

CALIFORNIA'S

SINCE 1996

DIVORCE

MAGAZINE

Whose Fault Is It Anyway?

Divorce Recovery

After the Cheating

Avoiding
Financial Landmines

Divorce FAQs

Your Divorce Art
and Stories

FREE!





contents...

feature stories

- 3 **Whose Fault Is It Anyway?**
A more successful divorce is possible if you focus on the Big Picture and less on winning battles.
- 5 **After the Cheating**
Reworking and rebuilding a relationship after infidelity isn't easy, but neither is dissolving one.



tips, advice and insights for a successful divorce

- 8 **Common Divorce Questions**
Local professionals answering frequently asked questions.
- 18 **Divorce Recovery**
Recovering from divorce is like climbing a mountain — but the rewards at the end of the climb are worth it!
- 20 **Steering Clear of Financial Landmines**
Understanding the financial and tax implications of your options is the foundation for a settlement that lasts and allows you to thrive after divorce.
- 23 **Understanding the Divorce Process**
A guide to the legal process of divorce.
- 26 **How to Work with Your Divorce Lawyer**
Tips for keeping your legal fees down and getting the best possible outcome.
- 28 **Popular Myths about Shared Parenting**
This article will unravel some common myths about shared parenting in order to help those parents get past such objections.
- 30 **FREE TeleSeminars/Your Divorce Community**



Whose Fault Is It Anyway?

A more successful divorce is possible if you focus on the Big Picture and less on winning battles.

By M. Marcy Jones, J.D.

Theories on the value of having a fault vs. a no-fault divorce abound. It's not my intention to weigh in on this controversy, but since I get so many questions from clients about this on a regular basis, I think it's important to at least address the issue. Every time I meet with a new client, these are the comments I most often hear when the question of fault comes up:

- "He's the one having the affair! Why do I have to suffer?"
- "She just up and left me. I can't let her get away with that."
- "I didn't do anything wrong. Why should I have to leave my home?"
- "I want to file on the grounds of adultery and take him/her to the cleaners!"

Although many states no longer have divorces based on fault grounds, there are states in which you still can get a

divorce on a fault ground — which usually includes adultery, cruelty, desertion, or incarceration for more than a year.

I practice in an area where people can be divorced on a fault ground or they can get a no-fault divorce based on living separately for a specified period of time, depending on whether or not they have minor children. In my area, if you can prove adultery, then you can get a final divorce immediately, or whenever you can get before a judge to make your case, which is seldom anything but immediate.

using marital monies inappropriately, and the evidence is obvious, overwhelming, and flagrant. But those are not the norm.

The Norm, and What Judges Do

The norm is that a marriage has broken down, one spouse or the other has an affair or moves out, and then pursues a divorce. The norm is that if fault becomes an issue, the case becomes one of “he said/she said,” meaning both parties are hurling allegations of fault against the other, to the point where the case

issues of addiction, abuse, or mental illness. Once they take time to reflect on this, most clients acknowledge that this is true for them and see the reality of the “Myth of Winning.”

If a Marriage is Over, it's Over

This may sound direct and blunt, and it is, but it's also the truth. If a marriage is over, it's over. You cannot make someone stay in a relationship against his or her will. Furthermore, if a marriage is not working, it is seldom just one person's fault.

Learning how to end your marriage in a civilized way so you and your family not only survive the process, but thrive, is vitally important. The benefit to you and your family is immeasurable.

The Myth of Winning

The real question for you is whether fault makes a difference in your case. Does it matter to a judge whether your spouse committed adultery, or left you, or was cruel to you? This is what I call the “Myth of Winning.”

First of all, it is not easy to prove any of these grounds. If you are able to prove your spouse's fault in court and the judge does find your spouse at fault, what does that get you? Will he or she be punished, and will you get a better deal in the end? Do you really win anything? The answer depends on your judge and your jurisdiction.

In most jurisdictions, the trend is toward less and less emphasis on fault. Even when a judge finds fault, it's usually just one of ten or more factors that are considered when dividing the marital property, awarding spousal support, or determining custody. That should give you an idea of how much emphasis a judge gives to the bad behavior of your spouse — about 10 percent overall. Not great odds.

Of course, there are extreme cases, where one spouse may be having an affair, or a number of affairs, and/or

becomes so mucked up the judge has no idea whom to believe.

What do judges do when there isn't enough evidence to support either side's story and they can't figure out whom to believe? They punt. They dismiss all fault grounds alleged by both sides and proceed to decide the rest of the case. You are back to square one. You have gained nothing, you've likely expended tremendous financial and emotional resources, and have done tremendous damage in the process.

Unless you have some documented evidence that could prove a fault ground, it is a waste of time and money to go down that road. The truth is there is almost nothing to be gained by claiming fault, and a great deal to lose in terms of time, money, and stress. Instead, get back to the “Big Picture” of what you want your life to look like when the divorce is over, and to keep your focus on that picture.

The truth is that if there is a provable fault ground, there was already a breakdown in the marriage. If the marriage were stable, honest, and committed, the breakdown would not have occurred. This is generally true unless there are

Learning to be accountable for your role in what happened in the marriage goes a long way toward ending the marriage in a more civilized way, and also toward helping you to recover and to move forward in a healthy and balanced manner.

Learning how to end your marriage in a civilized way so you and your family not only survive the process, but thrive, is vitally important. The benefit to you and your family is immeasurable.

The Big Picture

Now, the “Big Picture.” Think about what's important to you. And by this I mean what's really, really, really important? As difficult as it may be for you right now, do everything within your power to answer these questions from your highest and best self and not from the place of emotional pain and present fear. You can do it. It's called getting the “Big Picture” for your life. These are challenging questions, and how you answer them can change the way your divorce goes.

- What do you want your life to look like when your divorce is over?

.../CONTINUED ON PAGE 33

After the Cheating

Reworking and rebuilding a relationship after infidelity is not easy, but neither is dissolving one.

By Sheri Meyers, Psy.D



“What am I supposed to do? I have a constant pain in my gut. I can’t even look at my husband without getting nauseous or crying. Do I continue to cook his meals? Sleep with him? I’m thinking I want to separate. I don’t want a divorce, but I am ambivalent about staying and opening my heart to him again. Is there hope?”

YES, there is hope! Most couples I have worked with who have successfully survived and thrived after an affair began the healing process with an overshadowing sense of ambivalence. Surviving infidelity is a profound opportunity to transform the damaged dynamics that led to the affair and to build a stronger, more secure and lovingly conscious relationship together.

Can Your Relationship be Salvaged?

Let’s make sure we are on the same page:

- You have a lot invested in your primary relationship; just chucking it is not your first choice.

- Rather than making a hasty, reactive decision based on feelings of hurt, revenge, shock or abandonment, you are each willing to let the dust settle before making major life decisions.
- You both want to commit to work through the relationship and individual issues that caused the infidelity, and not call it quits with each other.

What You Must do as a Couple to Salvage Your Relationship

For the two of you to work on and salvage this relationship, there have to be two people willing to do that. “Mutual

Which half you get...



makes all the difference!

Let a Certified Divorce Financial Analyst™ professional help you to:

- ◆ Make smart financial decisions about how to divide your marital property
- ◆ See what your financial future will look like if you choose “Settlement A” over “Settlement B”
- ◆ Understand spousal and child support
- ◆ Avoid tax and insurance pitfalls



**Institute for Divorce
Financial Analysts™**

We take your future into account.®

To learn how a CDFA™ professional can help, or to find one near you, visit:

www.InstituteDFA.com

THIS IS NON-NEGOTIABLE:

In order to salvage a relationship after an affair, the cheating partner has to give up the lover or whatever the act has been, whether it be the Internet, the physical affair, or an emotional affair.

Commitment” to the process of healing is the foundational bedrock of successful “Relationship Rehab” and healing. It is a promise to continue investing in the relationship despite the hurt, the pain, the disappointment and yes, even the betrayal. It’s about remembering the GOOD of the past, the GOOD in each other, and holding onto the big picture and relationship vision of what you want to create together from this moment forward.

For the Unfaithful Partner

Be prepared — this will be a long road. It is important for you to understand the pain you’ve caused and the damage your affair has created. Be empathetic. Your partner is probably going through post-traumatic stress; feeling shocked, confused, angry, hurt and highly sensitive. You have to be patient as your partner moves through their grief. Be ready to continually apologize, ask for forgiveness and say, “I’m sorry I hurt you” — once is not enough.

In order to heal your relationship with your partner, you will have to stand strong in your conviction that you want to make your relationship work, no matter what. Are you really ready?

- Have you ended your affair?
- Have you figured out WHY you had the affair(s)?
- Do you truly take responsibility and deeply regret your deception and betrayal and sincerely want to make amends?
- Has your apology been given, believed and accepted?
- Are you willing to do whatever it takes to earn your partner’s trust back and rebuild your relationship?
- Are you ready to be faithful?

The more you hold onto the vision and commitment and show up with genuine LOVE each day, the quicker the relationship will calm down and feel safer.

Keep saying over and over, we will get through this” to yourself and your partner.

For the Betrayed Partner

This is an opportunity to rediscover your needs, desires and VOICE. In order to begin the process of healing and rebuilding your relationship with your unfaithful partner, you have to re-channel your energy and focus from what has happened to you, how bad you feel, and how betrayed you are, to spending time honestly looking at:

- “What is it that I want?”
- “Who am I now that this has happened?”
- “What are my needs in this relationship?”
- “What kind of relationship do I want to have?”

There is no status quo anymore about what kind of relationship you want. Challenge the old rules, roles, and reasons for being together. This is a new beginning. What are you willing to give to create the relationship you want? You have to be willing to MOVE ON from the pain, heal the wounds of betrayal and start the process of forgiveness.

Are You Really Ready to Heal and Rebuild?

Underneath all this chaos...

- Do you still love your partner?
- Do you want to forgive your partner and build a better relationship?
- Have you explored your options (i.e. staying or choosing to leave), and how each would affect your life?
- Have you decided to stay for the right reasons?
- Have you told your truth, shared your feelings, cleared the air yet?

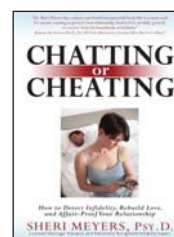
For Both Partners

There are reasons the affair happened, and NOW is the time to find out what

they are. What pre-existing problems, behaviors and attitudes led to the affair happening? Without identifying why the affair happened, you’re greatly increasing the risk that there will be a repeat performance in the future. To objectively identify what went wrong, you have to both stop blaming the betrayer’s action as the cause of your unhappiness and each recognize the parts you played in the affair happening in the first place.

TOGETHER, as a team, you can FACE the weaknesses and change the temperature, intimacy, and emotional climate between you. Begin to take concrete steps to strengthen that relationship and see what develops. Put your cards on the table. Get the real issues and associated feelings out in the open where they can be addressed, analyzed, discussed, and worked through. ■

This article was adapted by *Divorce Magazine* with permission from the book *Chatting or Cheating: How to Detect Infidelity, Rebuild Love, and Affair-Proof Your Relationship*, © 2012 Sheri Meyers, Psy. D.



Sheri Meyers, Psy. D, is a licensed Marriage and Family Therapist in Los Angeles, CA, and is among the national media’s most frequently quoted and interviewed relationship, infidelity and life transition experts. For a free chapter from *Chatting or Cheating*, helpful videos and additional articles, please visit www.chattingorcheating.com.

More Related Articles:

- **Frequently Asked Questions about Infidelity**
www.divorcemag.com/articles/Infidelity/infidelityfaqs.html.
- **Six Types of Cheaters**
www.divorcemag.com/articles/Infidelity/six-types-of-cheaters.html.
- **The Emotional Consequences of Infidelity and its Impact on Divorce**
www.divorcemag.com/articles/Infidelity/impact-on-divorce.html.

Common Divorce

Questions



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

LEGAL ISSUES

“What are the grounds for divorce in California and the residency requirements?”

Donald Schweitzer, a family lawyer in Pasadena, answers:

In California, spouses who wish to end their marriage must meet one of the two legal grounds for divorce. The first ground is irreconcilable differences, and the second ground is incurable insanity. If the spouses meet these grounds, they may continue forth with the di-vorce process.

Spouses who wish to divorce must make sure that they meet state-mandated residency requirements before they begin the divorce process. In the state of California:

- A judgment of dissolution of marriage

may not be entered unless one spouse has been a resident of California for six months and of the county in which the petition is filed for three months.

- For the purpose of a petition for the dissolution of marriage, the husband and the wife may each have separate residences depending upon proof of the fact and not upon legal presumptions.

“Is it possible to change a court order or judgment? My ex-wife recently married a very wealthy man, and I’d like to stop making child and spousal support payments.”

Brian Saylin, a family lawyer and appellate lawyer in Orange County, answers:

While child support orders are always modifiable upon a change of circumstances, and spousal support — unless

expressly made non-modifiable in writing signed by the parties — is also modifiable, the earnings of a new mate or significant other cannot be used to calculate child support except in extraordinary circumstances. In no event can you ever stop paying child support until the order provides — or the child becomes an adult or dies. The only way you can change child support is to go to court and have the court order a modification.

The income of a new spouse is relevant to a spousal support modification. Further, except in very unusual circumstances, a spouse’s remarriage terminates the obligation to pay spousal support. That should be part of the terms of the order. Indeed, Family Code, Section 4337, provides that even if not included in the judgment, spousal support would still terminate upon remarriage unless there is an agreement in writing providing that it would not so terminate.



The Law Offices of Burch & Coulston, L.L.P.

Dedicated to Getting You the Results You Want

At the Law Offices of Burch & Coulston, L.L.P., experienced and highly successful family lawyers Robert Burch and Todd Coulston lead a team that is relentlessly dedicated to getting you the results you want, while protecting your rights and interests.

Key reasons why clients throughout Southern California put their trust in our firm:

We Get Results

We are dedicated, persistent and loyal to our clients. We will work weekends or long hours to uncover assets, prepare for negotiation or trial. We simply do not give up until the job is done. Most importantly, we take pride in obtaining the results our clients want.

Our Reputation for Integrity and Professionalism

We are honest with our clients and do what we say we will do. Judges in Orange County and Los Angeles trust our credibility, integrity and competence, and opposing counsels respect us for our unyielding determination, specialized family law knowledge, and commitment to serving our clients.

Our Exclusive and Extensive Experience in Family Law

We only practice family law. Three of our attorneys are certified by the State Bar of California as Family Law Specialists. Our vast experience covers all divorce matters from relatively straightforward uncontested divorces to highly contentious divorces involving complex

property division and child custody disputes to divorce mediation. We frequently appear in front of the same courts — and are therefore very familiar with the tendencies of the Judges, local court personnel, and the nuances of local court procedures.

Our Up-to-Date Knowledge

Our lawyers are consistently involved in the analysis of changes in family law and have lectured and published articles on many aspects of divorce and family law proceedings. This commitment to understanding and analyzing changes in family law allows our firm to create sound legal strategies and arguments for our clients.

We Offer Big Firm Resources, with Small Firm Care

We have substantial technical, personnel and research resources to ensure that your case is handled thoroughly and efficiently. At the same time, we provide you with personal attention and care every step of the way — because you deserve nothing less. We typically return calls and emails within 3 hours.

Our Team Approach

Your dedicated divorce team includes Mr. Burch or Mr. Coulston, an associate attorney, and a paralegal. All of your team members are up-to-date on your case at all times. This team approach helps control your legal costs, because we will (when appropriate) assign work to a qualified team member who bills at a lower hourly rate.

BURCH  COULSTON, L.L.P.
EXCLUSIVELY PRACTICING FAMILY LAW

Phone: 949-502-4400 Fax: 949-502-4405
robert@ocdivorce.net todd@ocdivorce.net
8001 Irvine Center Dr., Suite 1060, Irvine, CA 92618

www.ocdivorce.net

Note that property division is not modifiable. The only options are to attempt to vacate the order under specific grounds set forth in the codes, or to successfully appeal the order.

“My spouse and I were in the process of a divorce and he died unexpectedly. What happens now?”

Robin C. Huggins, a family lawyer in Orange County, answers:

I’m sorry to hear about your loss. Even during a divorce couples will still often maintain a strong bond. So what happens to a divorce action and property if one party dies during a dissolution proceeding? The answer depends upon several things:

- Did the other party cause the death?
- Was the marital status terminated early by bifurcation?

For purposes of this faq, I am going to assume that the death is a result of accidental or natural causes, not criminally expedited.

During a divorce proceeding, either party has the right to ask the court to terminate the marital status before the other issues are finalized. With the current California budget cuts, a typical divorce in California is taking, on average, 1½ to 2 years to finalize. This being the case, a party may wish to remarry before then, or may just want the emotional closure that comes with being pronounced a single person again. By completing a bifurcation of marital status, the parties’ marital status is dissolved early.

If a party’s death occurs after their marital status is dissolved, then the family court maintains jurisdiction over the assets, and the decedent’s personal representative steps into the shoes of the decedent (figuratively speaking), and continues to process the property division.

If a party’s death occurs before their marital status is dissolved, then the property passes according to intestate succession or other governing estate plan, including survivorship and community property rights. The family court loses jurisdiction over the property which now must be adjudicated by the probate court.

Notwithstanding whether a bifurcation of marital status has been completed in a case, there are several things that a concerned litigant may want to do to ensure that the spouse they are divorcing will not inherit any more than is necessary.

With real estate being valued as high as it is in California, probably one of the most important things to consider is severing any joint tenancies to properties. Holding property as joint tenants allows for the surviving spouse to receive the decedent’s entire property interest without probate. By severing the joint tenancy, the parties will no longer hold title as joint tenants, but rather as tenants in common. Each party will then be permitted to bequeath their ownership interest to someone else of their choosing. This can be a double-edged sword, however, because no one knows whether they will outlive their spouse.

Another important consideration is creating a “divorce will.” Although the back page of a California Family Law Summons contains automatic restraining orders (“ATROS”), the ATROS do not prevent either party from creating a new will and a new unfunded trust. The new will enables a party to decide an alternate inheritance plan other than their divorcing spouse. I recommend that parties make the effort to do such while their divorce is pending, “just in case.”

“I’ve shared a lot of personal information on the internet and I’m wondering if I need to do something about that given the fact I’m going through a contentious divorce?”

Matthew Skarin, a family lawyer in Los Angeles, answers:

The internet is a virtually limitless source of information that can be used for either good or malicious purposes. The immense popularity of Facebook, Twitter, Myspace, LinkedIn, and other social networking sites has had consequences that few people may have thought about when those sites originally debuted. One of these consequences is the opportunities that they present for parties in a divorce proceeding, and their attorneys, to gather evidence against the opposing party.

If the personal information shared on the internet is information that wouldn’t bother you if you read it in a Court document, then you likely have nothing to worry about. However, if you are like the majority of the users on these social networking sites, the thought of where the information you post online could end up likely hasn’t occurred to you.

As attorneys, we look to sites like Facebook as a source of information, as well as a cause for concern. I will advise my clients not to post messages or photos on Facebook that could put them in a compromising position in their dissolution action. All too often situations arise where one party posts pictures of themselves engaged in illicit or illegal activity, or with a new boyfriend or girlfriend, and before they know it those pictures are before the Court as evidence in their divorce. This is certainly the type of evidence that could be used in a divorce, especially if custody is in issue.

A 2010 survey by the American Academy of Matrimonial Lawyers found that four out of five lawyers reported an increasing number of divorce cases citing evidence derived from social networking sites in the past five years, with Facebook being the leader. This includes not just evidence of infidelity, but also evidence that could be used in determining child custody, such as in a case where a parent may deny using illicit drugs but then makes drug related posts on their Facebook page.

The information you post online can also be used to contradict statements that you have made in Court or under oath. If you post any contradictory statements online, you can bet that your estranged spouse will be one of the first to know about it. The best advice for people who are going through a divorce is to close down their social networking sites and refrain from posting any personal information or opinions online. This is especially true if the information posted online is incriminating or could be used against you in your divorce. While this advice may not be easy for some of those that are more entrenched in the social networking community, it is something that everyone should think about, especially when it is all too common for one to write

out their unadulterated thoughts, push the send button, and think about it later.

FINANCIAL ISSUES

"If your ex-spouse fails to pay for debts he/she acquired while you were married, can his/her creditors come after you for payment?"

Steve Mindel, a family lawyer in Los Angeles, answers:

In general, virtually all debts acquired while married by either spouse are deemed community-property debts, so a creditor can seek payment from either spouse for the entire amount of the debt.

People find themselves in this frustrating predicament all the time when they receive letters or phone calls from creditors after their ex-spouses fail to pay debts. The innocent and non-suspecting spouses' credit becomes severely damaged, and they find themselves awash in an endless sea of paperwork. They try to settle the dispute but generally end up paying a large amount of money to the creditor with no hope of recovery from the deadbeat ex-spouses.

If you suspect your spouse is likely to cause you credit problems after you separate, you should be proactive and contact all of his or her creditors, to have the creditor acknowledge that they will look solely to your ex-spouse for payment.

There are a number of issues that affect your rights in this situation, such as your date of separation, the final allocation of assets and debts, reimbursement for amounts paid, what constitutes community property debt vs. separate property debt, and many more. If you are concerned about these issues, you should review the governing provisions found in California Family Code, Section 900 et seq. and contact a certified family law specialist to help guide you through the process.

"I'm not certain my lawyer has a good handle on the financial aspects of my divorce. My spouse owns a business and has property; I'm not convinced I'm getting my fair share. What should I do?"

Creating Successful Solutions Through Mediation

Save Money • Reduce Stress • Keep Your Privacy

With 26 years of experience as an attorney, mediator, author and professor, Mari will guide you and your spouse to create successful, peaceful solutions to challenging issues. Your finances and confidential information will be kept **outside** the public records. You'll retain control over your life decisions instead of delegating the power to the court to decide who should "win".



A Private Safe Haven to Settle Your Divorce

You'll avoid soaring litigation costs, unnecessary stress, and embarrassing public disclosures with attorney Mari Frank's unique "solutioneering" process. Mari will empower you with legal knowledge and problem-solving skills to make informed decisions. You'll smoothly resolve financial, custody and support issues without a battle. She'll facilitate your private discussions to attain a fair, economical, and mutually satisfying settlement to achieve security and peace of mind.



Mari J. Frank, Esq.
& Associates

Attorney • Mediator • Professor
Privacy Expert • Radio Host

(949) 364-1511

28202 Cabot Road, Suite 300
Laguna Niguel, CA 92677

Mari@MariFrank.com

www.MariFrank.com, www.ConflictHealing.com



Forensic
Accounting
Offices



Cathleen
Collinsworth

Trust Us to Examine Your Financial Issues
So You Can Have an Equitable Settlement

A Unique Combination of Skills You Need

- ▶ Certified Divorce Financial Analyst (CDFA™)
- ▶ Collaborative Divorce, Mediation, Litigation
- ▶ Business Valuation and Taxation Services

Affordable Fees and Quality Results

- ▶ Authentic Communication and Personal Service
- ▶ Setting the Standard for Integrity

Primary Office:

4000 Barranca Parkway
Suite 250
Irvine, CA 92604
(949) 262-3692

Satellite Office:

1180 Olympic Drive
Suite 108
Corona, CA 92881
(951) 679-8940



Cathleen Collinsworth
CDFA™, BVAL

1-888-679-8940

info@cccdfa.com
www.cccdfa.com

10% discount for
Divorce Magazine
readers

A Non CPA Firm

Mari Frank, a family and collaborative lawyer and mediator in Orange County, answers:

Since your spouse owns a business and has property, it is critical to employ a forensic accountant (CPA) who has extensive family law experience for the business, as well as a certified real estate appraiser since there is real property involved. Your attorney should be able to recommend qualified experts. If you and your spouse each hire your own experts, there will be great expense and time used up.

Even if your attorney has dealt with business valuations before, and you are concerned about spending money, you need to have an expert in the field to analyze your marital portion of the business including good will. He/she must determine a cash flow analysis to help you find out your spouse's true monthly income in case child and/or spousal support are at issue. When a person owns his/her own business, there are many perks (car payments, country club

membership, meals, etc.) which need to be added to the actual salary taken.

In order to minimize the costs and stress of using experts in a divorce, you would save marital assets and decrease the conflict if you and your spouse used neutral experts in mediation, or if your attorneys can help both spouses to agree to use one neutral expert for each valuation (one certified appraiser or forensic accountant). You will need to make it clear to the agreed-upon evaluator that he/she is not representing either side, but is to meet with both of you at once, hear your issues and concerns, and make a fair analysis based on objective standards which are approved by the court in your jurisdiction. Both of you should feel comfortable with your expert. If one or the other party pays for the expert's services, it should be clear in writing to all experts that the report is to give a non-biased evaluation.

You are always advised to get independent advice with the accountant of your choice to review any report. You and your spouse should agree ahead of

time that any report will serve as an advisory opinion. This gives you a little leeway to negotiate, and if you fail to agree, it provides a strong leverage for the court to make a determination. Using a neutral professional could save you thousands of dollars and hundreds of hours of stress and court time.

"Can I make my spouse sign a joint tax return if we divorce?"

Tom Kendall, a family lawyer in Claremont, answers:

This is a tricky question, because the answer will mislead you. The answer is that as to a Federal Return, absolutely not and as to a California State Return, probably not. So the answer is no, neither you nor the judge can make them do that. But you are asking the wrong question. The question should be what is the way we can send the least amount of tax to the government. Once you, your CPA and your attorneys know that, you need to try to file the return(s) in the way that is most advantageous to both of you. Usually, whatever

PASADENA'S PREMIERE FAMILY LAW FIRM



Your "Safe Harbor" During Divorce

Divorce can be a difficult time emotionally, financially, and otherwise. At our firm, renowned, respected and experienced Certified Family Law Specialist* Donald Schweitzer leads a team of dedicated, and specialized family lawyers, paralegals and staff who are committed to being your safe harbor during this challenging time.

Ethical, zealous and efficient legal representation

We offer a 24-hour hotline and will work tirelessly to preserve your rights, and safeguard the long-term well-being of your children. You will be informed and empowered to make the best legal decisions possible.



(626) 683-8113

* State Bar of California Board of Legal Specialization

201 South Lake Avenue, Suite 800, Pasadena, CA 91101
maria@PasadenaLawOffice.com www.PasadenaDivorce.com

We understand what's
Most Important



And we can
Help.

Whether it's spending time with your children or your financial security — securing your rights is our top priority.

Divorce
Custody

Adoptions
Guardianships
Child Support

Pre/Post Nuptials
Wills

Call for a Free Consultation

Orange County
949.261.7700

kringandchung.com



KRING & CHUNG
ATTORNEYS LLP
Experience Professionalism

tax is saved, is split equally in some manner. In most cases the parties agree through the attorneys to just split the return.

If the other side wants to cut off their nose to spite their face (or cut your nose off to spite your face) then try to get that to the court's attention and hope that the court will at least rule in your favor on other issues.

"I am concerned that my income may be reduced significantly in a few months, and I am about to sign my divorce settlement. What can I do? I don't want to lock into a support payment that I cannot afford?"

John Gilligan, a family lawyer in Long Beach, answers:

Unless there is an agreement to the contrary, child support is based upon a mathematical formula that is based upon your previous 12 months of income. However, if you anticipate a decrease, there should be a provision set forth in the Judgment, which requires the parties to exchange paycheck stubs with the formula being recalculated. It can even be done without an attorney. A provision can provide that both parties will make an appointment with the Self Help Center at the courthouse, which is free, to run the numbers once the decrease in income occurs with the child support amount automatically lowered.

"I'm transferring some of my interest in an IRA to my spouse in our divorce agreement. How should I go about doing this?"

Paul Toohey, a financial expert in Anaheim, answers:

To transfer an interest in your retirement account to your former spouse pursuant to a divorce decree requires several steps.

First, the amount or percentage to be transferred needs to be clearly defined in the settlement agreement, and specified what account the funds will be coming from.

Second, if the retirement account is an IRA, the current custodian will require

.../CONTINUED ON PAGE 15



**Exclusivity in practice
Integrity in performance
Results-oriented divorce attorneys**

**FW FEINBERG
& WALLER**
A PROFESSIONAL CORPORATION

1-800-655-4766
www.FeinbergWaller.com

23501 Park Sorrento
Suite 103
Calabasas, CA 91302

433 North Camden Drive
Suite 600
Beverly Hills, CA 90210

**List Your
Practice Online**
on
www.DivorceMagazine.com

Couples who are looking for information and professionals to help them with their divorce will visit www.DivorceMagazine.com.


Why not list your service on our site? Our rates start at

\$50/month

Your listing will be posted online in one business day.

**One Month
Free Listing**

Call (888) 217-9538 Ext. 124
danc@divorcemag.com



DIVORCE MEDIATION
... with a Professional Mediator

Attorneys, therapists and other professionals recommend Pamela Britton White Mediation Services when the goal is to negotiate a fair agreement, mutually acceptable to both parties.

- DIVISION OF ASSETS AND DEBTS
- CHILD AND SPOUSAL SUPPORT
- PARENTING ISSUES
- POST-DIVORCE ISSUES

Call for a FREE Orientation Session
(626)796-1093 (323)340-1596

www.PasadenaMediation.com
Serving Los Angeles/Pasadena area

 **John C. Juarez, Mediator**
Pamela Britton White Mediation Services

Helping Families Resolve Conflict Since 1986



FAMILY LAWYERS FOR YOUR FAMILY

FEINBERG MINDEL BRANDT & KLEIN - A West Los Angeles Law Firm.
Reputation For High-Caliber Legal Representation.
Named Best Family Law Firm In Los Angeles For 2011.

- ✓ Family Law/Divorce
- ✓ Premarital Agreements
- ✓ Domestic Partnership Agreements
- ✓ Child Custody and Visitation
- ✓ Child and Spousal Support
- ✓ Domestic Violence



12424 WILSHIRE BOULEVARD
 NINTH FLOOR
 LOS ANGELES, CA 90025
PHONE: (310) 447-8675
 WEB SITE: WWW.FMBKLAW.COM
 E-MAIL: RBRANDT@FMBKLAW.COM
SMINDEL@FMBKLAW.COM

Super Lawyers®

2012

A SPECIAL ADVERTISING FEATURE

.../CONTINUED FROM PAGE 13

a written Letter of Authorization or Substitute Form from you, directing them to transfer the percentage or dollar amount specified to your spouse's IRA. If your ex doesn't have a suitable account available to receive the funds, a new account will have to be opened.

Third, a copy of the Settlement Agreement will be required for the custodian to verify the legal intent. Once they receive all of the necessary documentation, the current custodian will transfer the applicable portion of your account to your former spouse's IRA without any tax consequences to you.

Beyond these basics, there may be other, more technical aspects worth thinking about. For instance, many people use the term "IRA" to refer to different types of retirement plans and accounts. The example mentioned above refers to a "true" IRA account, but what if you have a 401(k) account, or pension plan with an employer? If this is the case, a Qualified Domestic Relations Order (or QDR) may be required to split your account and have a portion transferred to your ex-spouse. How a payment or transfer is made is important as well. Checks may need to be made payable to a certain name and reference an account number or other detail in order to be processed correctly and avoid complications.

As you can see, there can be many important considerations to keep in mind when splitting a retirement account in your divorce settlement. To ensure that you avoid the potential pitfalls, it is highly recommended that you consult with a certified divorce financial analyst or other similarly-trained professional before completing the process.

CHILDREN ISSUES

"I have been the sole provider for my child. The father's name is not on the birth certificate, and he has not been in our lives since before the birth. I filed a paternity case, and the judge ordered him to pay support. Does this automatically give me full custody?"

YOUR DISTINCT ADVANTAGE

At The Law Offices of Saylin & Swisher, Divorce Attorneys Brian Saylin and Lindsay Swisher offer you unequalled experience and personal attention that gives you a distinct advantage inside and outside the courtroom.



Focused Exclusively on Family Law and Family Law Appeals

We're well-known and respected in the legal community for our legacy of success. We have mastery of all applicable law, and have an intimate knowledge of all cases that come down from the Appellate and Supreme Courts in the area of Family Law.

For a distinct advantage from a renowned Firm that is focused exclusively on Family Law and Family Law Appeals, contact:



(714) 937-1979

info@saylin-law.com

One City Boulevard West, Ste. 1400

Orange, CA 92868

www.saylin-law.com

We Help You Put The Pieces Back...

Divorce + Detox
The cure for a broken heart.

Proven, Proprietary Programs
The Fastest Way to Recover from Divorce...Guaranteed.

888.456.7056 | www.divorcedetox.com



FOLLOW DIVORCE MAGAZINE on Facebook, Twitter and read our Blog

Get the latest news, articles and commentary on divorce.



www.facebook.com/divorcemagazine

www.twitter.com/divorcemagazine

www.blogsondivorce.com

divorceblog.divorcemag.com

Read, research, share and interact.



Left to Right: Michael Sarris, Kimberly Davidson, John Gilligan, Wendy Tse, Brian Brandmeyer, Janet Dockstader, Janine Frisco, Barbara McNamara, John Bachmayer



BRANDMEYER GILLIGAN DOCKSTADER & DAVIDSON, LLP

Specializing in Family Law

As the largest Family Law firm in the greater Long Beach/South Bay area, BRANDMEYER GILLIGAN DOCKSTADER & DAVIDSON, LLP (BGDD) has the dedication and experience required to handle every type of family matter from highly contested litigation, to alternatives such as collaborative divorce and mediation. Specializing in complex family law matters, BGDD has a proven track record of favorably resolving client cases through skilled negotiation and strong advocacy. It is the goal of BGDD to provide personal attention to each client while providing the best family law legal representation whether the client chooses to pursue litigation, mediation or collaborative divorce. We are able to offer an exceptional level of availability and personal service to each of our clients and place great importance on communicating with and guiding our clients through the entire process.

Combining top-notch litigators with experts in non-litigation alternatives, BGDD emerges as one of the most well-rounded firms in the family law practice area in Southern California. For clients who prefer to resolve their matters outside of court, we have attorneys who specialize in non-litigation alternatives, such as mediation and collaborative practice. For cases that can only be handled in court, our litigation attorneys are highly skilled at negotiating settlements and producing positive trial outcomes, particularly in high-conflict cases.

With convenient offices located in Long Beach, Manhattan Beach, and Irvine, California, BGDD is ready to assist you with your family law needs including marital dissolution and separation, child custody and visitation disputes, division of property/business valuation, child and spousal support, paternity disputes, pre-and post-nuptial agreements, domestic partnerships and domestic violence.

PRACTICE AREAS:

- Dissolution of Marriage
- Legal Separation
- Child Custody and Visitation
- Move-Away
- Child Support
- Spousal Support
- Property Division
- Complex Property Issues
- Domestic Violence
- Pre/Post-Nuptial Agreements
- Post-Judgment Enforcement
- Post-Judgment Modifications
- Paternity
- Domestic Partnerships

LITIGATION

COLLABORATION

MEDIATION

Contact BGDD today at (562) 431-2000 or Info@BGDDLAW.com
One World Trade Center, Suite 2150, Long Beach, CA 90831
1500 Rosecrans Avenue, Suite 500, Manhattan Beach, CA 90266
Website: www.BGDDLAW.com

A SPECIAL ADVERTISING FEATURE

Marshall Waller, a family lawyer in Calabasas, answers:

You do not “automatically” receive custody of your child in any contested environment. Obviously, you are your child’s mother, and as such, you maintain custodial control over your child unless a court order states otherwise. In your case, the child was born to you, you took the child home with you and are raising it, and most importantly, no one is challenging this arrangement. As such, you have “de facto” full custody.

At some point, the father may show up and want involvement in the child’s life, and he may at that time challenge the existing arrangement. In the midst of any controversy between you and the child’s father, a court will have to determine the custody arrangement. Were you to die, as a general rule, your child would automatically go to the other biological (or adoptive) parent. On the off-chance that the child’s father disappears and no one can locate him, I would strongly recommend that you consult an estate-planning attorney and prepare a Nomination of Guardian, so that you can at least let the court know what your wishes were in this regard, should you die while your child is a minor.

COLLABORATIVE LAW ISSUES

“My husband says we’ll save a lot of money using the collaborative approach because we will share a lawyer. Is that really how collaborative law works?”

Mari Frank, a family and collaborative lawyer and mediator in Orange County, answers:

The intention of collaborative law, as with mediation, is to provide an alternative to an adversarial court battle, but the parties cannot share a lawyer in collaborate law. If you wish to engage in a collaborative divorce, you must each find a collaboratively trained divorce attorney who is willing to sign an agreement that if the case does not settle, he or she will not represent you in a court battle. There must be a signed Collaborative Agreement. If a lawyer tells you he or she can work

“collaboratively” with your spouse’s attorney, without the risks and rewards of the Collaborative Participation contract, it is not truly a collaborative matter. Such a lawyer may be more concerned with preserving his or her opportunity to earn fees in litigation, and this may be an impediment to the success of the process.

Collaborative law may be less expensive than a court trial, but it is usually not inexpensive. Each spouse must hire his or her own collaborative lawyer who will attend meetings with the other spouse and his/her attorney. The parties may each hire forensic accountants, appraisers, child-custody evaluators, vocational evaluators, or whatever else is needed to address the issues. Although this process is meant to promote settlement, with all of the meetings and the stream of experts, it can become very expensive. The advantage to this process as compared with litigation is that the discussions are held in private, but discovery takes place and information may come out that would make the process less private and confidential than mediation.

Mediation, however, usually involves one attorney/mediator who facilitates the proceedings, educating the parties as to their rights and obligations, deflecting the conflict, and preparing the documentation. There is only one attorney/mediator who does not represent either party, but acts as a neutral to help the parties arrive at a fair agreement under the law.

It is true that mediation is also a collaborative process — but collaborative law is not mediation. Mediation is normally less expensive than collaborative law; there usually are not so many attorneys and experts involved in the meetings. The parties may attend mediation with their divorce attorney/mediator without independent counsel present if they wish to save funds. Normally, if forensic accountants, appraisers, or other experts are needed, the parties agree to use a neutral expert to give them a range of values to negotiate in mediation. The mediator prepares the court documents and a public marital settlement agreement for the court — leaving out many of the financial and sensitive data. Often an experienced mediator prepares a detailed private marital agreement with the more sensitive

data to protect the privacy and confidentiality of the proceedings. All agreements are enforceable in court.

Because mediation is a voluntary process in which the parties arrive at agreements, there is no reason to argue anything in court, so the mediator usually files all without the parties having to appear in court. The necessary papers omitting the sensitive information is filed with the court in order to enter a judgment. Of course, the parties have the opportunity and are encouraged to review any final settlements before filing with independent counsel, to make sure they get legal advice as to their informed decisions and to assure that the mediator has facilitated a fair agreement.

MEDIATION ISSUES

“My wife wants to mediate our case because she says we will save money by not having to hire lawyers. My friends say we will still need to have a lawyer involved. Who’s right?”

John C. Juarez, a mediator in Pasadena, answers:

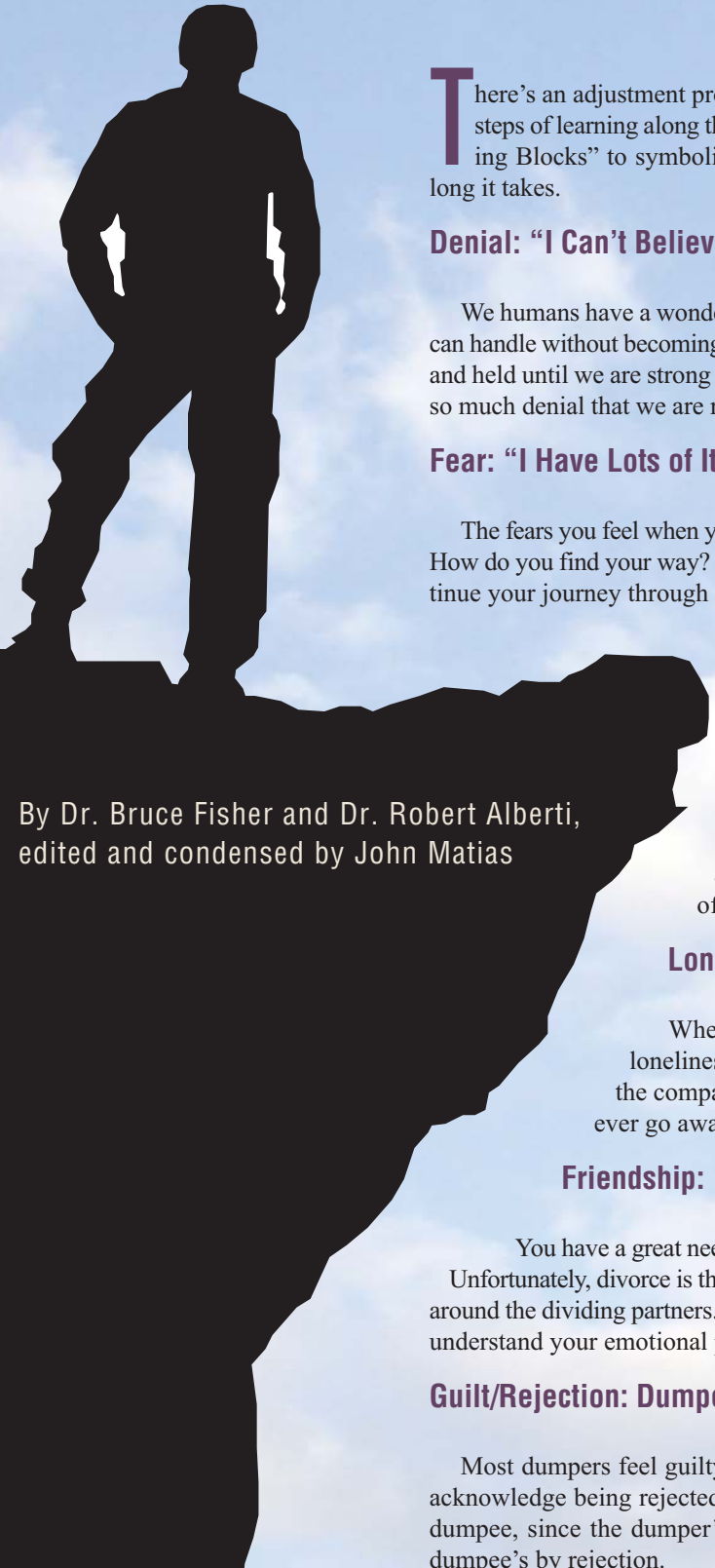
Our goal is for the couple to reach a mutually acceptable agreement related to the issues relevant to a separation or divorce that both consider fair and in the best interests of any minor children. Clients may choose to obtain legal, as well as any other professional advice, at any time during the mediation process. We find that attorneys are very supportive of the mediation process, and recognize its value in producing clients who are comfortable with their agreements. We require each party to take any agreement they have reached in mediation to an attorney for at least a one-time consultation prior to signing, so that they have the benefit of advice from someone who represents their interests, which we do not. ■

Join the discussions of our divorce community:

- Visit our online Forum: www.divorcemag.com/forums
- Read our blog: <http://divorceblog.divorcemag.com>

Divorce Recovery

Recovering from divorce is like climbing a mountain — but the rewards at the end of the climb are worth it!



There's an adjustment process after a divorce — with a beginning, an end, and specific steps of learning along the way. These steps can be arranged into a pyramid of “Rebuilding Blocks” to symbolize a mountain. Finishing this climb is what counts, not how long it takes.

Denial: “I Can’t Believe this is Happening to Me”

We humans have a wonderful mechanism that allows us to feel only as much pain as we can handle without becoming overwhelmed. Pain that is too great is put into our “denial bag” and held until we are strong enough to experience and learn from it. Some of us experience so much denial that we are reluctant to attempt recovery — to climb the mountain.

Fear: “I Have Lots of It!”

The fears you feel when you first separate are like being in a blizzard. Where do you hide? How do you find your way? Each fear you overcome gives you strength and courage to continue your journey through life.

Adaptation: “But it Worked When I was a Kid!”

A person who is not able to meet his or her needs for nurturing, attention, and love will find ways to adapt (e.g. behaviors learned as a child), but not all adaptive behaviors are healthy; examples include being over-responsible for others, or becoming a perfectionist. Unhealthy adaptive behaviors that are too well-developed leave you out of balance.

Loneliness: “I’ve Never Felt so Alone”

When a love relationship ends, the feeling is probably the greatest loneliness you have ever known. It seems you’re never going to know the companionship of a love relationship again. Will this empty feeling ever go away? Can you ever feel okay about being alone?

Friendship: “Where has Everybody Gone?”

You have a great need for friends to help you face and overcome the emotional pain. Unfortunately, divorce is threatening to many friends and causes them to feel uncomfortable around the dividing partners. Social relationships may need to be rebuilt around friends who understand your emotional pain without rejecting you.

Guilt/Rejection: Dumpers 1, Dumpees 0

Most dumpers feel guilty for hurting the former loved one. Dumpees find it tough to acknowledge being rejected. The adjustment process is different for the dumper and the dumpee, since the dumper’s behavior is largely governed by feelings of guilt, and the dumpee’s by rejection.

By Dr. Bruce Fisher and Dr. Robert Alberti,
edited and condensed by John Matias

Grief: “There’s This Terrible Feeling of Loss”

Grieving is an important part of the recovery process. Grief combines overwhelming sadness with a feeling of despair. It drains us of energy by leading us to believe we are helpless, powerless to change our lives.

Anger: “Damn the S.O.B.!”

Most divorced people were not aware that they would be capable of such rage because they had never been this angry before. This special kind of rage is specifically aimed towards the ex-love partner and — handled properly — can be helpful to your recovery, since it helps you gain some emotional distance from your ex.

Letting Go: “Disentangling is Hard to Do”

It’s tough to let go of the strong emotional ties that remain from the dissolved love union. Nevertheless, it’s important to stop investing emotionally in the dead relationship.

Self-Worth: “Maybe I’m Not so Bad After All!”

Feelings of self-worth and self-esteem greatly influence behavior. Low self-esteem and a search for stronger identity are major causes of divorce. Divorce, in turn, causes lowered self-esteem and loss of identity. As you improve your feelings of self-worth, you’re able to step out of the divorce pits and start feeling better about yourself.

Transition: “I’m Putting out the Trash”

You want to understand why your relationship ended. Maybe you need to perform an “autopsy” on your dead relationship. If you can figure out why it ended, you can work on changes that will allow you to create and build different relationships in the future.

Openness: “I’ve Been Hiding Behind a Mask”

Many of us are afraid to take off our masks because we believe that

others won’t like the real person underneath. But when we do take off the mask, we often experience more closeness and intimacy with friends and loved ones than we believed was possible.

Love: “Could Somebody Really Care for Me?”

Ending a love relationship should encourage one to re-examine what love is. A feeling of being unlovable may be present at this stage. An important element in the rebuilding process is to learn to love yourself. If you don’t love and accept yourself, how can you expect anybody else to love you?

Trust: “My Love Wound is Beginning to Heal”

Divorced people frequently point their fingers and say they cannot trust anyone of the opposite sex. It takes a good deal of time to be able to risk being hurt and to become emotionally close again.

Relatedness: “Growing Relationships Help me Rebuild”

Often after a love relationship has ended, you find another relationship: one that appears to have everything the previous union lacked. You need to realize that what feels so good is that you are becoming who you would like to be. You need to take back your own power and take responsibility for the good things you’re feeling.

Sexuality: “I’m Interested, but I’m Scared”

Even though the partner is gone, sexual needs go on. Yet most people are more or less terrified by the thought of dating, especially when they sense that somebody has changed the rules since they dated earlier. Many feel old, unattractive, unsure of themselves, and fearful of awkwardness.

Singleness: “You Mean it’s Okay?”

A period of singleness — growth as an independent person — will be valuable now. Such an adjustment to the end-

ing of a love relationship will allow you to really let go of the past, to learn to be whole and complete, and to invest in yourself.

Purpose: “I Have Goals for the Future Now”

Do you have a sense of how long you are going to live? If you have many years yet to live, what are your goals? It’s helpful to make a “lifeline” and take a look at the patterns in your life, and at the potential things you might accomplish for the rest of your time.

Freedom: “From Chrysalis to Butterfly”

The final stage has two dimensions. The first is freedom of choice. You’re free and ready to enter into another relationship. You can make it more productive and meaningful than your past love relationships. The other dimension is the freedom to be yourself. Many of us carry around a burden of unmet needs that keep us from being the people we want to be. As we unload this burden and learn to satisfy these needs, we become free to be ourselves. ■



This article is excerpted and edited from Re-building: When Your Relationship Ends (3rd Edition) by Dr. Bruce Fisher and Dr. Robert Alberti. Reproduced

by permission of Impact Publishers, www.impactpublishers.com. Further Reproduction Prohibited.

To read the full version of this article, please go to www.divorcemag.com/articles/Divorce_Recovery/divorce_recovery.html.

More Related Articles:

- **Divorce Isn’t Easy, But It’s Doable**
www.divorcemag.com/articles/Divorce_Recovery/divorce_not_easy.html
- **Embrace Change**
www.divorcemag.com/articles/Divorce_Recovery/embrace-change-after-divorce.html



By Andrew K. Hoffman, FCA, CFP®, CDFA™

Steering Clear of Financial Landmines

Understanding the financial and tax implications of your options — and avoiding financial landmines — is the foundation for a settlement that lasts and allows you to thrive after divorce.

When negotiating your financial settlement, you need to know and understand the facts and your options before finalizing your settlement. In my divorce practice, I have found some crucial items are often overlooked; this article outlines some of those items for your consideration. Make sure to work with your lawyer and a divorce financial professional to cover the bases.

Take Taxes into Account

Failing to understand the tax basis of property can generate unexpected taxes for the spouse receiving property, which reduces the value of the settlement. Carefully reviewing the tax basis of all property, and planning whether to keep or sell the property post-divorce, can avoid the problem of unanticipated taxes on unrealized gains.

Dividing marital property into tax assets of similar tax basis, and then dividing these classes equitably, helps to avoid the complexities or omission of offsetting assets with different basis.

Review Tax Returns

Personal tax returns are a financial road map to the finances of the family and vital to arriving at a financial settlement. With the current downturn in the economy, loss carryforwards are appearing on more tax returns. Carryforwards have a value as a potential tax benefit; some can be deducted from future income, and others affect the basis of the transferred property.

Be sure to negotiate how unused capital losses, net operating losses, passive activity losses, charitable contribution carryforwards, and unused investment interest expenses will be divided in your settlement.

Understand Retirement Plans

Not all retirement plans are the same. It's crucial to find out what options are available to you, and to make sure your divorce agreement only includes payments that your — or your spouse's — plan allows. Here are three points to consider:

- **Defined Contribution Plans:** Find out whether your particular plan will allow distributions. This is an important consideration if some of the retirement funds will be used to generate liquidity, or rolled over to another retirement plan. Some plans do not allow distributions on certain investment choices, while other plans have temporarily frozen funds in certain investment choices. Because of the downturn in the economy, the timing of the distribution also matters; choosing the right timing of a distribution can help one or both spouses reduce or avoid unanticipated taxes.

- **Defined Benefit Pension Plans:** Understanding whether there will be a lump-sum or a future stream of income available from the plan helps couples negotiate better settlements. It might be better to value the pension and offset the value with other assets, divide the future income, or combine these two approaches.
- **Survivor Benefits:** Understanding the importance of survivor benefits and making sure they are included in the pension division document ensures that the spouse who is not directly participating in the plan doesn't lose their pension rights if their ex-spouse dies before them.

Short-Sales may Result in Taxable Income

In depressed housing markets, where many homes are worth less than the mortgage balance, some homeowners are negotiating with their banks to make a short-sale. Understanding whether a short-sale could result in a taxable gain and whether any taxes would be payable on the sale is another important minefield that has to be navigated.

Structure Spousal Support Carefully

Spousal support can be used to shift income from the spouse in a higher tax bracket to the spouse in a lower tax bracket (it reduces income to the payor and increases income to the recipient).

Be sure to structure your spousal support properly so you do not trigger unanticipated taxes. Avoid:

1. Front-end loading of spousal support in the first three years after a divorce.
2. Reducing spousal support based on a contingency related to your children.

A mistake in either of these areas may cause the payor spouse to lose all or a part of the spousal support deducted on his or her tax return and be charged not only unexpected taxes but also penalties and interest. This is an extremely complicated area; ask your divorce financial professional to explain it to you to avoid an expensive surprise from the taxman down the road.

Check your Health Coverage

In the USA, the Consolidated Omnibus Budget Reconciliation Act (COBRA) contains provisions giving certain former spouses the right to temporary continuation of health coverage at 102% of the actual employer's premium. In order to be eligible for continued coverage, you must inform the ex-spouse's employer of the divorce within 60 days of the divorce. Trying to cover an ex-spouse by not informing the

.../CONTINUED ON PAGE 32

Arguments Don't Win Cases, Evidence Does...

But only admissible evidence counts!

T&M Private Investigations performs by-the-book investigations that stand up to the toughest scrutiny. Cases are supervised by attorneys who are experts in the laws of evidence and investigative procedure to ensure that evidence we obtain will be admissible in court!

We offer discreet, affordable and highly personalized assistance in all Matrimonial, Custody & Domestic Matters including:

- Matrimonial/Child Custody Surveillance
- Custodial Interference/Parental Abduction/Child Recovery Cases
- Stalking/Harassment Cases
- Financial & Asset Investigations/ Verification of Net Worth Statements
- E-Discovery Consulting and Support



Protection Resources

230 Park Avenue, Suite 440, New York, NY 10169

646.445.7800 pi@tmprotection.com

tmprotection.com/privateinvestigations



Understanding the DIVORCE 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

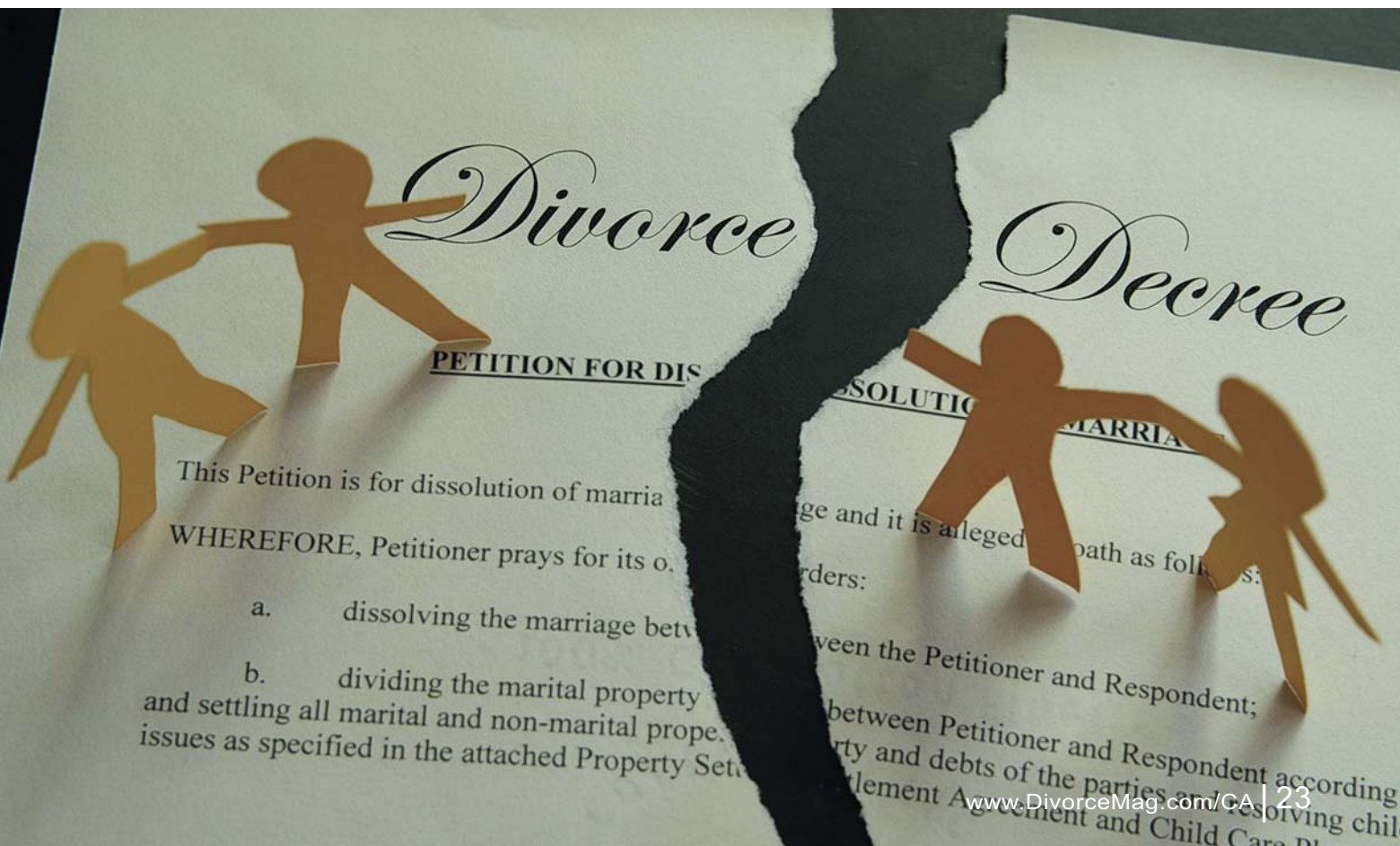
to speak to a family lawyer to discover how the options vary in your state or province, as well as how the details and circumstances of your situation may affect the process.

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



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?

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 duking 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 Work with Your Divorce Lawyer

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

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.

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.

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.

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.

Popular myths about shared parenting

by Jill Burrett and Michael Green

Sometimes separated or divorced parents are keen to work out a good shared parenting arrangement but are discouraged by the prejudices of friends or professionals. We will unravel some common myths about shared parenting in order to help those parents get past such objections.

MYTH: Kids need to spend most of their time in one home

Reality: This is an understandable leftover from hopes that our marriage would thrive and our kids would be in one happy home and an unquestioned presumption of many lawyers and counselors. It's a view that seriously underestimates the adaptability of children and fails to appreciate what is really important for them. The stability that children need is more than geographical. It is emotional stability, the stability of meaningful, continuing relationships. The emotional stability that's critical for a child's healthy development comes not only from ongoing relationships with parents, but also from their community. The child's world is those relationships that arise from associations and the sense of belonging that these important connections bring.

MYTH: Kids need to know where they live and not be going back and forth

Reality: A clear, simple parenting plan plus goodwill from both parents will quickly get children into a routine. Breaking up a week into smaller chunks may mean that parents don't go long without seeing their children, but it may also mean children are constantly changing over. Changeovers are often the hardest time, so lean toward a pattern that has the fewest changeovers, except for very small children.

Q: No sooner are my children settled with me than they have to gear up to change again. Is it better if the children stay in one place and the parents rotate?



A: It needs a dependable communication system to assist with smooth changeovers and a high degree of dedication and positive spirit. If they are staying in the family home where they have been living, this may only be possible for a time as the home may have to be sold for your financial settlement. Maybe you should initially consider two- or three-week blocks of time to allow for a proper settling-in before the children have to uproot themselves again.

MYTH: Infants under three shouldn't spend nights away from Mom

Reality: This view was based on outdated theory and is contrary to recent research. Attachment theory tended to emphasize the exclusivity of the maternal bond and its continuity as being crucial to healthy development. There is no consistent evidence that a night with their father is going to cause harm. If children are well attached to the other caretaker (Dad), they should soon become used to him coming at night if needed, for example. There is growing evidence that overnight stays in infancy form a meaningful basis for parent-child relations.

At times, Mom's own attachment to her child interferes with developing a suitable parenting arrangement. Maternal anxiety is a very powerful protector of young infants and therefore deserves respect. Overnight contact with babies and infants (approximately up to eighteen months) is not crucial for cementing parent-child bonds; daytime contact periods are the building blocks.

MYTH: The more homey, hands-on parent is better equipped for childcare

Reality: Not necessarily, though this parent will have confidence and experience. Emotional bonds are created and strengthened by parents being available and doing things with and for children, but it's not just this. It's listening and talking empathically with your children, hanging out together, sharing parts of your life with them, and helping them learn to discover independently that creates bonds.

Q: It can't be right for our twelve-month-old to be away from me for long periods even though he knows his dad?

A: If he has had time with Dad, then he will have an attachment, meaning he's okay for increasingly long periods without you in Dad's care. Keep Dad informed about established routines so he can have a settled baby to bring back to you, which will enhance your confidence in his care. Some dads aren't that good with babies on their own — let his relatives help if they're local.

A silver lining to the disappointment of separating is children get the chance to develop a closer relationship with parents who are committed to shared parenting but who weren't very available before, and who can therefore develop their parenting skills more effectively. A parent who appeared to contribute little to family life deserves the chance to become a more involved parent.

MYTH: Where there's conflict between parents, there should be little or no contact

Reality: Lawyers and counselors sometimes suggest that the only solutions to conflict between separated parents are: to reduce or eliminate contact between the parents or between father

and children, or to have supervised pickups and drop-offs. This is inconsistent with research, which shows that good contact results in reduced conflict between parents. Rather than seeing hostility as a disincentive to shared parenting, it's better to view it as an indicator of needing a better parenting plan.

In the face of parental tensions, children tend to align themselves with one parent, implying that the other parent is at fault. This is a potentially misguided assumption as to what the child's behavior means: it confuses the picture for parents and their advisers, and should not be the basis for alterations in the arrangement.

KEY MESSAGES

- Myths need challenging and realities need facing.
- Children need two homes when they have two separated parents.
- Organize the program to suit your circumstances, not vice versa.
- Infants require special consideration when part of a shared parenting arrangement.
- Shared parenting allows both parents to be hands on.
- Both quality and quantity are important in parenting.

This article has been edited and excerpted with permission from Shared Parenting: Raising Your Children Cooperatively After Separation. Copyright © 2009 by Jill Burrett and Michael Green, Celestial Arts, an imprint of Ten Speed Press, a division of the Crown Publishing Group, Berkeley, CA

For more articles on divorce and shared parenting, visit www.divorcemag.com/articles/Parenting_and_Step-Families.

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.

New Topic Every Month.

Find out how you can attend these Divorce Magazine TeleSeminars and get details on the topics and guest speakers on all up-coming TeleSeminars at www.divorcemag.com/divorce-seminars.html.

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:



Discussion Forum

www.divorcemag.com/forums

This forum has been active since 1996. Choose one of the discussions and post your questions and comments.

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.



CEO/Publisher

Dan Couvrette, (888) 217-9538 Ext. 124
danc@divorcemag.com

Advertising Sales
Divorce Magazine &
DivorceMagazine.com

Dan Couvrette, Ext. 124
Brigitte Habel, Ext. 126
brigitte@divorcemarketinggroup.com
Michael Packman, Ext. 127
michael@divorcemarketinggroup.com
Barbara Corrigan, Ext. 128
barbarac@divorcemarketinggroup.com

Editorial Director

Martha Chan, Ext. 136
marthac@divorcemag.com

Contributing Editors

John Matias
Josh D. Simon

Art Director/Production/Webmaster
Gina Tan, gina@divorcemag.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/Subscriptions

Sophie Yussuf, Ext. 121
subscriptions@divorcemag.com

Divorce Magazine is published once a year by Segue Esprit Inc. All rights reserved. Contents may not be reproduced without written permission. The magazine is not responsible for unsolicited material.

Subscriptions are available for \$25.99 (2 issues/2 years) or \$35.99 (3 issues/3 years). To subscribe, send your name, address, and a check/money order to:

Divorce Magazine U.S.A.
P.O. Box 1068
Niagara Falls, NY 14304
(888) 217-9538

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

WARNING/DISCLAIMER

The articles in this magazine are only guidelines and may not apply to your situation. They do not take the place of a lawyer, accountant, therapist, etc. For professional advice, you must seek counsel from the appropriate professional. The authors, editor, and publisher shall have neither liability nor responsibility to any person with respect to loss or damage caused directly or indirectly by information contained in this magazine.

California ISSN: 1492-2045
Canada ISSN: 1481-9054
Florida ISSN: 1719-3621
Illinois ISSN: 1481-9163
NY/NJ ISSN: 1719-363X
Texas ISSN: 1708-203X

Printed in Canada.
Canadian Publications Mail
Products # 916544

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*. 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 Lawyers. 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 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 Principal in the Valuation and Transaction Advisory Group Reznick Group, P.C. 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.

(847) 324-7560, (847) 921-9992

bruce.richman@reznickgroup.com

www.reznickgroup.com



J. Lindsey Short Jr. has been board-certified in family law since 1980, served as President of the American 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

The IDFA Salutes

The Institute for Divorce Financial Analysts™ (IDFA™) acknowledges the following **Certified Divorce Financial Analyst™ (CDFA™)** professionals for their outstanding performance:



Gigi Robson (Richmond, VA)

Gigi Robson (CPA, CDFA™, Mediator) specializes in helping clients navigate the emotionally and financially complex process of divorce. Tailoring her services to the unique needs of each client, she strives for equitable solutions and maximized results. Gigi uses her audit, tax, mediation, and collaborative practice experience to help educate and empower clients to make informed financial decisions that support their future financial goals.

Gigi Robson can be reached at 804-929-0401, or via her website at www.Respondllc.com



Scott Martin (Orlando, FL)

In the financial services industry since 1984, **Scott Martin (CFP®, CDFA™)** specializes in helping men protect their assets and relationship with their children during the divorce process. After going through a toxic divorce, Scott saw the need for men to learn how to take control of the process and achieve a fair divorce settlement that will work long-term. He offers products and services through his website, www.divorcedirectionformen.com.

Scott Martin can be reached at 407-448-5997, or via e-mail at DivorceDirection@gmail.com



Institute for Divorce Financial Analysts™

For more information about these CDFA professionals, or to find one in your area, go to:

www.InstituteDFA.com

We take your future into account.®

LANDMINES / CONTINUED FROM PAGE 21

employer of the divorce can result in health coverage being denied or a fraud lawsuit by an insurance company attempting to collect medical benefits paid.

Editor note: In Canada, extended health-care plans will not cover an ex-spouse post-divorce; once divorced, a spouse no longer qualifies as a dependent. If you are the non-member spouse, and if you have documented medical issues, you need to investigate plans that allow for pre-existing conditions ASAP; most plans of this type need to be placed within 30 days of the divorce, so time is of the essence here. ■

With offices in Arizona and Louisiana, Andrew K. Hoffman has practiced as a CDFA™ since 1999. He is chairman of the Institute for Divorce Financial Analysts' (IDFA) Editorial Committee and a member of the IDFA Advisory Steering Committee. His firm's website is www.lacdfa.com. For more information about how a CDFA™ can help you address the financial issues of divorce, go to www.InstituteDFA.com.

More Related Articles

- **Taking Control**
Understanding your expenses and income will help you gain control of your finances — and life — during divorce.
www.divorcemag.com/articles/Financial_Planning/taking_control.html
- **Individual Retirement Arrangement and Divorce**
If you're transferring your interest in an IRA to your (former) spouse, you could get hit with extra tax and penalties if the transfer is not made correctly.
www.divorcemag.com/articles/Accounting/iras.html
- **7 Important Factors to Remember when Negotiating Your Financial Divorce Settlement**
Permanent, life-altering financial decisions must be made during your divorce. You may be experiencing fear of the unknown. Fortunately, education helps alleviate that fear.
www.divorcemag.com/articles/Divorce_Settlement_Preparation/your-divorce-settlement.html



WomansDivorce.com

Helping Women Survive Divorce and Rebuild Their Lives

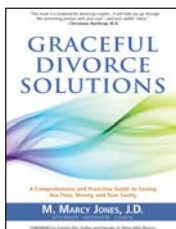
- What kind of relationship do you want with your spouse when it's over?
- If you have children, what kind of relationship do you want them to have with each of you when it's over?
- What kind of experience do you want this to be for you? How do you want to feel as you go through your divorce?
- How do you want your children to remember the experience of your divorce?

Unfortunately most people do not ask themselves these questions and enter the divorce process without considering the outcome of their actions.

Getting the "Big Picture" *first* gives you a goal to work toward and keeps you on track so you can act with integrity throughout the process and can more readily reach a fair and acceptable settlement. Again, this does not mean it will be easy for you. What it means is that by making a conscious and thoughtful plan

about your post-divorce life, you will ease your way through the process with integrity, dignity, and grace. It may not look or feel like this at the time, but if you hold fast to your intentions and your plan, this will be the end result. It starts with you. ■

This article was adapted by *Divorce Magazine* with permission from the book *Graceful Divorce Solutions: A Comprehensive and Proactive Guide to Saving You Time, Money, and Your Sanity* © 2010 by M. Marcy Jones, LLC.



M. Marcy Jones is an author, speaker, and lawyer. She has practiced family law since 1995. Marcy is a settlement expert and conflict resolution advocate, specializing in collaborative practice. She is also a trained mediator and certified personal coach. She lives in Lynchburg, Virginia. For more information, visit www.GracefulDivorceSolutions.com.

More Related Articles:

- **Your Divorce: Mistakes are Life Lessons**

It takes a crisis, a good smack on the head, to awaken us.

www.divorcemag.com/articles/Divorce_Recovery/mistakes-are-life-lessons.html.

Choosing an Effective Dissolution

- **Process to Transform Grief**

Advice on how to stay conscious, focus on positive and affirming thoughts, and choose a constructive legal process for your divorce. www.divorcemag.com/articles/Mediation/collaborative-divorce-mediation-legal-process.html.

- **Collaborative Law: The Kinder, Gentler Divorce**

Learn how collaborative law differs from mediation, and how to choose and use a collaborative lawyer.

www.divorcemag.com/articles/Collaborative_Law/kinder_gentler_divorce.html

Is This Your Divorce Story?

Warren Adler's

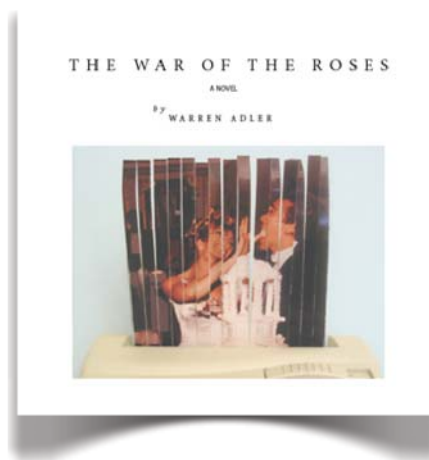
THE WAR OF THE ROSES

Is Now a Free E-Book

For a limited time courtesy of Divorce Magazine

Read the Iconic Cautionary Tale About Divorce.
Download Today.

www.DivorceMag.com/war-of-the-roses.html



Warning: This is a story that you may not be able to put down.
It's fast paced and you may see an ugly side of your own behavior and passions.

We build better websites. Period.

Attract clients and search engines with a better website

Not all websites are equal in their ability to attract the right kind of clients and referrals. Nor are they all search engine friendly.

We only build websites for family lawyers and divorce professionals

We create effective and resourceful websites that enhance your credibility and image. To ensure visitors will return to your site, we will enrich it with our top-notch divorce articles, nine Divorce Guides and a monthly divorce eNewsletter.

Fixed fee pricing – with no surprises

If you are paying hundreds of dollars a month for your website, it's time to give us a call. We've saved our clients thousands of dollars a year, every year.

Read how our clients rave about us

"I recently switched to Divorce Marketing Group to host and revise my website from a well-known legal website designer and host, and the difference is dazzling. Not only is it costing me much less for my website than before, in a very short time the cost of paying for the new and better design and set up will end and I will be left with a great website and a lower overhead. Great folks at Divorce Marketing Group. Great job."

Sandra Rosenbloom, Collaborative Attorney and Mediator, RosenbloomLaw.com

"Thank you for all of your help with regard to the design of our logo and website. Almost every day a potential new client, or opposing counsel comment on the professional look and the clear message delivered by our website, and our new logo. I like how you provide us with all the content of our firm's divorce newsletter... Working with you and your staff has been a dream..."

Steven Mindel, Managing Partner, FMBK, FMBKLaw.com



Family Law Firm in California



Family Law Firm in Illinois



Family Law Firm in Canada



(888) 217-9538 x 124

DanC@DivorceMarketingGroup.com www.DivorceMarketingGroup.com