. In the case of divorce, the old stereotypes are barely starting to fade away. The prevalent view of divorce is still the one that was exemplified in such movies as *War of the Roses*.

The purpose of this section is to illustrate that there are new paradigms, new role models.

In addition, it is an invitation for you to consider the turmoil of divorce as an opportunity to embark on a journey of personal growth.

Contents of this section:

- Re-creating families after divorce
- Ex-Etiquette for Parents
- The Islands of Life

Re-creating families after divorce:

Getting back to a place of love

By Karen Winter

I have been asked frequently how my family has the relationship that it does. In particular, people were most often astonished by the incredible relationship I have with my former husband. People recommended others speak to me because I had what they called the "dream divorce" or the "perfect divorce". This always made me smile because I came to realize that I did indeed, have the perfect divorce. It led me to where I am now and sent me on a journey inward to heal. The reality of my divorce is that it was no different from most marriages that end. We had tremendous feelings of loss, fear, anger, hurt and sadness. However, my current relationship with my children's father, functions like a marriage relationship. It requires time, consideration and clear communication because we are still a family; we are a two-home family. I finally realized that even after our divorce, my children's father and I would be together forever; we would be grandparents together. I know both of us would wish to be very much a part of our children's lives.

This key realization led me to imagine a vision for what I wanted to create in my family. The following steps illustrate the path I took to re-create my family after divorce and get back to a place of love.

Step 1: The first step in the re-creation process is setting intentions for who you are and what you want. You must decide and declare to the universe who you are and what you want in order to receive support for your vision. Do not confuse setting an intention with setting a goal for success. This is about who you are, not what you do. It is important to understand the ramifications of focusing your thoughts and energies in a direction. If you want to see your intentions, look at the results of your life. This practice erodes the power of excuses, victim or otherwise, that life just happens to us. This is the moment to claim the power of responsibility and to create consciously. There are no limits to this power. The impact of setting an intention is enormous. The universe cannot respond to you until you give it direction. We are made up of energy, our thoughts are energy we send out into the world. The universe is made up of energies and will respond to the energy we send out. Your thoughts create your reality and a thought can be changed. Change your thoughts, change your reality.

Step 2: The next step in re-creating your family is letting go of the old vision of your family. Human beings want three things: to be loved, to belong and to be valued. A divorce puts all three of these things in question and is therefore an enormous, painful rupture. We must process the loss that occurs at the end of a marriage. There is grief and we must let ourselves feel this sadness fully in order to let it go. We had expectations of what our love relationships and marriages would bring to us. After a divorce, it is time to let this old vision go in order to move forward in a healthy way. We must acknowledge and deal with any fear that might arise with the enormous changes we are going through.

One way to release anger and hurt is to step outside yourself and into your partner's shoes. Try to see your relationship from his/her perspective. This exercise is not to judge him/her "right" or "wrong", but to understand where they have come from and what they might have been feeling. The objective is to move from anger to compassion. Often, we find they were feeling the same things that we have been feeling. I no longer held anger in my heart for my husband when I took the time to look at him from a different perspective. Somewhere under the anger is hurt and beneath that is the feeling of being unloved. If we can get to this level the real work can begin.

Step 3: An enormous part of the re-creating process is learning to accept the gifts of a relationship. In order to do this; we must first take responsibility for our part of a relationship. We, just as our partners, are responsible for what we create. Just after my divorce, I blamed my husband for most of the hurt and anger I was experiencing. I now know I contributed to the nature of our relationship. Taking responsibility for myself meant making it safe to really look at who I had been in my marriage. Only by doing this work could I truly move forward in my life and begin to heal and then make changes. I had many fears and unrealistic expectations of what marriage would bring to me. This greatly impacted my relationship with my husband. I realized that my husband and I mirrored each other emotionally. We attract those who mirror who we are or our beliefs about ourselves. The presentation might be somewhat different, but there will be similarities between who we are and our mates. We must understand why we chose the mates we have. Only through understanding ourselves and our needs can we begin to heal the part of us that was open to this experience. Only by committing ourselves to this work, can we insure that we will not have to experience this kind of rupture again.

Step 4: Getting back to a place of love requires forgiveness. Most people assume this is for the other person's benefit, but it is for our own benefit. It means that we are no longer willing to carry around pain for an act that happened in the past. Forgiveness frees us from pain and anger. If we do not let go of pain and anger, we carry that negativity into all our present relationships including our primary relationship with our children. If we do not process anger and release it over time, it can make our physical bodies ill and take away our power to be fully present in our lives. Forgiveness helped my parenting partner and I to move forward. I no longer blamed either one of us for my actions. Instead, I stopped judging us both and began to have compassion for who we were when we were married. This helped us to re-create our relationship in a positive manner without the past continually coming between us.

Step 5: Re-creating families after divorce requires releasing old labels and mind-sets. We must reform our often negative views on divorce and consider the unlimited possibilities of re-creating in a positive way. Much of the judgment toward divorce stems from an attachment to form and arbitrary numbers. We have collectively agreed that long-term marriages are better than short-term marriages, regardless of being fulfilled or happy. A relationship is not diminished

in value due to its ending. When a marriage ends it does not preclude a meaningful relationship between the two people involved. However, it must be acknowledged that this is a choice.

A crucial part of creating change is support. Creating change requires commitment, attention and focus. A key element is a support system of some kind. This may be a formal group that meets led by a professional, a church group or your own family who can support your vision and help you stay on your path. My family and friends were integral to my successfully re-creating my family. I shared with my family the vision I had and asked them for help in getting to a positive place. They helped as much as possible during challenging times to keep me focused on my long-term plans.

Step 6: A crucial element to re-creating is letting our children know what is about to happen and what changes will occur in their lives. This can be one of the most challenging steps for parents to take. We often fear hurting our children and will delay communicating with our children for long periods of time. Children need to know what is happening in their families in order to have comfort in knowing what to expect. They are intuitive people, and they know when things are well and when they are not. When we

share the truth with our children (without adult details), we are creating a healthy relationship with them. The children will know they can rely on their parents to protect them and prepare them for whatever lies ahead. This lays the ground work for trust in a parent/child relationship.

Our children must continue to feel they are a part of a family. They need to feel loved and valued and that they belong. In order to give this gift to our children we must first create it for ourselves. We cannot give what we do not have to offer. When we can accept ourselves and our past marriage partners with love and compassion we can show our children the way by example.

Step 7: Once we have shared the truth with our children, we need to honor their feelings and their reactions. I discovered early on that my children would need to process the changes occurring in their lives just as I did. When my children express anger or sadness over our living arrangements, I use reflective listening skills and allow their feelings to be their experience in that moment. In order to do this I repeat what the children have said in my own words to let them know I have understood their words. Children, like adults need to have their experiences validated. Feelings are neutral and it is quite natural to experience a wide range of emotions. Our

job as parents is to teach our children how to move through the moment and process emotions rather than judging them. What we most want when we are upset is to be heard. Teaching our children to express their emotions enables them to release them instead of repressing them.

Step 8: Families experiencing divorce often face the possibility of new partners joining our families. When my parenting partner became involved in a serious relationship we all went through a change. I realized that my choices would greatly affect the road our relationship would take. I chose not to compete with this new woman who was joining my family. This immediately opened the door for her and my children to establish their own relationship together. It also helped her and I to forge our own relationship in a positive way. Our choices of accepting and working with new partners rather than against them will have an enormous impact on our lives and our families. I believe our feelings toward another often reflects how we feel about ourselves. One woman in my workshop realized that she would have a stronger bond with her family by embracing her parenting partner's new wife than by resisting her.

The language we use to describe our families has a big impact. Do we use terms such as broken homes, failed

marriages or demean our parenting partners? All of these negative terms will have a negative effect on our thoughts and subsequently our emotions. Our thoughts create our reality. When we go through a divorce we often succumb to a scarcity mentality feeling as though there is not enough of anything. This can lead us to act in negative ways even when this might affect our children. We often fear three things: there is not enough money, time or love. We then fight over money, material belongings, custody and the addition of new partners. An important part of my healing after my divorce was to work on releasing these fears and creating a new thought pattern. My new mantras were: there is enough love, there is enough time, and there is enough money. This practice greatly altered my thoughts, my emotions and my subsequent behaviors. It was the absence of fear that freed me to create in a different, more positive way.

Step 9: The next step to re-creating your life after divorce is getting in touch with yourself and understanding who you really are. It is important to take care of ourselves just as we take care of our children. If we do not take care of our spiritual, mental and physical needs we will not be giving our children a healthy model nor will we be insuring our continued ability to take care of our children. I find that the practice of self-care is actually one of the most challenging to

do really well or consistently. I speak about this in every class I teach really stressing the importance and yet, self-care can be the first thing I omit when I have increased stress or become overwhelmed. This is when we most need good care. The patterns that we continue to re-create in our lives exemplify the level of belief in ourselves and the existence of self-love. We seem to spend most of our lives trying to change the image we have of ourselves. Our views are often shown to us in the relationships we choose and the partners we choose to share life with us. We must learn to thank these partners because they can teach us well about ourselves if we take the time to understand the information that is revealed. Even though a marriage ends, it can still offer many gifts.

Step 10: This step is the culmination of all the previous steps. This is the knowledge that it is about the journey and not the final destination. Creating a healthy relationship requires time and dedication, but it is possible. Often our relationships are cyclical in nature moving through many different stages and cycles and still, we must have our intentions to help guide the way. I have learned so much about myself by sharing life with my parenting partner. I have discovered many wonderful things about myself. I have learned to shine light on the parts I wanted to hide because I thought they were unlovable. After doing this, I suddenly

realized there are no parts that are worth hiding. I have changed the way in which I create in certain ways because the old patterns no longer work for me. I realized I can release old patterns of expectations because my needs are no longer the same as when I was married. I am still learning to re-create with my parenting partner and I continue to learn about myself through this experience with him. I am grateful for this life experience which has challenged me to grow and move forward and to create a vision for myself. I have learned to respect and love myself and therefore to offer this to others in my life as well. This is my journey.

Karen Winter has been working on the re-creation of her family for the past seven years since her own divorce. She shares the rich knowledge she has gained in her "Re-creating families" workshops and in her book, *"What Would Love Do Now?"*

Ex-Etiquette for Parents: Good Behavior After a Divorce or Separation

by Jann Blackstone-Ford, MA and Sharyl Jupe

Is it really necessary that a first wife and a second wife get along? Of course not, if you don't care how long it takes for your kids to adjust to life after your divorce and remarriage. But, if you want to give your children the best life possible in this day of shared custody and 50/50 placement, it's time to put your own issues aside and look at the bigger picture.

As you review the following tips you will notice that many of them are simply mindset changes. We believe very strongly that you are what you think.

Dwell on the negative, and that's just what you will get in return. For those of you who are angry and in the midst of ex-wars, many of these tips may seem like fluff. They work, but first you have to PUT THE KIDS FIRST and get past your anger.

With that in mind, the first tip to help new wives and ex-wives get along is:

1. Have a goal in mind. Visualize the type of relationship you want to have. Do you see yourself arguing with her? Do you just want to smack her because she makes you so mad? Then you will continue to resent her and therefore continue to argue. You have to want to get along with each other. Sounds simple, but it is really the essence of the whole thing. People who want to get along make allowances to do so. People who don't want to get along, don't. Your first priority must be the kids--even if they are not biologically yours and they make you crazy. You took on that responsibility when you married their father. And, for the bio mom, that's what you signed up for when you had those babies.

2. You do not have to be friends. Look for common ground and only discuss problems you need to solve. If the kids are the common ground, that's what you talk about. You do not have to go shopping together.

3. Understand that the children already have a mother. For the new wife (bonus mom): Don't try to be your bonus child's mother. If you try to take over or establish policy, his ex (their bio mom) will resent it, which will cause communication problems between the two of you and anxiety in the children. Bottom line, love her kids, but not so overtly that she feels intimidated.

For the ex-wife: You don't have to compete with her. Your children know who their mother is.

4. Find your niche.

Everyone is good at something. Find what you are good at and offer that to the kids. For example, Jann is a perpetual student. She is constantly taking classes in something. Therefore, she's the one who helps the kids do their homework, research reports, fool around on the internet. Sharyl, on the other hand, has instilled a pride in appearance in the kids. She's the one to make sure they have regular teeth cleanings, hair cuts, trimmed their toe nails when the kids were little. The times we unconsciously crossed over to the other's niche, the kids did not get as good of a grade on the report and Steven came home with the hair cut from hell. Both of us were furious with the other. When you find your niche and stick with it, the children get the best of both of you.

5. Formally acknowledge her good work. A good tool to break through to good communication is to compliment her.

For the new wife (bonus mom): Saying something like, "Your kids are great and I partially attribute that to your influence on them..." helps to break down the walls of resentment. If you can't say something like that because you don't think she

is a good mother, or she was the reason for the breakup and you feel your husband's pain, be a stabilizing force when the kids are with you and leave it at that.

For the ex-wife (bio mom): One of the biggest complaints we hear from bonus moms is that the bio parents never acknowledge their devotion to kids that are not theirs.

Acknowledgment from the bio mom (even more than the bio dad) goes a long way toward promoting cooperation. Try something like, "I really appreciate how kind you are to the kids."

6. Never speak badly of her in front of the kids.

To the new wife (bonus mom): When you speak badly of their bio mom you are attacking the children's DNA, their very essence. It will only backfire. The kids will tell her and she will continue to be your enemy, be uncooperative, and be more likely to keep your husband in court.

To the ex-wife (bio mom): Children have just as much trouble coping with remarriage as they do with divorce. Undermining the new wife's relationship with your children will only serve to extend their period of adjustment. It also teaches them to not trust their father, question his judgment, and undermines their security. Is that what you really want

to do? If she was a bad choice, it will be difficult to hide. With time the children will figure it out on their own.

7. Don't secretly compare yourself to her. (I hate her--she's thinner, younger, smarter...or...what did/does he see in her? I'm thinner, younger, smarter...) It undermines your own security and keeps you riled up. The kids will see it. She will see it. Your husband will see it, and no one will be happy. Strive for your own sense of self and hold your head high. A secure woman is the most attractive of all.

8. Don't stew over past or present intimacies.

For the new wife (bonus mom): Everyone has a past. You dwell on his, you will inevitably become part of it. (We can't tell you how many new wives have told us that they just can't get past the fact that their husband had sex with that woman...let it go.) If you can't get past her being his ex, try referring to her as the children's mother. That should take her up a notch or two...

For the ex-wife (bio mom) : If he's nicer to her than he was to you--it's not necessarily because she's better than you, sexier than you, etc. It has everything to do with him, timing, and learning from his mistakes. Resentment will make you sick and a less effective mother and person. If a relationship is

important, better to put that energy into meeting someone worthy of you. Or, better yet, put that energy into lifting your spirit and changing your life for the better, then you will meet someone who is worthy of you.

9. Learn to ask her opinion.

For the new wife (bonus mom): If you are not sure how to handle a situation, don't be afraid to pick up the phone and ask her what she would do. Many bonus moms are afraid to do this because they feel it gives their control over to the very person they are struggling with for power. The truth is, if you ask for help, most of the time you get it, and respect, as well..

For the ex-wife (bio mom): Many bio moms complain that they just don't trust the bonus mom's judgment when their kids are in their care. "I don't know her!" they complain. "And, she's got my kids!" The best way to get to know someone is to ask their opinion. If you are concerned about how she might handle a situation, ask her.

10. Don't fuel the fire.

Be part of the solution, not part of the problem. If you are attempting to raise children together after divorce, good communication is not a choice, it's the obligation of the divorced parent. And, if you have married someone with

children from a previous marriage, by signing that marriage contract you are saying "I will do everything I can to support you through life." This means you didn't sign on to cause trouble.

For the new wife (bonus mom): Some new wives think if they can keep the exes fighting it will ensure that they will never reconcile, so they do things on purpose to keep the kettle boiling. If you are worried about them reconciling, you shouldn't have married him in the first place.

For the ex-wife (bio mom): Some ex-wives are so angry that their ex has found happiness with someone else (when they made them so miserable) that they look for ways to make their ex and his new partner just as miserable. They automatically hate the new partner because of her label--new. "She's new and desirable. I'm old and discarded...and I gave him the best years of my life!" This inherent dislike of the new spouse has nothing to do with who this woman really is. It has to do with how the ex feels about her lot in life.

Your desire for revenge doesn't do your kids any good. Do what you can to move past the pain toward your own independence. Now you are teaching your children a far

more important life lesson than how to successfully hurt someone because they have hurt you.

Jann Blackstone-Ford, M.A. is a divorce and stepfamily mediator and the Director of *Bonus Families*, a nonprofit organization supporting positive co-parenting after a divorce or separation, based in Discovery Bay, CA. Sharyl Jupe is Jann Blackstone-Ford's husband's ex-wife and co-author of the book "*Ex-Etiquette for Parents: Good Behavior After a Divorce or Separation*".

The Islands of Life

By Rob Kaufman, LCSW

Hawaii is one of my favorite vacation spots, particularly the islands of Maui and Kauai. The people and lifestyle there are so different from here in L.A. Have you ever thought what it might be like to live in Hawaii, or on any island for that matter? If this sounds inviting, picture yourself on a sailboat somewhere in the South Pacific, maybe near Hawaii or Tahiti. It's a warm summer day, with a brisk wind cutting across your bow. Gliding through deep blue waters, you taste the salty ocean spray tickle your face. Standing at the helm, you are in control, your destiny rests in your hands.

Off on the horizon you eye a small land mass, an island perhaps. You grow curious and steer toward it. Piloting closer you see a scene you've seen a thousand times before. People lounging around on the beach, laughing and playing in the surf. Behind them stand tall hotels with all the typical sounds you would expect to hear while on vacation. The people and surroundings look so familiar if you didn't know you were hundreds of miles away you would think you were back in Hawaii. Then the strangest thing happens. Out of the

corner of your eye you see a second island a few miles to the west of this one.

Continuing on course toward the first island you veer a little west to get a better look at this second island. Your gut tightens as you draw closer. There appears to be movement on the shore but you can't quite make out whether it is people or wild animals. The sounds are so unfamiliar, nothing you have ever heard before. Craning your neck to listen better you still can't make out whether you hear shrieks of joy or cries of terror. Your heart is racing and your hands tremble. Every bone in your body screams stay away. But curiosity gets the better of you as you head directly toward this ominous second island.

You're within a thousand yards of shore when out of nowhere you notice a tiny third island. Gripping the wheel tightly you lean into the wind trying to get a closer look at this third uncharted island. As you sail closer your muscles clench. Instead of hearing strange noises from this island you hear dead silence. The island is clearly deserted except for a few wild animals that quietly roam the soft white sands.

These are the islands of life. To which island will you sail? This is the question you must answer as you stand at the

helm of your future gripping the wheel with all your strength. The island you choose will shape your destiny. Should you go to the first island where the people and surroundings are familiar? Or, should you take a risk and pilot to the second island, the scary island, where the sounds and figures feel foreign and unnerving? Or, should you sail to the third deserted island where you are guaranteed to be alone for as long as you like?

Most people choose to sail to the first island. This is because we want to surround ourselves with people and situations that are familiar and comfortable. We don't always enjoy these types of relationships or surroundings. However, we draw comfort in knowing how to negotiate our way through them even if they are painful and unhealthy. This explains why people so often go from one relationship to the next experiencing the same dynamic even though the partner is different. For example, a woman who divorces her husband because he is so controlling may soon find herself dating a new man who is equally if not more controlling. It also explains why people go from one problem situation to another even though the surrounding environment is different. For example, a man may never ask for a raise at work because he doesn't feel deserving of it. Similarly, he

likely will purchase used cars, not because he can't afford a new one, but because he doesn't feel worthy of a new car.

People who choose the second island, where the sounds and inhabitants are strange and unfamiliar, often are looking to consciously change old unhealthy patterns and relationships. What makes this island so scary is that the relationships or behaviors are vastly different from ones they had before. For example, a woman who always chooses men to whom she gives and receives nothing in return would feel frightened by a man who gives as much as he receives. This kind of healthy relationship would scare someone who deep down does not feel worthy of this kind of love or affection. Similarly, a quiet and submissive man looking to change these personality traits would sail to the second island. Here he could become more gregarious and assertive, even though the process of changing will be frightening.

People who sail to the third island, the deserted one, do so to feel safe knowing they must be alone. Not because they want to be alone (most prefer a companion) and not because they don't trust others, They choose to be alone because they know they cannot trust their own judgement in selecting who will be in their life. These people tend to have long histories of very painful unsatisfying relationships and have given up

altogether on ever finding a healthy fulfilling one. They have been battered by the stormy seas of life and welcome the safety of isolation.

So where will you sail? Will you play it safe and sail to the first island where the people and situations are all too familiar, regardless of how unhealthy and destructive they may be? Will you look to break free of old patterns that have made you feel miserable for years by steering toward the second island where change is possible but challenging and scary? Or, will you race to the nearest deserted island, secure in the knowledge that isolation will protect you from the evil of others even though loneliness will be your only companion?

Where will you sail? Your destiny rests in your hands.

Pick an island . . . any island. This is the island of your life.

Rob Kaufman, LCSW is a psychotherapist specialized in families and divorce, in Encino, CA.

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See: [The Islands of Life](#)

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Kevin M. Kilcommons is a licensed New Jersey attorney located in Clinton Township, Hunterdon County, NJ. He is a founding member of Kilcommons Shanahan, LLC and concentrates his practice in the fields of family, business and real estate law.

See: [The Marital Home and Equitable Distribution](#)

Cont'd

Barbara Paynter

Barbara Paynter, a Certified Divorce Financial Analyst, specializes in Financial and Parental Mediation. Her practice is in Champaign Illinois.

See: [Considering Divorce? The 5 Financial Areas You Need to Think About Now](#)

Susan Pease

Susan Pease, LCSW, CADAC, is the founder and executive director of the Transition Institute of Marin located in San Rafael, CA. She specializes in assisting women through the divorce process by providing ongoing support groups and educational programs.

See: [Top Misguided Reasons to Stay in a Bad Marriage](#)

Serge Prengel

Serge Prengel, LMHC, is the editor of this book. He helps people take a more proactive approach to their life, work and relationships. He works with clients in his New York City office, or by phone.

He is the author of: ["Couple Communication: Feel Heard, Not Hurt"](#).

Cont'd

Pamela H. Simon

Pamela H. Simon practices law in Statesville, NC. She is a board-certified family-law specialist, an AAML Fellow, a certified mediator, a developer of and trainer for Collaborative Family-Law Workshops, co-drafter of the NC Family Law Arbitration Act and Collaborative Procedures Act. See: [Collaborative Law and Arbitration](#)

Margot Swann

Margot Swann is the Director of *Visions Anew Institute* in Marietta, GA. Like most of the professionals in her team, she has herself experienced the trauma of divorce. She brings her skills as a business owner, columnist, divorce support facilitator, Stephen Minister, and radio and television commentator.

See: [Don't Do It Alone](#)

Cont'd

Karen Winter

Karen Winter has been working on the re-creation of her family for the past seven years since her own divorce. She shares the rich knowledge she has gained in her "Re-creating families" workshops and in her book, "What Would Love Do Now?"

See: [Re-creating Families After Divorce: Getting Back to a Place of Love](#)

Diane Yale

The concept of Responsible Divorce is based on a workshop developed many years ago by Diane Yale, JD and Serge Prenel.

Jeff Zimmerman

Jeff Zimmerman, Ph.D., is a psychologist who specializes in helping families of divorce and training divorce professionals. He is President of Beacon Behavioral Services, LLC and Co-Founder of the P.E.A.C.E. Program (Parents Equally Allied to Co-parent Effectively). He practices in Avon, CT.

See: ["I Wish My Parents Would Just Be Friends": Is It Really So Hard?](#)

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