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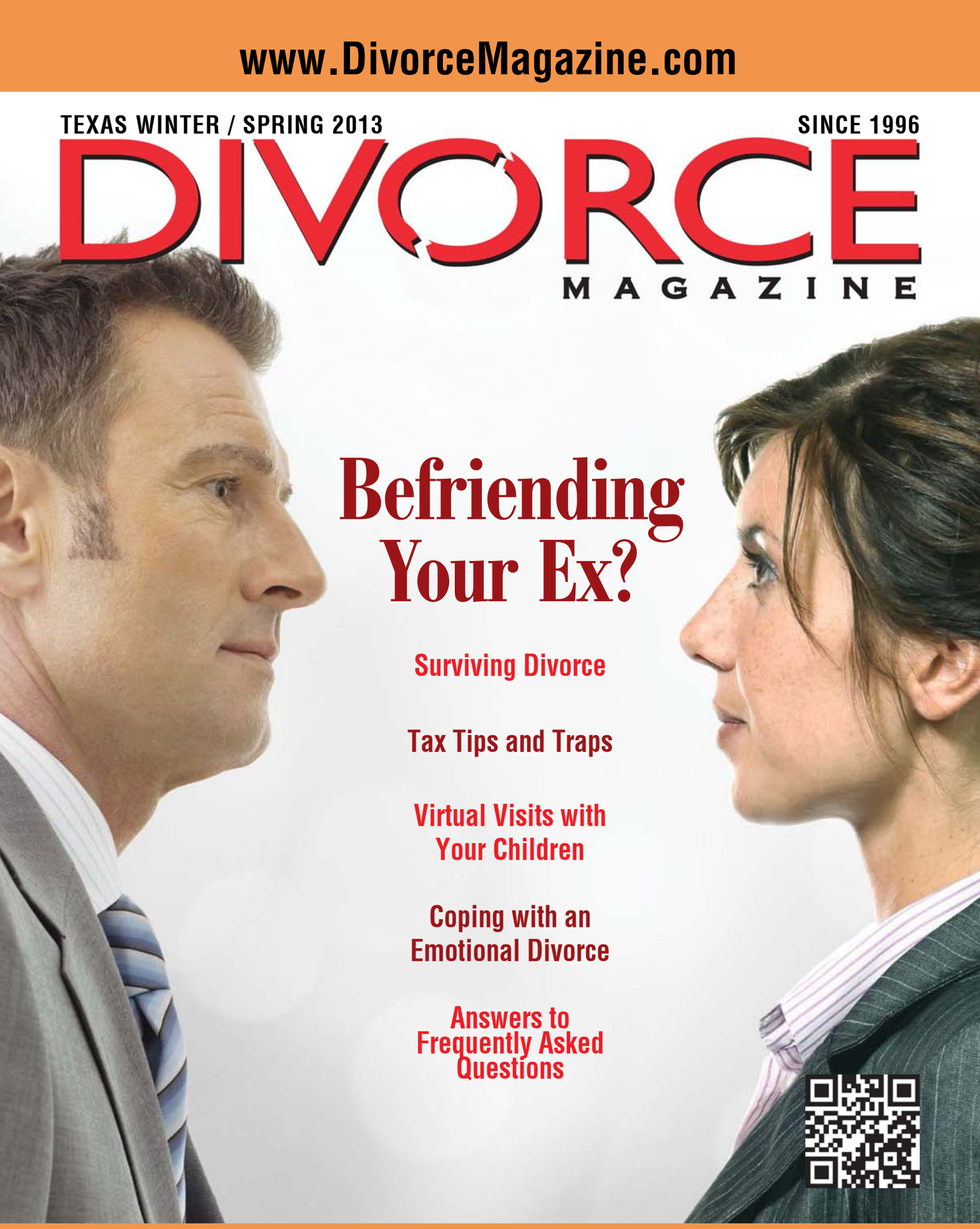

Befriending Your Ex?

Surviving Divorce

Tax Tips and Traps

Virtual Visits with Your Children

Coping with an Emotional Divorce

Answers to Frequently Asked Questions

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  Make life better for you, your kids, and, yes, your ex.
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BEFRIENDING YOUR EX

Befriending an ex is a process and a relationship that takes time and effort, but it can be accomplished if you are truly committed to doing so.

By Judith Ruskay Rabinor

What Befriending Is

Stereotypical tales of bitter divorces and their ensuing endless warfare have affected most of us. We have taken our cues about how ex-spouses behave and feel toward their exes from popular movies and stories. Yet, what I've experienced in my personal life and learned in my office is that many divorced people can and do form a friendly, supportive and communicative relationship with their ex-spouses.

Befriending is a process and a relationship that takes time and effort. It may involve going through unique periods of darkness and pain, but can be accomplished if you are truly committed. The circumstances under which your marriage ended are very relevant to your relationship going forward and to the steps you will need to take to develop a befriended relationship.

Befriending Is about Developing a New Relationship

Befriending your ex-spouse is about forming a new and positive relationship that is different from the one you had as a married couple. It's starting over, making a conscious, mindful and deliberate effort to let go of past hurts, wounds, and beliefs. This new relationship is likely to begin when you focus on the best interests of your children, and it will continue to include emphasizing goodwill, collaboration and cooperation as you and your ex navigate the specific details of your life, and if you have children, their lives.

What's important is the quality of the relationship, what I call a commitment to the five "Cs" of befriending:

- Communication
- Collaboration

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What Befriending Is Not

Befriending your ex is not about retaining the intimacy you once had as a married couple. You can no longer expect to know the details of how your ex spends their time and money, or whom they see. You can no longer expect them to be available to you 24/7. You can no longer rely on them for emotional support for the events in your life that don't involve the children. Although you may find that your ex can be emotionally supportive, this shouldn't be a given. Your physical, or sexual, connection is over, even if at times you feel sexually attracted to one another. And — this may be the hardest one — although you may often have angry feelings toward your ex, you no longer have the right to act on them. We can't always control our emotions, but we can control our actions. And now it's up to you to control your behavior.

Why Befriend Your Ex?

- **For Your Children**
  If you and your ex-spouse share children, you have created a bond that is far stronger than anything that could be broken by a signature on a divorce decree. Regardless of your custody agreement, you won't be able to excise your ex from your life forever because your ex is your child's parent forever. One of the most important and consistent research findings regarding the adjustment of children to divorce is that children who have two involved parents adjust to divorce far easier than those who do not. Since you can't get your ex spouse out of your life completely, you might as well develop the most positive relationship you can.

- **Avoiding the Trickle-Down Effect**
  Ranked as one of the top stressors in adult life, divorce is said to bring out the worst in people. When compared to children from intact families, children in adversarial divorces are at greater risk of experiencing a whole host of future psychological problems. Being locked into a hostile or alienated relationship with your ex is arguably the worst stress for your children. Children absorb parental stress. Being mindful of this trickle-down effect will help you minimize the stress of your divorce on your children.

- **Children Benefit When Parents Cooperate**
  Arguably the number one predictor of how children of divorced parents fare emotionally and psychologically is the degree to which their parents can cooperate and communicate. Even if you were in a high conflict marriage, the odds are that if you work at it, you will be able to get along as parents.

- **For Your Own Well-Being**
  Life is precarious, having enduring connections with others helps all of us feel more grounded and secure. Even if, right now, you are still soothing the wounds of your divorce, your ex might be able to be a compassionate co-parent and a generous collaborator. Hopefully, your ex is someone whom you once loved and who loved you. You don't want to worry about a continuing negative relationship with the person with whom you are likely to share many extraordinary moments in your children's lives. Remaining enemies with your ex is bad for your mental and physical health.

When You Should Not Try to Befriend Your Ex

Befriending an ex isn't appropriate for everyone. If your ex-spouse is physically or emotionally abusive, or neglectful to you or your children, you may need to create space rather than connection.

Substance abuse is another situation that mitigates befriending or at least requires careful evaluation. In this case, consider:

- Has your ex expressed genuine remorse?
- Has your ex begun treatment, and if so, do you see these behaviors changing?
- Does your ex agree that it's crucial that these behaviors be stopped?

If you answered yes to these questions, consider letting go of the past. If, however, you answered no, befriending may not be an appropriate option right now, and further changes and communication may be necessary before you can consider it.

What Gets in the Way of Befriending

Even with the best of intentions, roadblocks may emerge that make you stumble in your befriending process. These roadblocks fit into one of two categories:

- **Unrealistic Beliefs**
  Unrealistic beliefs about the kind of relationship we are "supposed" to have when we divorce surround us in the images found in popular culture and society. To overcome unrealistic beliefs, first examine your belief system, and second, let go of or revise any ways of thinking that are not useful, that are dysfunctional, and that may be getting in the way of befriending your ex.

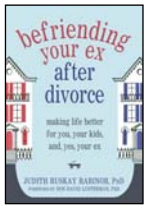
- **Difficult Emotions**
  It's easy to harbour animosity, pain, or both toward your ex, who has undoubtedly hurt or angered you. You should embrace your emotions, regardless of how difficult it is to deal with them. However, that's not the same as having a license to act them out. In fact, the opposite is true: learning to feel, accept, and manage your emotions allows you to feel safer about embracing them if only because you won't fear being overcome by them.

Creating a New Vision

Whether you realize it or not, you are always choosing a perspective that either enriches or diminishes your reality.

In the book, *What Happy People Know*, psychologists Dan Baker and Cameron Stauth remind us that no matter how difficult your life is, you always have the power to rise above suffering. This idea is particularly important during divorce, since divorce always brings us face to face with new and challenging situations, events and emotions. We bring our chosen perspectives to every new challenge. Becoming mindful that we always bring our own biases or chosen perspectives to each new situation and event we face is an important step in assessing reality.

This article was condensed and adapted by Divorce Magazine with permission from New Harbinger Publications from the book *Befriending Your Ex* © 2013 by Judith Ruskay Rabinor.



Judith Ruskay Rabinor, PhD, is also author of A Starving Madness *and founder and director of the American Eating Disorders Center of Long Island. She has a private practice in New York City. Divorced more than twenty-five years ago, Rabinor has since remarried and co-parented her two grown children.* Befriending Your Ex *can be found here:* www.newharbinger.com.

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Coping With an Emotional Divorce

Strategies to help you unpack your emotional baggage, take a step away from the past, and move forward.

By Terry L. Orbuch

After a relationship or breakup, it's important to have an outlet for your emotional stress. A successful strategy to unpack your emotions is to identify ways to constructively release your emotions. On the good side, these outlets can also provide you with many other positive benefits. Here are a few ideas to get you started:

Get Physical

High-energy exercise or physical activity can zap your stress and your negative emotions. Exercise decreases stress hormones like cortisol and, at the same time, increases your body's "feel good" endorphins, which will give your mood an instant boost. By hitting a punching bag at the gym or grunting through your last set of weights, you'll also release pent-up anger that could otherwise impact your health. In addition, certain sports like swimming, golf and yoga provide you with personal time to effectively reflect and meditate on your feelings. And new research suggests that physical activity may even reduce your body's reaction to future stress. So by exercising now, your emotions will be even easier to deal with later on.

Find a Sense of Community

Take in roommates, join a club or gym, or move to a condo complex. Seek the company of good friends and family. Renewing your ties to the community not only provides you with a source of emotional support, it's a great way to meet new people.

Volunteer

By volunteering, you become less concerned with your own problems; your own personal issues may suddenly appear very small compared to the challenges of those

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you are helping. Put the focus on others and what you can do for them. You'll feel good about helping others, you'll keep your mind from dwelling on your emotions, and you'll keep your perspective in check.

Create!

Paint, play music, garden, or write. Creative activities make you live in the present. These right-brain activities also continue to stimulate the emotional and intuitive side of your brain.

Scream in a Safe Place

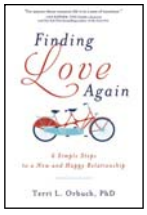
Get inside your car where no one can hear or see you, and then yell at your ex at the top of your lungs until you've said absolutely everything you need to say and have gotten it all off your chest. After you're through, you'll feel renewed.

Write a Letter to Your Ex

Try writing a really honest letter to your ex without holding back – let loose and really give your ex a piece of your mind, or clear the air and confess the mistakes that you made in the relationship. When you are done, put the letter away. Don't send it. That's right, save it. This letter is for you. Write a letter like this once a week or once a month, and keep it in a special place that only you know about. You can describe your anger, sadness, frustration, guilt, or other emotions. Putting your feelings on paper will help to defuse your emotions, and over time, reviewing your letters will allow you to see the change in yourself and how you are putting the past behind you.

A Word of Warning! Again, whatever you do, do not send a letter to your ex. No matter how great you think your letters are, they are for your eyes only. Why? When we share something with others, even if this something is just a letter or email, we subconsciously expect a response in return. Writing a letter to your ex isn't a reason to start talking with your ex again, and it's not a way to "get back at" your ex-partner. Writing this letter is completely and totally 100 percent for you.

This article was adapted and condensed by *Divorce Magazine* from the book *Finding Love Again* © 2012 by Terri L. Orbuch, with permission from Sourcebooks.



Dr. Terri L. Orbuch is a relationship expert, a therapist, and the project director for the Early Years of Marriage project funded by the National Institute of Health, a landmark study of marriage, divorce and repartnering. Dr. Orbuch is a research professor at the Institute for Social Research at the University of Michigan and a professor at Oakland University. For more information visit: www.drterrithelovedoctor.com.

A Letter to Your Ex: How to Express Your Anger

Are you angry with your ex, but find that you're having a hard time letting your feelings out? Does your letter sound too wimpy, too tame, or too nice? Follow these four steps to release your anger:

1. **Admit your anger.** Would your friends or family be surprised to know just how angry you are? Well, they might be surprised, but your ex should know better. Admit to your ex, and yourself, just how angry you are.
2. **Tell your ex why you are angry.** Are you angry because your ex cheated on you? Spent your savings? Never wanted to have sex? Was never home? Didn't pay attention to you? Tell your ex exactly why you're angry, and don't hold back.
3. **Allow yourself to feel negative.** Do you feel like your ex ruined your life? Are you upset that your ex lavishly spent money on a Caribbean cruise instead of your children? Do you feel like your ex is a terrible parent? Let it rip!
4. **Explain how your ex has affected your life.** What are you dealing with thanks to your ex? Are you now a single parent? Are you struggling financially? Do you miss Friday night pizza or card games with your mutual friends? Let your ex know what he or she should feel responsible for, and the consequences you are dealing with, as a result of your breakup.

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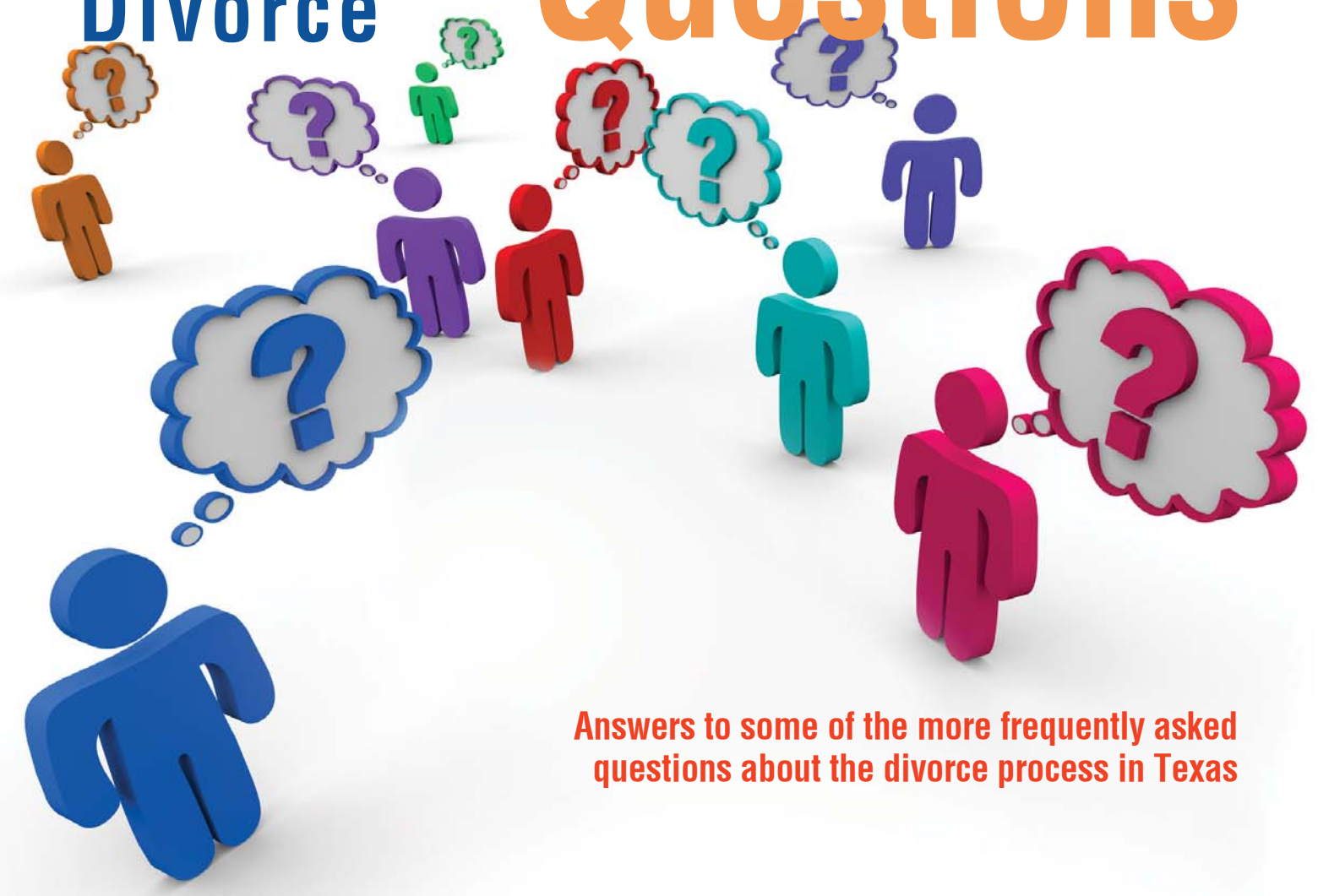

Answers to some of the more frequently asked questions about the divorce process in Texas

LEGAL ISSUES

"Can I fire my lawyer? How? Under what circumstances?"

J. Lindsey Short, a family lawyer in Houston answers:

It is important to remember that divorce is not an easy thing and can often be more like riding an emotional roller coaster. Your attorney should do his or her best to make sure that the process goes as smoothly as possible; however, lawyers cannot always keep the roller coaster on an even plane. If you are having a problem with your lawyer, you should first try discussing the problem with him or her. Good communication is essential in any relationship, and it is absolutely vital in the attorney-client relationship. Usually, if you discuss a problem with your lawyer, he or she should be able to find a way to work out the problem.

If you cannot work out the situation with your lawyer before the resolution of your case, you do have the right to fire your lawyer and retain another attorney. In such a situation, the lawyer has an absolute obligation to return your file either directly to you or to your new lawyer. However, be aware that you will still be responsible for any fees that you may have incurred and for the time that lawyer has already spent on your case. It is also important to bear in mind that, in most instances, your new attorney will be bound by the same deadlines, trial dates, etc. that existed with your former attorney. Make sure that your new attorney is apprised of the case chronology and timelines so that they can assess whether or not they can get up to speed without jeopardizing your case.

Finally, if you believe that your lawyer has done something unethical in your representation, you can file a grievance against him or her with the

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"Do the courts always hear cases when they are scheduled?"

John Grubb, a family lawyer in Houston, answers:

No. Frequently, the courts have 20, 30, or 40 cases set on the docket in the morning or in the afternoon. The Judge goes through and calls all of the cases, tries to figure out the issues involved, and how long it is going to take the court to hear matters. Then the court will prioritize and arrange its schedule. Even though the court has many cases on the docket, most of those cases will end up being agreed matters, which will take very little court time. Once the court has a good idea of its schedule, your attorney will be informed of the specific time the court will be able to hear your matter. Most of the time, your case will be heard on the scheduled date. However, because the courts are so overloaded, from time to time the courts find that it is necessary to reset a case.

Be aware that your attorney may or may not be present at the appointed time. Frequently different courts schedule many cases for 9:00 a.m., 9:30 a.m., or 10:00 a.m., and if an attorney has several cases that day, it may be necessary for your attorney to go to all of the different courts. Your attorney should notify the court that he may have to go to another court. If the court calls your case and your attorney is not present, the Judge will often simply say "on hold," or "attorney running late," or "attorney in another court." However if the Judge calls your case and makes no announcement, and the clerk does not indicate to the Judge that your attorney is running late, stand up and clearly tell the Judge your name and the name of your attorney. The Judge will usually ask you to check with your attorney's office concerning his or her schedule.

It is very important, however, that you respect the court date and time. Be sure to ask your attorney the specific time that your case is set for; you should plan on being in the court building at least 30 minutes prior to that time. Each court maintains separate hours based on the type of matter to be heard (for example, uncontested divorce, temporary hearing, or final trial). Well in advance of your court date, ask your attorney's staff where the divorce courts in your city are located. Get the specific address and name of the building. Ask the name of the Judge, the number of the court and the floor the court is located on. If possible drive to the courthouse several days in advance, so you are familiar with the route and the parking.

"Can a premarital agreement be amended or revoked?"

John Grubb, a family lawyer in Houston, answers:

A premarital or prenuptial agreement is a contract between prospective spouses made in contemplation of marriage and to be effective on marriage. Premarital or prenuptial agreements may contain, among other things, contract provisions regarding the following items:

- The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;
- The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property;
- The disposition of property on separation, marital dissolution, death, or the occurrence or non-occurrence of any other event;
- The modification or elimination of spousal support;
- The making of a will, trust, or other arrangement to carry out the provisions of the agreement;
- The ownerships rights in and disposition of the death benefit from a life insurance policy;

The choice of law governing the construction of the agreement; and any other matter, including their personal rights and obligations, not in violation of public policy or a statute imposing a criminal penalty.

Traditionally, premarital agreements have been entered into when a high net worth individual or a high earner is marrying an individual with very little property or low income. However, with the changing nature of our society, the number of individuals who enter into premarital agreements has broadened dramatically.

In Texas, in order to have a valid premarital agreement, it must be in writing and signed by both parties. While it is not required, it is generally recommended that the premarital agreement also be notarized.

Frequently, premarital agreements are recorded in the Official Real Property records in the county where the parties reside, or where they may own property.

"How to hire an attorney and what to expect?"

Michael Geary and the attorneys in his law office in Dallas, have answered the following FAQs:

"Where do you start to locate an attorney who is a good fit for your needs?"
Ask other professionals you know, such as your CPA, financial planner, or therapist, for recommendations of family law attorneys. If you know an attorney who is not a family law attorney, ask that attorney for names of some lawyers who specialize in or practice family law. Ask your trusted friends or co-workers for names of family law attorneys. Ask why these attorneys have been recommended and what attributes they have. Then start "researching" each attorney on your list.

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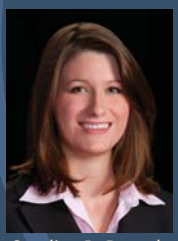
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Attorney J. Lindsey Short, Jr., one of the firm's founders, has over 40 years of family law experience, and is board certified in family law by the Texas Board of Legal Specialization since 1980. He is a past president of the American Academy of Matrimonial Lawyers, has been named a "Super Lawyer" by *Texas Monthly* magazine, a Thompson Reuter service, since the inception of that honor (2003 – 2012).

Patricia Carter has over 14 years of family law experience and is board certified in family law by the Texas Board of Legal Specialization. A fellow of the American Academy of Matrimonial Lawyers, Patricia Carter was named a "Rising Star" (2004-2008) and "Super Lawyer" (2008 – 2012) by *Texas Monthly* magazine.

Adam J. Morris is also board certified in family law by the Texas Board of Legal Specialization and has over 10 years of family law experience. Named a "Rising Star" by Texas Monthly magazine (2005-2012), Adam J. Morris specializes in cases involving complex marital estates.

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"How do you know if your attorney is competent to represent you?"
There are methods for ascertaining an attorney's competence. The next step is to do your homework. Review the prospective attorneys on the State Bar of Texas' website (www.texasbar.com). This website will inform you as to whether the attorney is eligible to practice law, the area of law practiced, whether the attorney is board certified in a particular practice area (such as family law), and some information regarding whether the attorney has been disciplined by the Texas Bar. Many attorney ranking web sites are available on the internet; unfortunately, few of these sites have an objective, methodical basis for the ranking of attorneys. Perhaps the most reliable is Martindale-Hubbell (www.martindale.com) as the attorneys are reviewed by other attorneys in the same practice area. However, bear in mind that if an attorney is not rated by Martindale-Hubbell it does not mean that the attorney lacks competence or noteworthy skills — it only means the attorney has not yet been rated. If a prospective attorney is not rated, check to see if the law firm of the prospective attorney is rated by Martindale-Hubbell. After establishing that the prospective attorney is eligible to practice law, details about the prospective attorney's practice area, and, if applicable, the attorney's ranking, go to the attorney's website. Usually, this website will provide more details about the attorney.

"What do I do next?"
Give the attorney a call. Many attorneys will speak with you by phone to discuss the basic aspects of your case before you come in for an appointment. Ask your attorney if there is a fee for a consultation. Before you schedule an appointment, ask the prospective attorney what type of law he/she practices, length of time licensed, his/her hourly rate and his/her experience in family law. If you are looking for a family law attorney, experience in handling family law cases should be a priority over experience in handling "general" matters. Before your appointment, make a list of questions you would like the attorney to address during your meeting.

"How much should I tell an attorney during our meeting?"
When you consult with a prospective family law attorney bear in mind that the attorney's ability to assist and advise you is only as good as the accuracy of the information you provide to the attorney. If facts are hidden due to embarrassment or any other reason, you will not get accurate advice from your attorney and your goals can be seriously compromised. It is critical for you to be open and honest. Prepare your attorney for any problem areas that you believe may be encountered in your case. Before meeting with a potential attorney, identify the most sensitive issues of your case, such as fault, custody of children, division of property, payment of debts and other financial issues. Expect to hear your attorney's honest opinion and keep in mind that you are paying for his or her expertise. Even if you do not choose to hire an attorney with whom you consult, that attorney is still bound by the attorney-client privilege and is prohibited from disclosing anything you discuss with a third party. Therefore, there is no reason not to be candid with an attorney. He/she can be of the greatest assistance to you if all information is shared.

"What else should I expect?"
Listen to the attorney and state your own expectations from the beginning. The attorney should do the same. In addition, the attorney should provide you with a written fee agreement which clearly outlines his/her representation of you.

"Is there anything I should be wary of?"
Beware of any attorney who guarantees the outcome of your case. There are too many variables in a family law case for any attorney to guarantee results.

"How many attorneys should I consult?"
You may "hit it off" with the first attorney you meet. However, if you do not feel confident in and comfortable with a lawyer, proceed to consult one or two other attorneys until you identify the attorney who is the "best fit" for you.

"How much will it cost?"
In the Dallas County area, attorneys' hourly rates begin at approximately $200 per hour (for less experienced attorneys) and up to $500 per hour or more. Paralegals, who will likely be involved in doing a great deal of work in your case, generally have rates from $100 to $130 per hour. Before beginning work on your case, the attorney will likely request that you pay a retainer to cover his/her initial work. The amount of the retainer will vary according to how much work the attorney deems necessary to perform in your case. A typical retainer may range from $2,500 (for a simple divorce) on up to $25,000 depending upon the complexity of your case. However, it is impossible to know at the beginning of your case just how much the attorney's representation will cost. That is because there are many variables, such as your spouse's behavior and/or the attorney your spouse hires, which affect the amount of work that needs to be done in your case. Remember the old adage, "you get what you pay for." Sometimes hiring the cheapest attorney you can find does not serve you well. You would be better served hiring the most experienced and qualified attorney you can afford.

"How long will my case take?"
A question asked by most all clients is "How long will this take?" It is understood that timing impacts you emotionally, personally and financially. While an attorney may be able to give you an approximate time line for your case, be aware that there are many factors beyond an attorney's control which can affect how long the

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divorce process, or any type of case, will last. Examples of matters out of an attorney's control are: the backlog of cases in the particular court where your divorce is filed; whether the case going to trial before yours runs over and bumps your case to the back of the schedule; the judge or opposing counsel being unavailable (sick, severe weather, car problems, etc.) for a hearing; how complicated your case is; cooperation during the discovery phase of your case, and how long it takes to get your case to mediation or trial.

"What should I expect from my attorney while my case is pending?"
You should expect your attorney to keep you reasonably informed at all times about what is happening in your case. Be aware that all attorneys have more than one case and may need to be in court on another matter other than yours. However, you should expect your attorney to timely respond to your phone calls and e-mails — within 48 hours, if not the same day. Explore with your attorney what information you can give and receive from your attorney's paralegals and legal assistants if your attorney is not available when you call. You should expect your attorney to convey all settlement offers to you and discuss the development of your case with you. You should receive a copy of every document that your attorney sends and receives relating to your case. Your attorney should also take the time to explain pertinent aspects of the law, how the court system works, how your circumstances are unique and what approach he or she recommends. You should understand how the discovery process works and how deadlines must be approached and met.

"What will my attorney expect from me?"
Be aware that despite covering the facts and all issues of your case, the attorney will require and expect you to be responsive and accessible during your case. There are many

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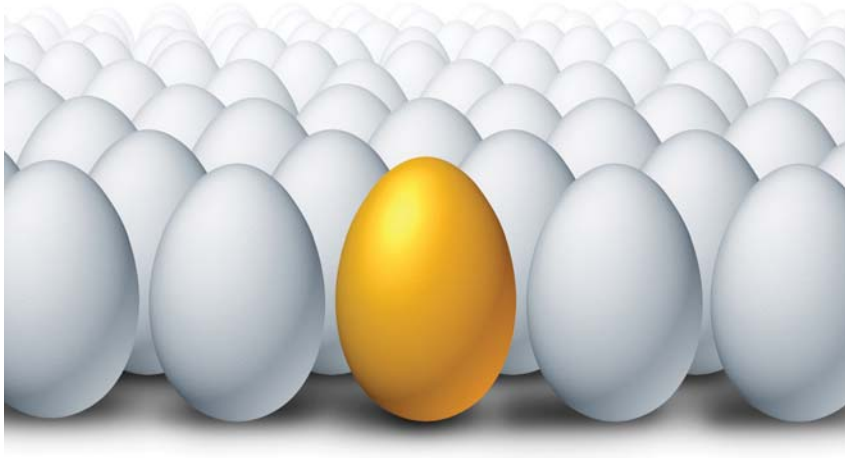

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aspects of a divorce case in which your participation is necessary. For example, during the discovery process, you will be required to produce documents and information so that your attorney can respond to discovery requests from the opposing party. During this process, it is vital that you produce information in a timely manner and communicate with your attorney about anything you do not understand.

"Should I expect to be charged for e-mails and phone calls?"
Yes. Attorneys charge for their services, whether the service is performed at the courthouse, over the phone, or via e-mail. Obviously communication with your attorney is important. Let the attorney know how you prefer to communicate, whether by writing, telephone, e-mail or a combination of all three. Make sure that any methods you choose for communication with an attorney are secure (no one else has the password) to maintain your attorney-client privilege of confidentiality. Most attorneys spend at least a third of their day in communication with clients. Therefore, as a general rule, you will be charged for telephone calls, e-mails and letters.

"Will my case have to go to trial?"
Probably not. A substantial number of family law cases are resolved in mediation or some other form of alternative dispute resolution method and never go to trial. After you have provided your attorney with details about your assets and debts, and the issues in your divorce, he/she should be able to adequately advise you regarding a settlement. Understand your options and weigh them against the costs of continued litigation.

"Is court the same as what I see on television?"
Please keep in mind that attorneys, actual trials/court proceedings, and the legal process in general do not have much in common with television or movies. Things that are dramatic, shocking and extreme can render the legal process entertaining, but the reality of the legal process is quite different.

FINANCIAL ISSUES

"I am worried that my spouse will try to hide assets from me. How can I be sure I get a fair share of the business and other assets?"

J. Lindsey Short, a family lawyer in Houston answers:

In Texas, it is fairly standard procedure for the party filing for divorce to seek a Temporary Restraining Order preventing either party from making any large withdrawals from any accounts, transferring assets, changing beneficiaries, etc. Seeking a Temporary Restraining Order will allow you to preserve the community estate until the Judge can issue temporary orders that will last for the duration of the divorce.

During the divorce process, your attorney can send out formal discovery requests to your spouse. These requests can require your spouse to produce current and historical financial and business related documents and to give sworn answers to specific questions. In addition to formal discovery, your attorney can depose your spouse to further question him/her about the existence of any unknown assets and/or liabilities. The deposition will also allow your attorney to question your spouse about any suspect transfers if it is discovered that he/she was attempting to hide assets.

Your attorney will work with you to determine whether or not it is necessary for any experts to be retained to value any of your assets such as your business or your home. If your spouse retains an expert to value assets such as these, you can retain your own independent expert to value the assets. For example, it may be important to have the valuation expert review the financial documents on the business and determine if your spouse is trying to misrepresent the value of his/her business. This will allow you to present the court with a value that you believe is reasonable for the asset in question.

"If you live in a 'common-law marriage,' are you entitled to the same support and property division as if you were legally married?"

John Grubb, a family lawyer in Houston, answers:

Often, I receive inquiries from prospective clients about a divorce, child support, visitation, custody, etc., and the clients state to me that "we are not actually married, we just have a common-law marriage." I almost always immediately stop them and advise them that if they have a common-law marriage, their marriage is treated just like a ceremonial marriage in Texas.

The essential elements of a common-law marriage are:

1. there was an expressed or implied agreement to enter into marriage;
2. after the agreement, the parties live together in this state as husband and wife; and
3. after the agreement, they represented to others that they were married.

The existence of facts necessary to establish common-law marriage may be proved by circumstantial evidence as well as by direct evidence. There is no presumption that a common-law marriage exists just because two people live together, and the burden of proving that the man and woman agree to be married rests upon the party that is claiming the existence of a common-law marriage. When a party is claiming a common-law marriage, the courts will scrutinize the parties' relationship very closely. Even though the parties may be living together and occasionally refer to themselves out to the public as husband and wife, in many cases, it is difficult to prove that the parties actually agreed to be married.

It is becoming more difficult to successfully prove a common-law marriage. In the past common-law marriage was recognized because many people in Texas lived far away from ministers and county clerks, lived together, intended to be married, and even had children.

Today, almost everyone has access to a minister, a county judge, or a justice of the peace; it's also quite common for people to have children out of wedlock, and there seems to be little or no stigma attached to this. Finally, people are frequently signing documents today that disprove an intent to be married, reciting that they are single, such as: federal income-tax returns signed under the pains and penalties of perjury; automobile-loan applications; bank loans; mortgage applications; and deeds of trust.

For the man and woman who truly do intend to have a common-law marriage and do not wish to go through a ceremonial marriage, Texas has adopted a procedure whereby the parties may declare an informal marriage in writing, under oath, before a county clerk, and execute a clerk certificate of the declaration.

A unique situation has developed over the years in Texas in which people live together and hold themselves out to the public as husband and wife, but do not ever state whether or not they have an actual agreement to be married. Eventually, these people drift apart, and as long as both of them remain poor, both of them will usually agree that they never intended to be married. However, if one of the parties should become wealthy, the other party almost always comes to the conclusion that they really did have a common-law union, and they should have gotten divorced, so they go down to the court and file for a divorce. In 1997, Texas amended the common-law marriage rules to provide that, in a proceeding in which common-law marriage is to be proven, if it is not commenced before the second anniversary of the date in which the parties separated and ceased living together, it is presumed that the parties did not enter into an agreement to be married.

Once a common-law marriage is established, its effect is identical to that of a ceremonial marriage. The parties have a duty to support each other. Any property acquired during the term of the marriage is community property. Any children born between the parties are children of the marriage. If the parties decide go their separate ways, they need to file for divorce. Once they enter into the divorce court, the court will divide the estate of the parties in a manner the court deems just and right, having due regards for the rights of the parties and any children of the marriage. The court will set aside the parties' separate property interests, establish conservatorship in support of the children, and consider the issues of post-divorce maintenance.

So in the eyes of the laws of the State of Texas, the two parties in a common-law marriage, upon separation, have the same rights, duties, and responsibilities to each other and their children as two parties in a ceremonial marriage.

MEDIATION ISSUES

"Do both myself and my spouse need to be in the same room if we go the mediation route for our divorce?"

Patricia Carter, a family lawyer in Houston, answers:

No, in fact, in almost all of our cases we recommend that the parties be in separate rooms. In many mediations, the mediator and all parties involved are in one room where they talk about the issues of the case, and the mediator lets the parties speak directly to work out their issues and come to a settlement. This is usually not a good idea in divorce or child custody cases because the parties are too emotionally involved in the case, and it may actually reduce the possibility of reaching an agreement. Instead, mediators that commonly mediate family law cases will separate the parties in two rooms with their attorneys. The mediator will then go from one room to the other to try to reach an agreement with which both parties are comfortable. This way the mediator can listen to each side of the case without having the other party interrupt or become angry during the process.

Although this is the custom for family law cases, make sure to talk to your attorney about what you feel is best. If you and your spouse can still work together amicably and you feel it would be easier to reach an agreement if both of you are in the same room, speak to your attorney and the mediator about this.

Finally, in addition to separating the parties, most mediators prefer that only the parties and their attorneys be present. They typically do not want friends or family members of the parties to be present because their opinions can sometimes work against reaching an agreement. If you would like a friend or family member present, make sure you or your attorney asks the mediator first. Many times, in addition to getting the approval from the mediator, the mediator will want the approval from the other party before allowing anyone other than a party or a party's attorney in the mediation.

For more FAQs answered by divorce professionals, visit www.divorcemag.com

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Special FAQs On Pensions and QDROs

Does my pension statement show my pension's marital asset value?

Mark K. Altschuler, actuary and President of Pension Analysis Consultants, Inc. (PAC) of Elkins Park, PA, an actuarial firm specializing in pensions and QDROs in divorce, answers:

Many pension plans issue yearly individual-benefit statements to each participant, although it is not required by law to do so. While it is possible to obtain a monthly figure — as if the employee will retire at a given date, this is not the marital present value of the employee's pension.

Depending on the occurrence of retirements, and the employee's age and years of service, there are different types of possible benefits.

The primary benefit is the pension paid when the employee retires at the plan's normal retirement age. This is known as the Projected Benefit. During active employment, the employee is earning vesting credit per the plan's vesting schedule. This is the employee's Vested Benefit.

A pension becomes due and pay-able at normal retirement age. However, when employment ends before normal retirement age, then the Vested Benefit may be paid out as an early retirement pension with various formulas operating, according to the provisions of the plan.

At any point in time, unaffected by the form of payout or the timing of the payout, the Actuarial Value of an employee's accrued benefit may be computed using actuarial science.

The Actuarial Present Value of the Marital Portion is the value of your pension plan as a marital asset. This value is used in your distribution determination of how to apportion equitable division between the parties. That said, no plan is required to inform a participant of this marital present value. In fact, in the majority of plans that information is simply not available.

To value your pension for divorce purposes, you may request a benefit statement from your plan showing your normal retirement age benefit, accrued as of the agreed-upon-date of marriage dissolution for your state's jurisdiction, or, the benefit accrued as of current date in states that use the coverture method. You can then retain an actuary who specializes in pensions in divorce to determine the marital asset worth of your pension benefit.

Is it true the federal government does not accept QDROs and what would be different than dividing a private sector pension?

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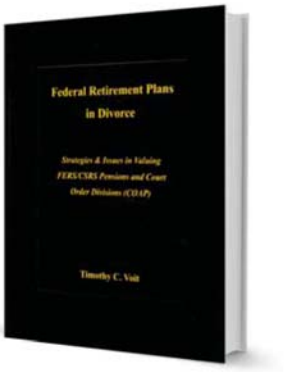

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Tim Voit, a financial analyst, founder of Voit Econometrics Group, Inc. and author of Federal Retirement Plans in Divorce — Strategies and Issues, and Retirement Benefits & QDROs in Divorce, answers:

This is partly true, in the sense that the term QDRO, or Qualified Domestic Relations Order, applies to the private sector. Federal pensions are exempt from QDROs because they are exempt from ERISA, the Employee Retirement Income Security Act of 1974.

This is not to say that if the Office of Personnel Management were to receive a court order with the term QDRO in it that it would be rejected. But rather, that it would need to make reference to Part 838 of Title 5 of the Code of Federal Regulations (CFR).

The federal government's functional equivalent of QDRO is the Court Order Acceptable for Processing (COAP), and for the Federal Thrift Savings Plan it is referred to as a Retirement Benefits Court Order.

What makes COAPs different from QDROs is that a QDRO served on a pension plan in the private sector can provide for a separate interest for the alternate payee, if served on the plan before retirement. This allows for the monthly pension benefit to be pay-able over the lifetime of the alternate payee.

This is not true of most government plans, nor will the military provide for a separate interest for a former spouse. Separate interest QDROs only pertain to private sector pensions and prior to retirement.

Government, military, and pensions in-pay status (private sector and government pensions)

can only allow a non-participant spouse to "share" in the pension payments, hence the term Shared Interest QDROs, where payments end upon the death of either party. This is a good reason to consider survivor annuity language for the former spouse.

Aside from the voluntary federal Thrift Saving Plan, there are also two different federal pensions, namely Civil Service Employees Retirement System (CSRS), for those federal employees who began employment prior to December 31, 1983, and Federal Employees Retirement System (FERS), for those that commenced employment on or after January 1, 1984.

It is important to note that not only are the terms and conditions of the federal pensions different from the private sector in what can be provided to a former spouse, but there are also differences between FERS and CSRS. Understanding the differences will prevent you from having different expectations as to your awarded share.

What are the most common financial mistakes divorcing couples make during their divorce?

QDRO Counsel, Inc. a professional law corporation, which focuses on providing QDROs for the division of retirement benefits throughout the United States, the principal attorney, Louise Nixon, answers:

Based on my years of experience as an attorney who specializes in the division of pension benefits in divorce, the most common financial mistake made is failing to identify a pension plan that needs to be divided at the time of divorce with a qualified domestic relations order ("QDRO"). Often a pension plan is a major asset in the divorce. Often that pension plan is not adequately identified or not identified at all in the divorce documents. Very often even if identified, a QDRO has not been filed to protect the non participant spouse's interest in the pension. In both of these scenarios, after divorce, if the participant subsequently dies in most cases it will not be possible for the nonparticipant spouse to receive any of the pension. If the participant subsequently re-tires, in most cases it will not be possible to ensure that the nonparticipant spouse's interest in the pension be paid for the rest of nonparticipant spouse's life. However if a QDRO is filed concurrent with the judgment of divorce or soon thereafter with appropriate division language included in the judgment of divorce, the nonparticipant spouse's interest in a lifetime benefit from the pension, if applicable, can be secured.

In the case of pensions for military and federal employees, to avoid draconian effects occurring to the nonmember spouse's interest in these benefits, we recommend that parties do NOT enter the final judgment of divorce until these pensions have been divided with a domestic relations order and all issues regarding survivor benefits have been resolved. This applies whether the member is active, reserve, or retired.

The parties or their family law attorneys should retain an experienced attorney who specializes in the division of pension benefits in divorce to ensure the matter is handled correctly.

Tax Tips and Traps

By Diana Shepherd, CDFA™

Here are two topics you'd probably rather not think about: Divorce and Taxes. If you're separated or newly divorced, however, it could be worth your while to get some good financial advice about both.

Spousal Support

Also known in some areas as "alimony" or "maintenance", spousal support is typically treated as taxable income to the person receiving it and tax-deductible for the person paying it. Before deciding whether a specific amount is going to work, you need to know what the actual out-of-pocket cost is if you're the payor or the net amount that you'll receive if you're the payee. For example, if paying $30,000 in spousal support annually, how much is that $30,000 going to cost you after factoring in the tax deduction? And, if you're receiving the $30,000, how much of that will you have to pay in taxes? For payments to qualify as spousal support, they must meet a number of requirements; make sure you've met them all.

Child Support

Generally speaking, child support is non-taxable income to the person receiving it and it is not tax-deductible by the person paying it. If you're going to be paying both spousal and child support, you may be tempted to lump both payments together and call them "spousal support" so you can claim a bigger tax deduction. Sorry to burst your bubble, but the IRS and CRA are wise to this "strategy", which could land you in serious hot water! You can also end up owing back taxes, penalties, and interest if your support payments are not structured correctly in your divorce agreement. In the US, if spousal support is reduced or terminated because of a contingency related to a child (such as a child attaining a specific age or income level, dying, marrying, leaving school, or gaining employment), it can be reclassified as child support. There are many other ways the IRS could reclassify some or all of the deductible spousal support you have paid as non-deductible child support; make sure your agreement doesn't contain one of these hidden traps before you sign it.

Third-party Payments

Usually, payments must be made directly to the recipient to be classified as support. But what if you're going to be

paying child or spousal support to an ex who has a genuine problem with money — a gambling addiction, for instance? "Third-party or specific-purpose payments can be considered support payments [under certain circumstances]," says Mary Krauel (CPA®, CA, MBA, CDFA™), who practices in Mississauga and London, Ontario. "Specific-purpose payments may include rent, property taxes, insurance premiums, and educational or medical expenses for the benefit of the recipient." This is helpful in settlements where there is concern the support payments will be used by the recipient for necessary expenses while at the same time preserving the deductibility for the payor, she adds. "To guarantee deductibility — clearly state it in the agreement."

Divorce-related Fees

In the US, you can deduct the portion of fees paid to divorce-industry professionals (e.g., lawyers, actuaries, accountants, or appraisers) for tax advice or for help in getting spousal support. In Canada, you can deduct legal fees paid to establish, increase, or collect support payments; however, only the recipient of support may claim these deductions — not the payor. "There is an inequity in the deductibility of legal fees paid by the recipient of support payments versus the payor," points out Karen Archibald (CDFA™, CGA, MBA, and Mediator), who practices in Truro, Nova Scotia. "This inequity is exacerbated by the fact that often it is the payor of the spousal support who would benefit more from being able to deduct legal fees as that person is most often in the higher tax bracket." Find out if you can deduct any of the divorce-related professional fees before you file your taxes.

Filing Status

"Filing status is often more important than dependency exemptions: someone filing as a Head of Household (HOH) can claim a higher standard deduction and lower tax rates than a single filer," says Heather Smith Linton (CPA®, CFP, CVA, CDFA™), who practices in Durham, North Carolina. "This can often translate into more of a tax savings than a dependency deduction. A couple needs to have at least two children to make this strategy work," she continues. "The general rule for filing as HOH is that an unmarried taxpayer would have to maintain a household that is the principal place of abode for over half the year for a qualifying child." According to Justin Reckers (CFP, CDFA™), who practices in San Diego, California, the HOH filing status strategy is a simple and elegant way to reduce overall tax bills and even has some other benefits. "HOH filing status comes with tax brackets identical to those available to the Married Filing Jointly scenario, but also allows for each party to the divorce to file separate tax returns," he says. Inquire about the requirements for claiming HOH to see if this strategy can work for you.

Joint Tax Returns

If you are still filing joint returns with your spouse, make sure to review your tax return before signing on the dotted line. "Remember — you will be held liable for what is being reported, whether your spouse or a professional accountant prepared the form," warns Carlton R. Marcyan (JD, MBA, CPA®, CFP, CDFA™), a partner at Schiller DuCanto & Fleck in Chicago, Illinois. "In my nearly 25 years of practicing law, I would estimate that two out of three spouses do not look at their tax returns before signing and are not aware of what they are consenting to."

Two out of three spouses do not look at their tax returns before signing and are not aware of what they are consenting to.

Make sure you're taking advantage of all possible tax credits and benefits during and after divorce.

Tax Credits and Benefits

Make sure you're taking advantage of all possible tax credits and benefits during and after divorce; if your agreement isn't structured correctly, you may be unable to claim tax relief. Karen Hallson-Kundel (CGA, CBV, CDFA™), who practices in Winnipeg, Manitoba, points out that the separation agreement must specifically identify the parent who will claim the child in order to preserve the Eligible Dependant tax credit, for instance. "Families with two children can structure the separation agreement to indicate that each parent claims one child, effectively doubling the tax benefit," she says. "Carefully planning this aspect of a separation agreement can save your family between $4,052 and $6,702 (depending on your province) for the 2012 tax year." Terry Hawes (MBA, CGA, CFE, CDFA™), who practices in Port Moody, BC, adds that: "The Eligible Dependant Amount has specific caveats that must be met to qualify.

This tax credit is often missed as practitioners and clients believe that these conditions must exist for the entire year since separation or as at December 31. In fact, the legislation states, 'at any time in the year'. This strategy is often available in the year of separation to multiply the tax credit." In the

year of separation, get your CDFA™ or accountant to crunch the numbers to see whether you should be claiming the spousal support or any allowable tax credits. "If you pay support and you are were separated for only part of the year, you may claim either the deductible support paid that year or allowable refundable tax credits — whichever yields the larger benefit," says Karen Archibald. "For example, Sally and Joe separated on September 1, and Joe pays Sally $300 each month in deductible support. Joe would be far better off claiming the spousal credit of $10,527 versus the support of $1,200." Of course, there are different tax credits and benefits in the USA and Canada, so find out what is available in your area and for your situation.

Please consult your Certified Divorce Financial Analyst™, accountant and/or family lawyer for specific guidance since each case and each state or province may have different requirements. For more tax tips and articles about the financial aspects of your divorce, go to www.institutedfa.com.

Diana Shepherd is Director of Marketing for the Institute for Divorce Financial Analysts™. For more information about how a CDFA™ professional can help you with the financial aspects of your divorce go to www.institutedfa.com/Public.php.

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Tips from a family lawyer on what you should know before, during and after a divorce.

Surviving Divorce: Before, During and After

By John Hollins, Jr.

During the Process

The laws of physics also apply in divorce cases — for every action there is an equal and opposite reaction. You cannot control the divorce process. If you are a controlling person, the divorce process will frustrate and disappoint you. Those who simply want to punish their spouse and delay the case will waste a lot of time and money and accomplish nothing.

Spend less time worrying about who is right and more time worrying about what is right. Always take the "high" road. You will never regret it.

In most cases you are not as innocent as you claim, and your spouse is not as guilty as you claim. There is always another side to your story.

If you and your lawyer fully cooperate with your spouse's lawyer and provide full and complete disclosure, you will speed up the resolution of the case. If you and/or your lawyer intentionally delay responding to your spouse's discovery requests, you will quickly create distrust, which will make your case more difficult to resolve.

Spend less time worrying about who is right and more time worrying about what is right.

You and Your Spouse

In most cases, extreme emotions are only temporary. It is normal to experience extreme emotions such as anger, fear, guilt, loneliness, frustration, helplessness, sorrow, resentment, regret, and depression. If you experience extended, severe mood swings, you should consult with a counselor or a doctor.

Remember that the time you spend hating your spouse deprives you of those moments of happiness you shared together. All couples have shared good times.

Children

Divorce can be more difficult on the children than the parents. What is best for your children should always come first. What is best for you is not always best for them.

It is usually best to break the news about divorce to the children in a meeting where both parents are present. Your children will often blame themselves. Assure them they are not responsible.

Judges may forget much and forgive more, but they never forget or forgive a client's dishonesty.

If parents make every effort to effectively co-parent, it is less likely that the children will act badly. If you truly love your children, you will allow them to love the other parent. Remember, if you have children, you will likely deal with your spouse forever.

Selecting the Right Lawyer

Meet with a lawyer before you hire him or her and ask how many cases he or she has tried in your judicial district. If you do not feel more knowledgeable after you leave, he or she is not the right attorney.

Ask your lawyer about his or her fee structure.

Ask your lawyer for an estimate of the total amount of fees and expenses to complete the case. Remember that the lawyer's estimate is made at the beginning of the case and could change dramatically depending on the difficulty and length of the case.

Working Effectively With Your Lawyer

In a divorce case, nobody likes surprises. To avoid being blindsided at any point, give your lawyer all the details from the very beginning. Hiding information can cause serious problems down the road.

Pay your attorney bills on time. Nothing will kill your lawyer's enthusiasm for your case faster than an unpaid bill. Lawyers have a hard time thinking about your case when they are not getting paid.

Custody

Don't get caught up with the titles of "sole custody" or "primary custody." The most important issues are the amount of each spouse's parenting time with the children and each spouse's right to make significant decisions about the children.

There are no real winners in custody fights. In most cases, they have a devastating effect on the parties and their children. The emotional and legal cost of custody trials is substantial. Custody battles should be avoided if at all possible.

Support Payments

If you are receiving alimony and/or child support, you should have life insurance on the payer's life in a sufficient

amount to cover the full amount of alimony or child support if the payer dies prematurely.

Living with someone after the divorce, even if you are not romantically involved, may cause your alimony to be stopped or reduced. If an alimony recipient remarries, then the spousal support stops in most cases.

When you pay or receive child support and/or alimony, always keep a copy of every payment.

Dividing Assets and Liabilities

Be very careful when making an agreement that your spouse must pay any jointly titled debts, especially if he or she is financially irresponsible. On a jointly titled debt, the creditor can sue either party for the unpaid debt. Your creditors couldn't care less about what a court order says about who must pay a debt.

If you are seeking custody of the children, do not move out of the marital home just because your spouse wants you to. If ymove out, talk to your lawyer first. It may be difficult to move back in if you change your mind.

Protecting Yourself

Silence is golden when it comes to divorce. Watch what you say and be extremely careful about confiding important details of your case to anyone. Even your closest family members and friends can slip up and accidentally reveal something that could hurt your case.

Ask your lawyer before you close joint bank accounts and/or joint credit card accounts. Also ask your lawyer before you withdraw funds from a joint checking account, savings account, and/or brokerage account. This may be illegal.

Be cautious about signing any document or making any agreement suggested by your spouse that changes any court order. Any change in a court order requires a new court order signed by the lawyers and the judge.

Mediation

Mediation dramatically reduces the costs and time necessary to settle your case. The process is considerably less contentious than a trial. Settling a case in mediation can also help decrease the hostility between spouses. This is particularly beneficial if children are involved.

You and your lawyer should also discuss what, if any, evidence provided to the mediator should not be shared with your spouse and his or her attorney. You don't want to educate the other side about the strengths or weaknesses of your case if the mediation is unsuccessful.

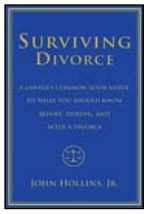
Court Hearings

Judges may forget much and forgive more, but they never forget or forgive a client's dishonesty. Just as there is no such thing as being a little bit pregnant, there is no such thing as being a little dishonest. Honesty is truly the best policy. Make that your guiding star.

Final Thoughts

Make peace with the past. Learn from your mistakes and turn them into opportunities for positive change.

Live so that when your family and friends think of fairness, honesty, and integrity, they think of you.



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Spending Quality "Virtual" Time with Your Children

By Martha Chan

Many divorced or separated parents are often unable to be with their children in person due to parenting/custody agreements or travel schedules. This is especially frustrating on certain occasions, such as birthdays, special holidays or a child's first school play. However, there are still ways to spend quality time – with a little help from technology.

Bridge the Gap

Here are a few ways a parent can bridge the geographical distance between them and their children:

1. Use Skype to place a video call instead of a traditional phone call. Skype-to-Skype calls are free, and most laptops come with built-in web cams. If not, a basic webcam that does the job costs about $20.
2. Make a special video greeting and send it to your kids to watch on birthdays, or any other time of the year so they can "be with you" and "you with them." You can take a short video with any smart phone. Recording and editing a video on your computer is also a simple task. Creating a fun and memorable video is easier than you imagine.
3. Email, text, Tweet and "Facebook" your kids to let them know that you're thinking of them, and that you hope they are doing well. There are plenty of free, easy-to-follow tutorials online, or you can pick up a "for Dummies" book at your library or bookstore — or better yet, try asking your kids!

*Click here (*http://youtu.be/A1JcrMC4kN4*) to view a short video on how to make a video using an iPhone.*

Creating a fun and memorable video is easier than you imagine.

An Opportunity for Ex-spouses

Using technology to send a heartfelt message isn't something that should only exist between parents and their children. Ex-spouses can get in on the hi-tech action and reap the rewards as well.

Ex-spouses can find that one-on-one communication can be quite difficult, especially if their divorce is relatively recent. Technology can make it personal and simpler to say "thanks for taking care of junior while I have to travel on business," or "this year, let's both work on making things better for our kids," or any other kind-hearted message — even if it's just acknowledging something that your ex-spouse did that made a positive difference. A message of this nature could be an extremely meaningful gesture.

Think Things Through

That said, it's important that you not use technology without first thinking things through. It's worth taking the time to draft what you want to say, before making a video or sending an email, just to ensure that the message is clear and appropriate. Emotions can be harder to convey — and easier to misinterpret — when you two aren't face-to-face. And of course, you should never forget that your communication may not be confidential, especially if it's a Tweet or a Facebook post, even if the profile is set to private. Anything confidential or sensitive should be saved for a phone call or an in-person meeting.

Martha Chan is the co-owner and Editorial Director of Divorce Magazine *and* www.DivorceMagazine.com.

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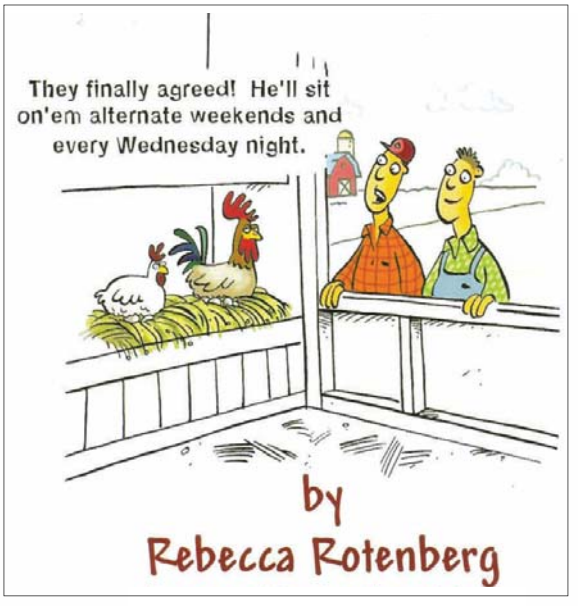
We feature a few divorce-related stories submitted to us through email and our blog on DivorceMagazine.com in each issue of *Divorce Magazine*. Here is this issue's selection.

Flying Solo



"My husband, a successful lawyer, weakened to the temptations of drugs, lost our home, my car and my savings. Needless to say, our marriage ended, but there was no doubt in our minds that the children had to survive this and come out the other end healthy and secure. Bags in hand, the kids and I moved in with my mother-in-law. A day did not go by that Dad didn't see his kids, and have dinner with us. Years later, Dad met a nice woman, and according to him there was no question that I should now be included at meal time. The day they married, I was on the guest list… Tradition in Jewish weddings is to dance with joy after the ceremony. My ex approached me with the traditional handkerchief held by two people and together we danced for his happiness. Which memories do you think the children thrive more on: their mother and father celebrating together, dining together and loving their children together... or the yelling and greed that takes place more often than not?

I was in my 30s, when my husband and I split up. Although we remained close, I couldn't help but feel the stigma that was associated, in those days, with being divorced. It prompted me to design a logo representing the lone parent. "Flying Solo" was born... Shortly after, I began to think up funny situations; the mother who is sitting by the phone, waiting for it to ring, thinking 'I don't understand, he promised he'd call', and underneath the table, her young son had pulled the jack out of the wall. I began to write anywhere and everywhere; on napkins, bubble gum wrappers. I got someone to draw a few and away I went to the Ottawa Citizen Newspaper which immediately signed me on. An early death of my parents and lack of confidence prompted a long break.

Twenty years later, I'm back and I won't stop this time until Flying Solo, now a book of cartoons, is on every bathroom counter in the world. Flying Solo helps create a shift in consciousness. Flying Solo cartoons remind us that we are not alone."

Flying Solo is available at www.flyingsoloagain.com.

To see more personal stories of divorce and divorce artwork, or to submit your own divorce story, please visit our Divorce art and Stories page. http://divorceblog.divorcemag.com/submit-your-divorce-art-express-your-emotions.html and http://divorceblog.divorcemag.com/category/your-divorce-stories.

Understanding the PROCESS

A guide to the legal process of divorce.

By Jeffrey Cottrill, edited by Josh D. Simon

No two divorces are exactly alike. Every marital breakup has its own unique legal, financial, and/or parenting issues, which require their own resolution strategies. However, every divorce undergoes the same general journey from initiation to closure. Whether you and your spouse make this journey slowly or quickly, expensively or inexpensively, stressfully or peacefully is up to you, but the destination is always the same: from shared to separate lives.

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

Temporary Orders and Filing Divorce Papers

One of the first things you and your spouse have to do after you separate is to get a "temporary order" or agreement. This is extremely important, because it could set the precedent for your final divorce settlement. A temporary order/agreement establishes quick decisions about the children, property, bank accounts, and other issues that may be important between the separation and the final outcome. For example, if one spouse moves out of the home and the other has no income, how will the latter feed the kids and pay the bills? For more information about temporary orders, visit www.divorcemag.com/articles/Financial_Planning/getting_prepared_temp_orders.html.

You should hire a divorce lawyer and/or mediator, and financial advisor, as soon as possible. You'll set your temporary order/agreement in a brief, relatively informal hearing before a judge — so prepare a complete list of what you want to request. The items you can request include: temporary custody and visitation arrangements; a restraining order so your spouse won't contact you; child or spousal support; and/or who gets the car and house.

Next, you or your spouse will file a petition, application, or complaint for

divorce with your local family court. The person who files ("the plaintiff") serves a summons upon the other spouse, stating that they want a divorce and what they are seeking in terms of property, child custody, support, etc. The other spouse ("the defendant") must answer the summons and, if they wish, can make their own claim.

Check DivorceMagazine.com for information on the grounds for divorce in your state or province. Most states and all Canadian provinces are "no fault" jurisdictions, so you don't have to justify filing for divorce by accusing your spouse of wrongdoing.

Collecting Information and Discovery

Once you have hired your divorce lawyer, you must gather all relevant information for your lawyer's perusal:

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

Unless you create a separation agreement, your lawyer will use this as a starting point for the discovery process. Your lawyer needs as much specific information about the marriage as possible in order to work out the financial and children's issues fairly. Most of discovery involves financial matters, for which your lawyer needs specific, accurate details. From the value of items you bought during the marriage to stocks, pensions, and revenue from a business, you and your divorce professionals (e.g. lawyers, mediators, financial planners, accountants, appraisers, etc.) have to retrieve documentation of every dollar value — including that of premarital assets. For articles on preparing for a deposition and separation agreement, visit www.divorcemag.com/articles/Divorce_Settlement_Preparation.

Contested vs. Uncontested Divorce

There are two general types of divorce. If you and your spouse can't agree on the divorce terms — or if one of you doesn't want the divorce — it's a contested divorce, and a judge will decide the outcome if you can't come to agreement on your own. In an uncontested divorce, both of you agree on how to divide your assets and debts, who gets custody and pays child support, and whether one spouse needs to pay spousal support to the other. Obviously, an uncontested divorce will be faster and simpler. But even a divorce that starts with major disagreements can be worked out if you choose to make it that way, and the majority of cases do settle.

If you're in the United States, ask your lawyer if you're eligible for a "summary" divorce. This is a simpler and faster divorce process which involves less paperwork, fewer court appearances, and less time in negotiation. However, this will only work if your marriage was relatively short and if you have no children, little property, and no intention to seek spousal support. In Canada, the closest would be an uncontested divorce or a joint application.

Motions

If you need to readjust certain arrangements during the divorce process — such as custody, visitation, or support — you can initiate this by filing a motion with the court. Next, a short hearing takes place in which the lawyers representing you and your spouse present their cases before the judge. In most cases, only the lawyers are permitted to speak. However, if you are going the Do-It-Yourself route in your divorce (a path that's only recommended for very simple divorce cases), you will be able to represent yourself in this hearing. Once the judge makes a decision on the matter, the regular process continues as before.

Litigation or Negotiation?

If your divorce is contested, you and your spouse must decide how to resolve your divorce. Will you fight it out through adversarial litigation, or can you set aside personal feelings long enough to negotiate outside of court? If you want to avoid the "divorce from hell", Alternative Dispute Resolution (ADR) methods, such as arbitration, mediation, and Collaborative Divorce, have become popular means of settling divorce in a cooperative environment with reduced stress and expense. Some states have made mediation compulsory in the divorce process.

Talk to your lawyer (and to your spouse) about the different options. For more information on divorce mediation, please go to www.divorcemag.com/articles/Mediation. For information on Collaborative Divorce, please go to www.divorcemag.com/articles/Collaborative_Law.

Trial

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

Generally, you and your spouse each tell your respective side of the story before the judge (and the public). You take the stand, and your own lawyer asks you questions that prompt you to explain your side — and then your spouse's lawyer has the option of cross-examining you or challenging the

validity of your perspective. The same goes for both sides' witnesses (both personal and professional): each of you dukes it out through conflicting testimony and attempts to make your respective case look more believable. Finally, the judge — a stranger who only knows you through what he or she has seen in court — weighs all the evidence and makes all the final decisions.

The Issues

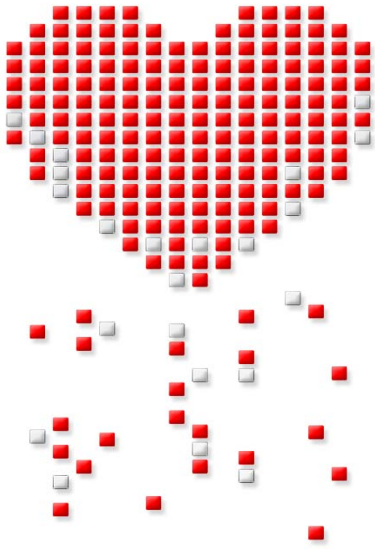
- **Money and property:**
  Who gets what? What items and accounts legitimately belong to you? Who should keep the marital home? Who gets which car? How about the cottage? The family business? The pets?

  Many states classify property owned by the spouses as "marital" or "separate" — the latter meaning that the property belonged to one spouse before marriage or was a gift to one spouse. The goal of property division is "equitable distribution" — meaning an even division of assets and debts. If you negotiate asset division with your spouse directly, be clear about which items are high priorities to you and which ones you would be willing to let go.

  The more financially complicated your divorce, the longer this will take, and you'll likely need an accountant, a business valuator, a Certified Divorce Financial Analyst, a Financial Divorce Specialist, or a financial planner to make sense of all the assets involved. For more helpful articles, go to www.divorcemag.com/articles/Financial_Planning.

- **Child and spousal support:**
  Often referred to as "alimony" or "maintenance," spousal support is a monthly amount of money that a financially advantaged divorcee can be ordered (or agree) to pay their ex-spouse, to help maintain a lifestyle to which the latter has become accustomed. Ask your lawyer whether you're eligible for spousal support — and if so, don't be afraid to take it. The purpose of spousal support is not to punish your ex but to maintain your lifestyle.

  Child support is what a non-custodial parent regularly pays to the custodial parent in order to support the children from the marriage. This way, both parents can financially contribute to bringing up the children, even if one isn't present on a regular basis. For more helpful articles, go to www.divorcemag.com/articles/Child_Support.



- **Child custody and visitation:**
  One of the most important decisions is where and with whom the children will live. Is joint custody in their best interests, or should they live with one parent full-time with regular visits with the other? Unless your spouse is abusive, both of you should work together to create an agreement in which you both get a fair share in raising your children.

  Custody battles in court are usually full of character slurs and accusations that are emotionally traumatic for you — and more so for the children. For more articles, go to www.divorcemag.com/articles/Child_Custody.

The Waiting Period

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

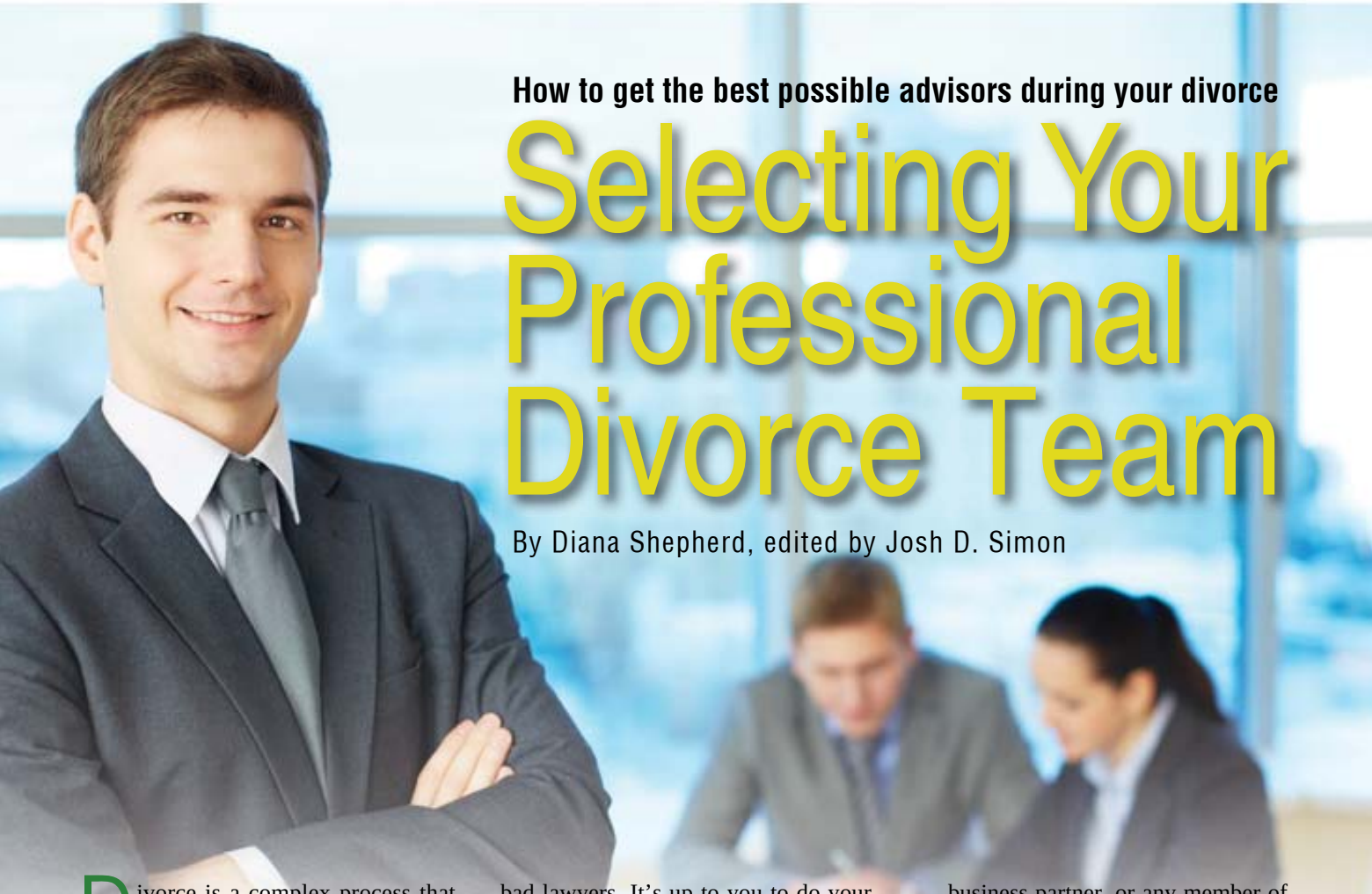
The Divorce Judgment

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

The divorce process is complicated, and this brief summary doesn't touch on what an emotional rollercoaster ride a divorce is. It's a wrenching experience that can cost a lot of money and upset your lifestyle in profound ways; it can also damage your children's psychological growth if you and your spouse don't consider their well being and act in a way that supports an amicable divorce. But once it's done, you're free to start over — so the sooner you get to the end, the better for all involved. Consult the necessary divorce professionals (family lawyers, divorce mediators, Certified Divorce Financial Analysts, accountants, therapists, etc.) to find out how to make your divorce process as quick and painless as possible.

Jeffrey Cottrill is the former Managing Editor of Divorce Magazine. *Josh D. Simon is a writer for* Divorce Magazine.

For more articles, and a more in-depth explanation of each of the subjects covered in the divorce process, visit www.divorcemag.com/articles/Separation_Divorce_Process.



How to get the best possible advisors during your divorce

Selecting Your Professional Divorce Team

By Diana Shepherd, edited by Josh D. Simon

Divorce is a complex process that affects just about every aspect of your life: financial, emotional, physical and legal. Unless you've been married for only a short time and have no property, assets, or children, you'll probably need the advice of more than one divorce professional to help smooth the road ahead of you. You will need expert services from one, some, or all of the following professionals: lawyer, mediator, accountant, divorce financial specialist and therapist. While each of these professionals can help you through a challenging transition period, finding the right ones can be stressful.

Here's a guide to help you choose the best possible advisors to support you with your divorce. At the end of this article, you'll also find a list of useful questions to ask these professionals when you interview them.

Selecting a Divorce Lawyer

Choosing a lawyer may be the most important decision you will make during your divorce. As in any profession, there are good lawyers and bad lawyers. It's up to you to do your homework and to ask the right questions to determine which group your lawyer belongs to (a list of questions to ask a potential lawyer is provided at the end of this article). Look for a lawyer who:

- Practices family law. A lawyer who specializes in taxation isn't going to be much help to you.
- Has experience. Make sure your lawyer has practiced family law for a while, and find out if they have written books or lectured/mentored other family lawyers.
- Is a skilled negotiator. If your case can be settled without a protracted court battle, you'll probably save a great deal of time, stress, and money.
- Is firm. If you end up going to court, you don't want your lawyer to crumble at the first obstacle.
- Is reasonable. You want someone who'll advise you to settle if the offer is fair, and not have the case drag on to satisfy the need to win.
- Is not in conflict with your best interests. Do not share a lawyer with your spouse, or hire your spouse's best friend (even if this person is a friend of yours, too), business partner, or any member of your spouse's family to represent you — even if you're on good terms with them. Aside from the obvious conflict of interest, you'll likely create enemies and spark a family feud before your divorce settles.

Selecting a Divorce Mediator

With mediation, you, your spouse and a third-party mediator work together to negotiate how to live successful lives apart. Mediation can save time and money, and is usually less emotionally damaging than a full-blown court battle. Together, you and your spouse work out an agreement you can both live with from the same side of the mediation table, rather than opposing sides of the courtroom.

Mediation is not an option in all divorce cases. However, when both parties are willing to look at the issues instead of the emotions that cloud the issues, mediation is worth a try. Statistics show that when a case is negotiated through a mediator, the parties tend to stay out of court in the future.

Another benefit of a mediated settlement is that you and your spouse will learn powerful new communication techniques, which is particularly important if you have children or share business interests.

Mediation doesn't normally eliminate the need for a lawyer, and your lawyer will have to approve any agreements made by you and your spouse before they become legally binding. However, the mediation process can speed up negotiations because you and your spouse communicate directly instead of through a "broken telephone" chain from your spouse, to your spouse's lawyer, to your lawyer, and then finally to you. Many family law practitioners are also trained mediators, and so finding a mediator may simply be a question of asking your lawyer about his or her qualifications.

Selecting an Accountant

A Certified Public Accountant (CPA) can handle many of the financial matters of your case. His or her responsibility is to calculate you and your spouse's net worth, and to produce figures that are agreeable to both you and the courts. There are a number of different accreditations given to accountants, and you'll find these designations after their name. Wading through the differences between someone who is a CFE (Certified Fraud Examiner) or a BCFE (Board Certified Forensic Examiner), or a member of the ASA (American Society of Appraisers), or a member of NACVA, (National Association of Certified Valuation Accreditation) may seem a daunting task, but by doing a little research, you'll come to understand what you need to know. If you think your spouse is hiding assets, a forensic accountant could be helpful. If you and/or your spouse own your own one or multiple businesses, a business valuator will be important to value company assets and company goodwill.

You could ask to be introduced to an accountant through your lawyer. These two members of your divorce team may have to work in tandem from time to time, so it's beneficial to find someone with whom your lawyer is familiar. You can also ask your personal accountant (if you have one) to suggest someone who has a matrimonial background, but be sure to check his/her prior experience.

It is up to you to do your homework and to ask the right questions to determine who is right for you.

Selecting a Divorce Financial Specialist

When your marriage has dissolved, and even during the divorce process itself, you may want to employ a financial expert who has been specially trained in issues that pertain to separation and divorce.

Certified Divorce Financial Analysts (CDFA™) tend to be financial planners or accountants who have completed the Institute of Divorce Financial Analyst's training. Equipped with the specific training on handling divorce cases, a CDFA™ can analyze settlements in the context of your long-term financial situation and inform you of the ones that appear fair and equitable on the surface, but will not stand the test of time. A CDFA™ can also reduce future uncertainty by forecasting the financial impact of alternative settlement proposals. For instance, a CDFA™ can tell you what the financial consequences will be of keeping your home instead of selling it. A CDFA™ can work with your lawyer and provide the financial data required to support your case.

Additionally, a CDFA™ can help you with budgeting, or assist with tax, estate, or retirement planning. He or she will help you organize your financial future by proposing a personalized plan with a time horizon, and a solid investment strategy to help you move towards financial stability after your divorce.

You'll also need valuations or other paperwork detailing property owned by you and your spouse (together or separately), and everything else from the contents of a safety deposit box to the cars. And while you'll be dealing mainly with "big ticket items," if something is very important to you, make sure it's on your list. If a business is involved, brokerage statements or corporate minute books will also be required.

Basically, your accountant or divorce financial specialist needs to see any major paperwork that involves the transaction of money for both you and your spouse.

Selecting a Therapist

A therapist can help you deal with the various emotions that could get in the way of negotiating a divorce settlement. During your separation, you may experience grief, anger or depression. Also, until you achieve an "emotional divorce," you won't truly be free to create a fulfilling new life. A qualified therapist can help you work through the issues that are holding you back and keeping you stuck in the past.

However, the process of finding the right therapist can be a frustrating one. Anyone can call him or herself a "therapist" regardless of background or training, so do your due diligence to find someone competent. A therapist with an "MD" after his/her name is a psychiatrist; one with a "Ph.D." is a psychologist. If you see the letters "MSW," it means this person has a master's degree in social work, while an "LCSW" is a Licensed Clinical Social Worker. If possible, choose a therapist who specializes in marriage and divorce.

Setting realistic limits and goals is an important part of the therapist's services. Good therapists are willing to listen, but they don't always have to agree with you. A good therapist will encourage questions that indicate you're interested in your own recovery. As you glance around the therapist's office, try to imagine yourself coming here every week for several months.

Remember, it can take three to five sessions before you have a clear idea of whether this therapist is the right one for you. However, if after this period you don't feel right about the relationship, then trust your inner voice, thank the therapist for his/her time, and interview the next candidate.

What to Ask Your Prospective Lawyer

- What percentage of your cases go to trial? (You may want to choose a lawyer with a low percentage here: a good negotiator who can settle your case without a long, expensive court battle. A good trial lawyer may be necessary if every indication is that nothing could possibly be settled outside of a courtroom.)
- Are you willing and able to go to court if this case can't be settled any other way?
- Who will be handling my case: you, an associate, or a combination of senior and junior lawyers and paralegals?
- Should I consider alternative dispute resolutions, such as mediation?

What to Ask Your Prospective Accountant, Financial Advisor, Mediator, and Therapist

When you first meet the divorce professional you may hire, you should be prepared with some well thought-out questions. Here are some suggestions of what to ask:

- What is your training, experience, credentials and affiliations?
- How long have you been working in this field?
- Do you serve divorcing people exclusively? If not, what percentage of your work involves divorcing people?
- How much direct experience do you have dealing with cases like mine? (This is an especially important question if there are aspects that make your divorce unique.)
- How many times have you been to court? These professionals may be testifying on your behalf, so you want someone who has experience in the courtroom. If possible, find out how these cases turned out.
- Have you worked with many family lawyers? Ask for a few references, and call them.
- What is your approach? Do you have any biases? (We all have certain viewpoints, which cloud our judgment, and professionals are not exempt. If you have children, you should ask if this professional has any strong views about the role of mothers or fathers, or about the care of children.)
- Will you keep our communications confidential? Can I call you between scheduled meetings? If so, do you charge for these calls?
- Do you require a retainer, and if so, what is it? Is this fee refundable? What is your hourly fee? What are your payment terms?
- Approximately how much will your services cost? (The professional will only be able to provide an estimate based on the information you provide and your realistic estimation of how amicable you and you spouse are. If you think your case is extremely simple, but your spouse's lawyer buries your lawyer in paperwork, you can expect your costs to increase.)
- What do you think the outcome will be? (Remember, you're looking for truthfulness here, not to be told a happy story.)
- If your spouse has retained professionals of his or her own (and you know who they are), ask if they are familiar with any of them.
- How long will this process take? (Again, the answer will be an approximation.)
- What are my rights and obligations during this process?
- What are your hours? Do you work any evenings or weekends?
- How accessible is your office (close to parking, public transport; wheelchair accessible; etc.)? Is it located in a safe neighborhood?
- What happens next? Do I need to do anything? And when will I hear from you?

Indeed, the path of divorce is typically a challenging one on many levels. The decisions you make now will affect your long-term future, and that of your children. By using the guidance and questions above to choose the right professionals, you'll not only make your divorce easier, less expensive, and less stressful — you'll also empower yourself to successfully start your new life after divorce.

Diana Shepherd is the former Editorial Director of Divorce Magazine. *Josh D. Simon is a writer for* Divorce Magazine.

SAFE HARBOR

By Diana Shepherd, CDFA™

Here's help navigating the financial dangers of divorce so you'll reach safe harbor: a financially sound future.

While you were married, you and your spouse were both co-owners of the "business" called your marriage. Like any business owners, you accumulated both assets and liabilities. Maybe you bought a house, a car, a cottage, some furniture. One or both of you earned income, maybe put some money aside for retirement. In addition to mortgage and car loans, you might also have accumulated some credit-card debt. Maybe one or both of you had a bad year — you got sick, or your spouse was laid off — and your financial troubles were the final straw in an already troubled relationship.

Whatever your own reasons were for ending your marriage, money is going to play a big part in your divorce process. Since property division on divorce is a state or provincial matter, there are regional differences when it comes to dividing the marital pie. You'll need to ask your lawyer about the rules governing property division in your area, but here are some general rules to get you started.

Marital vs. Separate Property

The first thing to know is that there are two kinds of property: Marital and Separate. Anything that is marital will go into the marital pie that's going to be divided; anything that's separate property will not. The distinction between the two is a gray area and should be discussed with your lawyer, but here's how most courts typically define separate property.

Separate property is anything that was gifted during the marriage, inherited during the marriage, or brought into the marriage and kept in either spouse's separate name. Everything that is not considered separate property is considered marital — no matter whose name it's in. Let's take a look at some examples.

Eight years ago, Susan's Aunt Virginia passed away and left Susan $150,000 in her Will. Susan placed the money in a bank account in her separate name, which means that the money she inherited is her separate property and not up for division now that she's getting divorced. But what if Susan had taken her $150,000 inheritance and used it to pay off the mortgage on the marital home? She could ask her lawyer to try to subtract $150,000 from the marital portion, but the courts are likely to rule that the inheritance became marital property when she invested it in the home. As a general rule, separate property can become marital property if it is "commingled" (e.g., if Susan had put the inheritance into a joint account with her husband Bill rather than one in her name only), or by making a "presumptive gift to the marriage" (e.g., using the inheritance money to renovate the kitchen, or to take the family on vacation, or to buy a motor-boat that the family all enjoyed at the cottage).

So if Susan kept her inheritance completely separate, it remains her separate property. But what about the interest the original inheritance earned — is that her separate property, too? Probably not: any increase in value on the inheritance (or any other separate property) is considered marital in most areas. So if that original $150,000 had grown to $175,000 at the time of her divorce, the $25,000 in growth might be considered marital, depending on local law.

When Sara and Frank got married 10 years ago, Frank moved into the house Sara had inherited from her parents. She was in love, so she told her husband Frank: "What's mine is yours and what's yours is mine." So she changed the title on her house from her name alone to both of their names. Even if Frank husband never contributed a dime to the upkeep or maintenance of the house, in most areas, the house will likely be part the marital pie and up for division now that they're getting divorced. In some areas, the marital home is treated differently than other assets; even though Sara owned the house before she got married, the mere fact of Frank's moving in would have turned the home into a marital asset — whether or not Sara had put his name on the title. This is not true in all states and provinces, so make sure to ask your lawyer about how the marital home is treated in your area.

The general rule is that everything that either of you earned, purchased, or saved during your marriage is marital property, which must be divided with your spouse when you divorce.

Let's look at one more example. Don was the saver in the family, and during his marriage to Joan, he automatically deducted $100 from each paycheck and placed it in a high-interest account in his separate name. Do you think the money in that account is marital or separate property? It's marital, because everything Don earned during his marriage is marital property regardless of whose name is on the account.

The general rule is that everything that either of you earned, purchased, or saved during your marriage is marital property, which must be divided with your spouse when you divorce.

The Marital Home

In many divorces, one of the biggest questions is what to do with the marital home. Should the wife get it, should the husband, or should they sell it and split the proceeds? What if the house is "underwater" — meaning that the householders owe more on their mortgages than their houses are worth?

In a normal economy, couples typically build equity in their homes; if they decide to divorce, they would usually divide the equity they had built by selling the house or by one partner buying out the other's share. But these days (due to economic factors beyond divorcing people's control), many couples own houses that neither spouse can afford to maintain on his/her own, and that they cannot sell for what they owe. With the housing market still struggling in many areas, what used to be one of a couple's biggest assets has turned into a liability.

Before the recession, there were generally two main options for the home:

1. One spouse stays in the house (with the children, if any) and buys the other spouse's share.
2. The spouses sell the house during or after the divorce process and split the proceeds.

Now, let's look at today's reality.

.../CONTINUED

Avoiding the Rocky Shores

Here are ten tips to help you avoid some of the common financial mistakes of divorce.

1. **Negotiate a reasonable settlement.** Get some advice from a CDFA professional to make sure you'll be able to live with the financial terms of the settlement — now and into the future.

2. **Don't live beyond your income.** Reduce your expenses — or increase your income — so that you're always putting something aside for a rainy day. Ask your financial advisor for help creating a budget if necessary.

3. **Consider whether you can afford to keep the family home.** Ask your financial advisor whether you can truly afford it, and ask him/her to show you what cash you'd have available for investment if you moved to a smaller home.

4. **Identify your priorities — what you can and cannot live without.** Make a short list of "Must-Haves" and be prepared to compromise on everything else. Look at the big picture; is this asset best for your situation?

5. **Don't forget about retirement.** Make sure you keep some retirement assets as well as some liquid assets in your settlement.

6. **Become debt-free ASAP.** Try to negotiate taking on as little debt as possible in your divorce settlement. Also, use debt sparingly, and avoid maintaining balances on credit cards.

7. **Get a copy of your credit report.** If you have not established your own credit rating, get a credit card in your name, use it sparingly, and pay it off in-full and on-time every month.

8. **Know what you have — and what you need.** Start by collecting statements for all your financial holdings and put together a list of your assets. Note the value of each asset, and who owns what portion of it.

9. **Expect your income to drop post-divorce.** If you were barely getting by on two salaries while you were married, don't expect to "get rich" because of divorce. Even if you were doing OK during your marriage, the income you used to share must now fund two separate households.

10. **Settle out of court if at all possible.** Don't spend months and thousands of dollars fighting over furniture, appliances, or other personal items.

In some cases, keeping the home can be a big mistake — a mistake that could lead to financial ruin.

In a recent survey of Certified Divorce Financial Analyst™ (CDFA™) professionals across the U.S. and Canada, 67% of respondents stated that the current housing market has forced them to come up with creative solutions to property-division problems when the matrimonial home fails to sell — or would sell for less than what clients still owe on the mortgage. The most common solution is for ex-spouses to retain joint ownership and continue to live in the house (often, he moves into the basement and she lives upstairs) until the market improves, agreeing to postpone final division of assets until after the house is sold. Other common solutions include:

- Renting the house to a third party until the house can sell for more than the debt.
- One ex-spouse stays in the house until the market improves.
- "Birdnesting". The ex-spouses retain joint ownership of the home, they rent a small apartment nearby, and each one alternates living in the house with the kids and in the apartment on his/her own.
- One ex-spouse stays in the house and pays rent to the other until the market improves.
- Structure two levels of spousal support: before and after the house sells.
- Agree to sell the home at a loss, share the loss, and move on with their lives.
- Short-sale, foreclosure, or bankruptcy.

If you and your spouse have agreed to continue to own the house together for a period of time post-divorce — for instance, until your children reach a certain age, or until the market recovers and they can at least break-even on the sale of your home — but only one of you is going to continue to live in the home, then you'll have to negotiate who pays for what until the house is sold. In many cases, the person who remains in the home pays the mortgage and taxes and may get some credit for any reduction in principal on the mortgage from the date of the divorce until the date that the home is sold. If the mortgage payment is similar to what the other person has to pay in rent, then they might agree that the person who stays in the home gets no credit for reducing the principal since he/she is enjoying the benefits of living in the home. Major repairs are usually divided between the parties — either at the time of the repair, or by reimbursing the person who has paid for the repair over time or when the house is sold.

Hopelessly Devoted

At times, some people — mostly women — are determined to stay in the marital home no matter what. It's the place where their children were born; they decorated it with loving care over the years; it represents security and familiarity in the rapidly-shifting landscape of divorce. In some cases, keeping the home can be a big mistake — a mistake that could lead to financial ruin. We've seen people willing to give up their share in their spouse's pension, joint investments, or savings accounts in order to keep the house. But if you can't afford to cover the mortgage, taxes, repairs, and maintenance on your own — without dipping into your savings or retirement accounts — then keeping the home may be a decision you'll come to regret. Talk to your CDFA™ professional about what your financial future will look like if you keep or if you sell the home before making your final decision.

Create a Budget

It is absolutely crucial to develop a realistic post-divorce budget so you'll know what you need — and whether the property division and spousal or child support payments (if any) will cover these needs. To do this, you'll need to determine the income and expense for both you and your spouse and also try to estimate what both of your expenses will be after the divorce is final. This is a difficult task for many people — especially if you were not the spouse who handled the family finances while you were married. A CDFA™ professional can help you to develop a budget and figure out your cash-flow needs — and also let you know if you're steering towards financial security or disaster. Working with a CDFA™ pro allows you to see both the short-term and long-term financial effects of accepting "Settlement A" vs. "Settlement B", which will help you to make better financial decisions at a difficult time.

Go to www.institutedfa.com/Public.php, click on the "Checklists/Worksheets" tab, and download a copy of the "IDFA Monthly/Annual Expense Worksheet" to help get you started. While you're there, check out the other useful checklists and worksheets you can use to help you figure out the financial aspects of your divorce.

Co-founder and former Editorial Director of Divorce Magazine, *Diana Shepherd is currently the Director of Marketing for the Institute for Divorce Financial Analysts™. For more information about how a CDFA professional can help you with the financial aspects of your divorce, call (800) 875-1760, or visit* www.InstituteDFA.com.

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Tips for keeping your legal fees down and getting the best possible outcome.

How to Work with Your Divorce Lawyer

By Diana Shepherd, with notes from Josh D. Simon

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

What Your Lawyer Needs to Know

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

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

make sure your short-term goals for property, other assets, custody, visitation, and support are consistent with that future.

What Your Lawyer Expects from You

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

Your lawyer will expect to be paid on time and in full. If your financial situation is bad, your lawyer may be able to create some kind of payment plan. If you're broke because your ex cleaned out the bank account, your lawyer can file motions asking the court to grant temporary orders for child or spousal support, custody, payment of your lawyer's fees, etc. And if you suspect your divorce might get nasty, ask your lawyer about filing orders to protect you and/or your kids — financially and physically.

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

- Don't call your lawyer outside of work hours unless it's an emergency.
- Don't burden your lawyer with your emotional issues; hire a therapist for that.
- Always tell your lawyer the truth, even when it's unpleasant or unflattering to you.
- Be realistic. Don't expect your lawyer to behave like the heroic lawyers on TV or in John Grisham novels.
- Don't blame your lawyer for the system or expect him or her to change it.

If you don't abide by these tips, your lawyer may want to quit your case. This may also happen if you don't communicate properly, if you continually don't follow the lawyer's advice, or if you don't pay your legal bills. But if you're cooperative and reasonable, it's more likely that your lawyer will trust you and work hard on your behalf.

However, your lawyer may keep representing you even if you inadvertently annoy him or her — if only because you're still paying him or her to work for you. Or maybe your lawyer is just too polite. If you detect impatience or weariness in your lawyer's tone or body language, consider whether you're burdening him or her with too many complaints about your spouse, or whether you're wasting time by asking a lot of obvious questions or by venting your frustrations. It's also possible that you did something to hurt your case strategy, such as mentioning something to your spouse (or your spouse's lawyer) that should have been kept secret. Perhaps your last check to the lawyer bounced, or maybe you were rude or unprofessional to one of the firm's paralegals or secretaries.

How well your partnership with your lawyer works can have an enormous effect on your divorce and legal fees.

If you think you may have annoyed or angered your lawyer, ask if this is the case. If you have done something wrong, apologize for it; if there has been a misunderstanding, clear it up immediately. It's important that you and your lawyer maintain a strong, trusting relationship in order for you to get the best possible representation — and to achieve the best possible outcome.

What You Should Expect from Your Lawyer

From the day you hire your lawyer, you both should have a clear understanding of what you need and expect from each other. Ask for a written agreement that details the terms of your lawyer-client relationship. If he or she won't provide one, find another lawyer.

After learning about your case, your lawyer should create a strategy. Be aware that this plan may change along the way, depending on what your ex and his or her lawyer does.

Your lawyer should clearly explain all your options, and offer advice regarding the best paths to follow, but respect your wishes if you strongly disagree with a suggested course of action. If you find yourself in constant disagreement with your lawyer, either you've chosen the wrong person or you're being unreasonable. Consider your motivations and actions to see if you're refusing your lawyer's advice for purely emotional reasons.

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

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

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

Diana Shepherd is the former Editorial Director of Divorce Magazine. *Josh D. Simon is a writer for* Divorce Magazine.

For more financial articles to help you with your divorce process, visit www.divorcemag.com/articles/Divorce_Lawyers.

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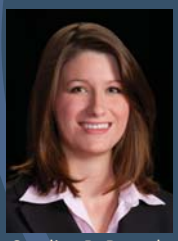
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Patricia Carter has over 14 years of family law experience and is board certified in family law by the Texas Board of Legal Specialization. A fellow of the American Academy of Matrimonial Lawyers, Patricia Carter was named a "Rising Star" (2004-2008) and "Super Lawyer" (2008 – 2012) by *Texas Monthly* magazine.

Adam J. Morris is also board certified in family law by the Texas Board of Legal Specialization and has over 10 years of family law experience. Named a "Rising Star" by Texas Monthly magazine (2005-2012), Adam J. Morris specializes in cases involving complex marital estates.

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An Introduction to Divorce Mediation

Mediation is a viable option for couples who want to avoid the adversarial divorce process.

By Josh D. Simon

For many people, the word "divorce" conjures up a stressful — even nightmarish — scenario where spouses battle it out in court and attempt to destroy each other's character and credibility. But it doesn't have to happen to you, and one of the ways that you and your spouse can survive the experience and preserve your finances, self-respect and relationships is through a consensual dispute resolution (CDR) known as divorce mediation.

What is Divorce Mediation?

Divorce mediation is a process in which you and your spouse work with a neutral 3rd party divorce mediator to reach a settlement. There is no time limit to the mediation, which is welcome news for spouses who need more than a few sessions in order to clarify their goals, views and expectations. There is also no limit as to what issues can be mediated (such as spousal and child support, assets, visitation, and so on) but, ultimately, all decisions must be deemed legal and appropriate by the courts in your jurisdiction.

And speaking of jurisdictions: different jurisdictions impose various rules and procedures for divorce mediation. In fact, some jurisdictions make it mandatory for spouses to learn about divorce mediation upon filing for divorce, in the hopes that they'll amicably settle their differences outside of court.

It's beyond the scope of this article to itemize all of the different rules and regulations in each jurisdiction. Suffice to say that divorce mediation is an approach that some couples have relied upon to make their divorce journey relatively smooth and even — believe it or not — peaceful and productive.

The Benefits of Divorce Mediation

Some of the broad benefits of divorce mediation have already been mentioned — including the most important of them all: it's not court!

There are many other key benefits that are worth highlighting; especially in light of what's at stake during divorce, and how quickly things

can unravel and become nasty (or worse). These key benefits include:

- **Divorce mediation can save you money.** If your divorce winds its way through court, you can count on huge legal bills, plus other experts that you'll need to bring onto your team (financial experts, child care experts, etc.). Divorce mediation isn't free, and you still may need to bring in expert legal and financial expertise, but it is normally less expensive than litigation.
- **Divorce mediation can save you time.** Unless your divorce situation is incredibly simple (i.e. you have no children, few shared assets, and both you and your spouse are eager to put the marriage in the rear-view mirror ASAP), then be prepared for a relatively lengthy process. But with mediation, you and your spouse can reduce the time involved if you prioritize your goals, put your emotions aside, follow the guidance of the mediator and negotiate in good faith.
- **Divorce mediation is fair. Mediation doesn't promise an ideal, happy win-win outcome.** That's unrealistic. However, a trained mediator can even out the level of the playing field by ensuring neither spouse will overpower the other with emotional or financial control. A skilled mediator will diffuse emotions and show you how to focus on your common goals and resolve your differences. This way, neither of you feel railroaded into accepting an offer. On some issues, you'll bend a little. On other issues, your spouse will do the bending.
- **Divorce mediation is private.** This is a benefit that many spouses don't pay much attention to (or don't know about) until they wind up in court and are forced to state — on the public record — personal and financial information that they likely wouldn't even dream of telling their closest friend. Information about affairs, about substance, alcohol, physical and emotional abuse, about addictions, about their financial settlement… and so on. With divorce mediation, while these aspects may indeed come up, the information is kept private and your personal information is destroyed when the process is finished.
- **Divorce mediation can broker better long-term solutions.** When you and your spouse co-create solutions on everything from alimony to visitation to who gets the family dog, there's a greater chance that you'll both be satisfied with those solutions in the long-term future. Compare this to having a decision imposed on you by a judge — which can be shocking and hard for you to accept.
- **Divorce mediation can preserve your relationships with your spouse and your children.** During mediation, you and your spouse will learn how to communicate and negotiate without being adversarial. This is invaluable training that will be useful even after the divorce, especially if you have children. Studies have shown that, contrary to popular belief, divorce itself doesn't necessarily have a negative or even a traumatic impact on children. Rather, it's how parents behave during and after divorce that deeply influences children. Mediation helps you and your spouse put your personal agenda aside and co-create a parenting plan that's best for you and your children. Indeed, as the old saying goes, "marriages may end, but families continue." Divorce mediation can help make this old saying be something that you appreciate, rather than dread!

How do I Know if Divorce Mediation is for Me?

Divorce mediation is not for everyone, or every divorce situation. And while there's no hard-and-fast set of rules or consistent "checklist" to tell you if divorce mediation is a viable option for you, here are some situations when divorce mediation will work best:

- **When you and your spouse can communicate reasonably (or are at least willing to try).** Keep in mind that, by no means do you and your spouse need to get along in order to attempt divorce mediation. You just need to be willing to communicate and, to some extent, exit your comfort zones and work together towards a shared goal: the fair dissolution of your marriage.
- **When there is a basic level of trust between you and your spouse.** At any time, during mediation, you or your spouse can get up from the table and march into court. Obviously you want this to happen only as a last resort, and not at the first sign of stress, tension or trouble. Remember, divorce mediation isn't as brutal as court (which is adversarial by its very nature), but it's no picnic either. Be prepared for some ups and downs, and be willing to really give it an honest try before giving up.
- **When you're honestly prepared to end the marriage.** This may seem like a very strange point, but there are many couples who, fundamentally, don't want to get divorced. And so they end up viewing the divorce mediator as a marriage counselor. This is an extreme mistake. Divorce mediators are not trained to patch up a marriage. They are focused on helping both parties co-create fair, reasonable and acceptable resolutions as part of the dissolution of the marriage.

What are My Next Steps?

If you believe that divorce mediation could be an option for you and your spouse, here are your next steps:

- Read more on divorce mediation to deepen your understanding of this consensual dispute resolution option. You will find plenty of articles here: www.divorcemag.com/articles/ Mediation and divorce mediation FAQs here: www.divorcemag.com/faq.
- Speak with a divorce mediator in your area to learn more about how the process works in your jurisdiction. You'll find local mediators here: www.divorcemag.com/findprofessional.php.

Josh D. Simon is a contributing writer for Divorce Magazine.

Rules for Divorcing with Children

Doing it with dignity and grace while raising happy, healthy, well-adjusted children.

By Melinda Roberts

There's no easy way to divorce with children; you have to learn by doing. You can start by putting their confused, fragile hearts and minds first, and doing your best to build a new life for all of you without destroying one another in the process. However, you must try for the sake of the children to treat your ex exactly as you hope your ex will treat you. This is critical for your children to have any chance for a future that includes a loving, healthy, adult relationship of their own.

Your children can't help feeling that if either parent is perceived as bad, then part of them must be bad. They will internalize whatever you project to your ex, so project your best side. Try to have a divorce characterized by dignity and grace, at least with regards to the children.

Decide How, When, and Where to Break the News

We told our children during snuggle time in bed, when everyone was feeling safe and close. We didn't want a formal, nerve-wracking meeting where everyone sat with hands folded in laps.

We were lucky that we could cooperate about how to break the news. Not everyone will have that luxury. If you have any control over how, when, and where you tell the children, choose to do it lovingly, and with a united front.

- Plan ahead. Agree on what to say and not to say. It's not helpful for one parent to say it's temporary and the other to say it's permanent.
- Emphasize that it's because of discord between the parents, NOT because of anything the children did, said, felt, or dreamed.
- The children will argue. Given the choice between a happy parent in another household or an unhappy one under the same roof, nine times out of ten they will prefer you crying in the next room. This is not about giving them what they want, but about what will enable the family to function better.
- Emphasize that you will be a better team apart. Sometimes it's just not possible for two people to live together and be happy, or safe, or kind.
- Listen to the children. The decision isn't open for discussion, but feelings, fears, and logistics are.

Never Tell the Children Why You Divorced

You cannot get through a divorce without confiding in someone! Talk to your parents, family, friends, counselor, priest, or rabbi. Do not talk about it to your children.

If you tell the children something other than what you've negotiated with your co-parent, they will forever have tremendous difficulty reconciling competing "truths" and so will distrust all of them. Deep down, most children think they could have done something — anything — to make things turn out differently. You do not want to burden them with something beyond their understanding. Even your adult children will not want to know the gory details.

Live Nearby

If you cannot give your children togetherness, then please try to give them proximity. When I divorced, my ex husband rented a house one mile away, but even then it was heart-wrenching for our children to go from one home to the other. He and I now live fifteen miles

apart and still share custody equally. We negotiate the drive between houses every couple of days. Both of us are willing to accommodate the kids' need for continuity in friends and activities. It consumes a lot of time, gas, and energy, not to mention sometimes annoying negotiating time, but they have learned that mom and dad are ALWAYS there.

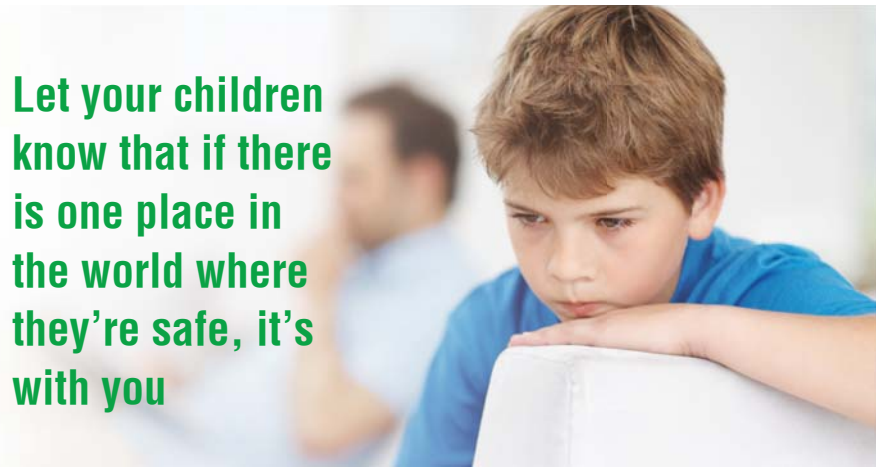
Arrange Things from the Children's Point of View

Each child has their own toolkit of feelings, defenses, self-comforting ways, and ways to get comfort from others. They especially have their own ways of getting comfort from their parents. These differences were there even before you decided to divorce. In your new setup as a separate household, make an effort to provide the same kind of outlets, ways of seeking comfort, ways of having fun, and ways to keep communication flowing between you and your children.

If you can, involve them in the process of arranging your new life without giving too much over to them. It's scary, overwhelming, and not fair to overburden them, but give them just enough input so that they don't feel completely left out.

Children crave structure, boundaries, and rules. Try to make the major rules the same in both houses, including chores, discipline, etc.

There are different schools of thought regarding what to do when the kids break rules that have significant consequences, such as grounding or loss of screen time. Some parents want a consequence to be carried over to the other parent's home if the duration is greater than the time remaining before they leave for the other home. Others believe it's not pragmatic to expect the other parent to carry out a sentence they did not impose. I personally believe that one should never assign a timeout one is not prepared to sit out, and that goes for toddlers on up to teenagers. Try to have some consistency in routines such as meal times, bath time, homework time, and play time. The worst that could happen is that the kids have to learn how to survive in each house according to that house's set of rules.



Remember: Children Sense All, See a Lot and Hear More Than You May Think

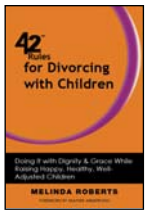
Your children see and hear far more than you can ever imagine. They talk about it together. They will also talk to others if they don't feel they can talk with you. If you are angry, bitter, and resentful, they are not going to feel safe opening up to you.

Progress may include sucking it up and being civil and cooperative with your ex's new partner. Your children will see it, appreciate it, and even relax a little knowing that you are able to put aside your differences so that they can have some semblance of a normal childhood.

Grow satisfied with your new life rather than waste time comparing your life to your ex's life. In one way or another, you each helped craft the circumstances leading up to divorce, and you must each do more work to craft new and better circumstances. Work to create your new and better reality while letting as little of those feelings as possible thwart your creation.

Resentment takes up space in your brain and in your heart. It hangs hugely on your back and doesn't look good on you. Pick a new direction, adjust your expectations, and go for it.

If you remember nothing else about this rule, remember this: your children may not always remember what was said, but they will always remember how they felt when they heard it.



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Letting Go

In order to move in a new direction after your divorce, you need to get rid of your old map.

By Diane Adkins

To get yourself pointed in the right direction, and to make room for wonderful things to come into your life, you need to learn to let go. This includes emotions, beliefs, possessions, and other 'baggage' that may be holding you back, or worse, pointing you in the wrong direction.

The Fear of Letting Go

Letting go is frightening for a number of reasons.

The first is change. People generally do not like change.

The second is fear of the future. The future, by definition, is unknown. This causes some people a lot of stress. This is especially true after a midlife divorce because your future is going to be drastically different than the one you had envisioned while married.

Third is fear of losing the important things and people in your life. Divorce will force you to make sacrifices of not only material possessions you have accumulated in your marriage, but it will also force certain relationships and friendships to end.

The important point to remember is that if you refuse to face these fears of letting go, you will not be able to know your deepest self, aspire to your life goals or even know who your real friends are.

Letting Go of the Ex

While it is commonly recommended to maintain a civil relationship with your ex, it is also important to set and maintain boundaries. In order for you to truly move on to your new life, it is critical that you learn to fully disengage yourself from any emotional, physical and even financial dependency with your ex.

You need to view your ex as just that — an ex. He/She is now part of your history — your past — and you do not live in the past!

Here are some of the important reasons why you need to let go of the ex:

Reason 1: It is difficult to get past the pain and the reality that comes with divorce if you choose to stay fixated on your ex, your marriage and your divorce.

Reason 2: By letting go of the ex, you will be able to focus on reconnecting with yourself emotionally.

Reason 3: The act of letting your ex go will help you avoid the habit of idealizing your marriage or your ex.

Reason 4: By letting go of your ex, the temptation to have sex with them will be removed.

Reason 5: By letting go of your ex during your divorce recovery, you will lay the groundwork for the possibility of becoming friends, or at least somewhat friends, in the future.

Reason 6: Letting go of your ex will allow you to heal any self-doubt and negativity you are harboring, and will give you the chance to work on a more positive outlook.

Reason 7: You need to let go of your ex if you ever hope to find a new relationship that may be better for you.

Reason 8: You must let go of your ex in order to grow from the woman you were before the divorce, into the woman you want to be.

In order to effectively cut the ties with your ex:

Only communicate with your ex when absolutely necessary — having a plumbing problem come up or wondering how to start the lawn mower is not an absolute necessity.

- Tell your ex that you need to sever the ties for a while, so that you can work on yourself and move on. This is called setting boundaries!

- Invest time in working on your personal development. Continue on and start looking forward to the new you and your new life.

Letting Go of Your Comfort Zone

Open yourself up to letting go of old habits, ideas and people that are not serving your best interests since your divorce. Make no mistake, it isn't easy to step away from people, habits or ideas that you have had for a long time and that are comfortable; however, choosing to cling to the past will prevent you from making the most of your life.

One way to embrace change and help you step out of your comfort zone is when you begin to see the good in every change. If you do this, eventually you'll be ready, willing, and able to expand your comfort zone.

Try these effective techniques to help you break free of the limits of your comfort zone:

- Think positively
- Take small steps
- Use your imagination
- Do something new
- Accept help
- Meet new people

Letting Go of Dysfunctional Habits

Part of the preparation in carving out your new life is to identify your dysfunctional habits. While most dysfunctional habits began to provide temporary relief from some sort of pain or suffering, they can subtract years from your life.

They include seemingly innocuous things — skipping meals, not getting enough sleep, obsessively searching the internet for information on divorce — to much more serious habits such as excessive alcohol consumption, smoking, taking stimulants or depressants.

In order to start letting go of these habits, you need to believe that you are worth the effort. The best way to do that is to substitute better habits. Start taking better care of yourself.

Letting Go of Your Limiting Beliefs

A limiting belief is your very own notion about you that holds you back from reaching your potential. Our beliefs dictate our behavior, and the behaviors we display over an extended period determine the quality of our lives.

This is not about believing in the impossible. To achieve most goals requires a mixture of belief, talent, age and innate intelligence. The bottom line is that to truly change your life you need to first discover, and then change, some of your limiting beliefs.

Examples of limiting beliefs include:

- Fear of embarrassment
- Guilt
- Resentment
- Remorse
- Most judgments
- Excessive self-induced pressures — all those expressed with 'oughts', 'shoulds', 'musts' and 'have tos'.

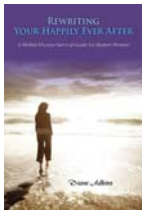
Limiting beliefs have a way of coming out, especially after you have experienced something traumatic — like a divorce — and they have a way of hanging around and blocking you from moving ahead with your life.

Choose Peace

One important aspect of letting go is the very decision you make to TRULY LET GO. To do this you need to consciously choose to be at peace with your marriage, your divorce and your ex, as well as your life right now. This will give you the freedom and ability to see the possibilities for a better future.

The behaviors we display over an extended period determine the quality of our lives.

This article was adapted by Divorce Magazine from the book *Rewriting Your Happily Ever After* ©2012 by Diane Adkins.



Diane Adkins is a master certified life coach, a certified NLP practitioner, author and speaker who works with women who have experienced a mid-life divorce. www.dianeadkinsauthor.com

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(888) 803-6667 Ext. 124

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CONTEST
for the Most Inspiring Divorce Stories, Art and Creation

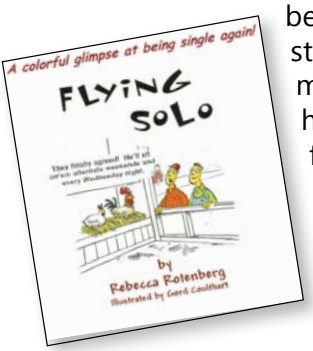
We are looking for stories of how people handled or are handling their divorce in an exemplary way, or how they or someone they know turn to paintings, music, humor, videos, movies, or any other form of creativity as part of their healing process. We accept entries by way of written words, images or videos.

The contest, which is free to enter, is designed to help people heal — regardless of whether their divorce journey is behind them, occurring now, or on the horizon.

View a video on this contest by clicking on the video or visit http://youtu.be/srxP4hMHPrM.

Winners and Award of the Contest

We will choose the top 5 entries, and each winner will receive a copy of Rebecca Rotenberg's *Flying Solo: a Colorful Glimpse at Being Single Again!*, a compilation of charming and funny cartoons that depict life after divorce. We chose this book because it is funny and is a demonstration of how the author used humor and art to help her heal after her divorce. (Learn more at www.flyingsoloagain.com.)



The 5 Winners will also have their entries featured in *Divorce Magazine* and on www.DivorceMag.com.

Our Mission

We are committed to having divorce be civilized and compassionate for everyone involved. And an important part of that process is to heal from the emotional and psychological wounds that are caused by divorce, whether it's one fraught with confrontation, or one that's relatively amicable. Divorce is never easy. By asking people to share their stories and creativity, we invite them to heal themselves — and help others. Our Publisher, Dan Couvrette, is someone who has included paintings in his own divorce journey. His paintings are featured at www.DanCouvrette.com.

How to Enter

All entries can be sent by email to editors@divorcemag.com. Individuals who wish to enter *Divorce Magazine*'s contest can submit divorce stories of up to 600 words about their own divorce, or about someone else's, such as a parent, friend or relative along with related artwork, music or videos.

Details of this Contest

This **contest closes May 31, 2013**, and the winners will be contacted by June 30, 2013. Divorce Magazine reserves the right to edit and publish all entries. If you are submitting a story about someone else's divorce or creation, their names will not be published without their permission.

Free Monthly Divorce TeleSeminars

Attend this brand new series of monthly TeleSeminars designed to help those who are separated and divorced. This Teleseminar series will educate and empower you as you go through your divorce process and design a new life.

Expert Guest Speakers.

Each month, you will get quality and highly relevant information from judges, family lawyers, mediators, financial advisors, therapists, and other divorce professionals.

Free of Charge. Easy to Attend.

This TeleSeminar Series is hosted by Divorce Magazine with divorce professionals as our guest speakers.

These Teleseminars are free and no pre-registration is required. Just phone in and listen.

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DIVORCE MAGAZINE TELESEMINARS

Join Your Divorce Community

Aside from getting expert advice, there are times you may want to connect with real people who are going through their own divorce or have gone through a divorce. You may simply want to vent, ask some questions, get some support, share your thoughts, insights, tips or even inspire others through your own divorce story. If this sounds like you, join the Divorce Magazine Community online, where you'll connect with divorcing people 24/7 through the following:

Tell Your Divorce Story

http://divorceblog.divorcemag.com

You can post your divorce story as a way of healing or inspiring others who are going through a divorce.

Divorce Blog

www.BlogsOnDivorce.com

This blog features a wide range of bloggers who are seasoned divorce professionals, including divorce lawyers, judges, therapists, authors, financial advisors, etc. Read and comment on their posts and advice on relationship, separation, divorce law, and how to move on after divorce.

Divorce Magazine on Facebook

www.facebook.com/divorcemagazine

Join us on facebook where you will get daily posting from Divorce Magazine and be introduced to useful articles and engage in conversations from other divorcing people and divorce professionals.

Divorce Magazine on Twitter

www.twitter.com/divorcemagazine

Follow Divorce Magazine on Twitter and get the latest news on divorce and read inspirational quotes that will help you through this difficult transition.

DIVORCE MAGAZINE
DIVORCE MAGAZINE.COM

CEO/Publisher
Dan Couvrette, (866) 803-6667 Ext. 124
danc@divorcemarketinggroup.com

Editorial Director
Martha Chan, Ext. 136
marthac@divorcemarketinggroup.com

Advertising Sales
Divorce Magazine &
DivorceMagazine.com
Dan Couvrette, Ext. 124
Brigitte Habel, Ext. 126
brigitte@divorcemarketinggroup.com
Barbara Corrigan, Ext. 128
barbarac@divorcemarketinggroup.com

Contributing Editors
John P. Matias
Josh D. Simon

Art Director/Production/Webmaster
Gina Tan, gina@divorcemarketinggroup.com

Marketing/Client Services
Manos Filippou, Ext. 141
manos@divorcemarketinggroup.com
David Bareno, Ext. 123
david@divorcemarketinggroup.com
Tanoya Greaves, Ext. 125
tanoya@divorcemarketinggroup.com

Accounting
Bruce Cowen, bruce@divorcemag.com

Circulation Manager
Sophie Yussuf, Ext. 121
sophie@divorcemarketinggroup.com

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Divorce Magazine Canada
2255B Queen St. E., #1179, Toronto, ON M4E 1G3
Tel. (416) 368-8853
Fax (416) 368-4978

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Advisory Board

Divorce Magazine would like to thank the following members of our Advisory Board for their help in making Divorce Magazine and www.DivorceMagazine.com such valuable resources for our readers. Visit www.divorcemag.com/XX/advisoryboard.shtml.

Patricia M. Barbarito is a certified matrimonial lawyer. She is a partner in the NJ law firm of Einhorn, Harris, Ascher, Barbarito, & Frost and the former chair of the NJ State Bar Association (Family Law Section). She is a Fellow of the American Academy of Matrimonial Lawyers.
(973) 627-7300
lgerber@einhornharris.com
www.EinhornHarris.com

Mark Chinn is the author of *How To Build and Manage a Family Law Practice* and *The Constructive Divorce* and has published the book *Forms, Checklists and Procedures for the Family Lawyer*. He is a frequent speaker and writer on topics of law firm management, marketing and client service. He is listed in The Best Lawyers in America and Outstanding Lawyers of America.
(601) 366-4410
mark@chinnandassociates.com
ChinnAndAssociates.com

Joy Feinberg is a partner at Feinberg & Barry, a Chicago family law firm. She has contributed chapters to Illinois Family Law and Illinois Child Custody Litigation as well as authoring a tax chapter on divorce. She is a past-president of the Illinois chapter of the American Academy of Matrimonial Law-yers. Joy works extensively with business owners and high-paid executives going through divorces.
(312) 444-1050
joy@feinbergbarry.com
www.FeinbergBarry.com

Mari J. Frank is an attorney, mediator, and certified information privacy professional. She also is a law professor, author, and serves as an expert for the media and the courts. She's appeared on Dateline, 48 Hours, Investigative Reports, NBC and ABC Nightly News, and over 350 radio shows and hosts her own weekly radio show, Prescriptions for Healing Conflict.
(949) 364-1511
mari@marifrank.com
www.MariFrank.com,www.ConflictHealing.com

Gary S. Joseph is a certified specialist in family law who lectures frequently in family law, has been an instructor in family law for the Ontario Bar Admission course, has published many family articles articles and is a founding lecturer for the Family Information Session program of the Superior Court of Justice. He has extensive trial and appellate experience at all levels of the courts in both Ontario and Alberta and has appeared as counsel in the Supreme Court of Canada
(416) 971-4802
garyj@mpllp.com
www.macdonaldpartners.com

Bruce L. Richman CPA/ABV, CVA, CDFA™, CFF, is a partner in the CohnReznick Advisory Group — Valuation Advisory Services. He has over 30 years of broad valuation experience and tax consulting matters. He is an expert witness with specific experience in divorce, including partner and shareholder disputes and corporate reorganizations/bankruptcy.
(312) 508-5824, (847) 921-9992
bruce.richman@cohnreznick.com
www.cohnreznick.com

J. Lindsey Short Jr. has been board-certified in family law since 1980, served as President of the Ameri-can Academy of Matrimonial Lawyers in 2002 and is a past President of the Texas Chapter of the AAML and a founding member of the International Academy of Matrimonial Lawyers, U.S.A. chapter.
713-626-3345
lshort@shortcartermorris.com
www.shortcartermorris.com

Ginita Wall CPA, CFP®, CDFA™, provides forensic accounting and financial guidance to people facing divorce and other financial transitions. Author of *The ABCs of Divorce for Women* and seven self-help books on finance, she was named one of the 250 best financial advisors in the country by Worth Magazine. She is a frequent lecturer on divorce and financial planning.
(858) 792-0524
gwall@planforwealth.com
www.PlanForWealth.com