

# DIVORCE

MAGAZINE

2019

# TAX

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Tax Consequences During Property Division

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## How Recent Tax Law Changes Will Affect Divorce

The GOP's new "Tax Cuts and Jobs Act" has some good news and some bad news for individuals completing their divorce after December 31, 2018. Here's how it could impact you – for better or for worse.

By Phyllis T. Bookspan, Family Lawyer

**T**he recently passed GOP "Tax Cuts and Jobs Act" (TCJA) has important consequences for families – especially those who are facing divorce. Here are some specific changes in the new tax law that you should take into consideration if you're separated or divorced.

### **1. The TCJA Eliminates the Alimony/Spousal Support Deduction**

Alimony will no longer be deductible for the payor spouse or taxable for the recipient spouse.

This major change in the tax code with respect to alimony will go into effect January 1, 2019, and it could have a significant effect on negotiations in equitable

## Understanding the effect of this dramatic change in the tax implications of alimony is important.

distribution agreements. Understanding the effect of this dramatic change in the tax implications of alimony is important. If you are presently receiving or paying alimony, your current agreement may be modified with certain specific language to comply with the new tax rule. Talk to your divorce lawyer about whether it might be advantageous to you to revise your alimony agreement or finalize your divorce in 2018.

### 2. The TCJA Expands the Use of 529 Plans

Legally known as “qualified tuition plans,” 529 plans are designed to encourage saving for future college costs. The new tax law has expanded these plans to include private school and home-schooling.

Currently families can save for children’s college education with the use of tax-advantaged 529 plans. In a 529 plan, your money grows free of any capital gains taxes. Previously, you could withdraw funds to pay for higher education expenses. Under the TCJA, families can now withdraw up to \$10,000 per child per year to pay for private school or home-schooling education expenses. Money in 529 plans can also be rolled over to ABLE accounts, which are used for people with disabilities. In many states, parents can’t be forced to pay for higher education, and being in control of the 529 plans was important in the case of divorce. Now that the 529 plans can be used for private schools and home-schooling, funding and custodianship of this plan should be part of your property settlement discussions.

### 3. The TCJA Increases the Child Tax Credit

The child tax credit increases from \$1,000 to \$2,000 per child.

Families that are separating or divorcing should consider how to

allocate and/or share the child tax credit. Talk to a family lawyer or financial professional specializing in divorce issues about how to use the credits to maximize their advantage.

### 4. The TCJA Raises Standard Deduction and Exemptions

The standard deduction nearly doubles for both individuals and married couples.

If you are in the middle of a divorce, you have a choice of how to file your taxes. For example, if you are still married by December 31 of the tax year, you can choose to file as “married” or “married filing separately.” Which status you choose could make a big difference to the taxes you will have to pay. The bottom line result of the change in the deduction and exemptions will have important implications for those who are deciding how to file their taxes during the period of separation or in the year of divorce. Ask your tax professional for advice before making your decision about how to file.

### 5. TCJA Reduces the Tax Benefits of Home Ownership

The new tax law reduces the interest on eligible mortgage deduction and caps the property tax deduction.

For most families, the marital home is usually one of their biggest assets. When going through a divorce, one of the first questions is often what to do with the family home: will one spouse keep it, or will it will be sold and when will it be sold. Those questions take on greater importance under the new tax laws – especially for high-net-worth families. The limit on a deductible mortgage has been reduced from \$1 million to \$750,000. The original proposal by the GOP was to cap the deduction at \$500,000, but, after lobbying by the real

estate industry, they split the difference. This \$750,000 deduction applies to all loans taken out after December 14, 2017; loans of up to \$1 million taken before that date are grandfathered and are not subject to the reduced cap. Thus, if the family lives in a home with a high mortgage, and one spouse wishes to keep the house and pay the existing mortgage (which predates the TCJA), they might be able to reap the benefits of the \$1 million limit. In this case it might make sense to keep the home rather than sell it and buy a new house. If the mortgage is in both names, however, the issue becomes removing the other spouse from the mortgage without losing the deduction, because a re-finance could create a new loan.

Matrimonial lawyers may have to come up with some creative negotiating/financing strategies to help their clients stay in the marital home without losing the grandfathered limit. If one or both spouses will be buying a new home during or after divorce, they will have to do so at the reduced limit.

The second change under the TCJA that affects all homeowners is a \$10,000 cap on state and local property taxes; previously, homeowners could deduct all the property tax deductions they paid with no limit. This could be a consideration for divorcing couples – especially those who live in states with high property taxes – since the property tax on the marital home may be a factor in determining whether one of them can afford to stay in the home.

To learn more about how the new tax law could affect you, you should contact your accountant or tax attorney. If you are contemplating or are in the midst of a divorce, be sure to discuss these items with your attorney. ■



*Philadelphia family law attorney Phyllis Bookspan, JD, is a highly respected legal professional with 30 years combined experience as practitioner, law professor, clinical director, trial lawyer, and scholar.*  
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# What's on Your Fridge?

## 10 Inspirational Messages You Need After Divorce

By Kat Forsythe, Divorce Therapist and Coach

Here are 10 must-have inspirational messages to start your unique collection of inspirations in a language that speaks to your soul.



*“Give* your inner critic the day off.” My refrigerator instructs me to lighten up every morning during my divorce recovery.

You’ve told the world about your divorce. Now, the inspirational messages and books begin arriving from your friends. Their literature doesn’t resonate? That’s not surprising. The words that moved your buddy during his divorce recovery may completely miss the mark for you. Your soul alone knows what specific “you-can-do-it” messages play well in your head. Your job is to be on the alert for them and mount them where you’ll pay attention. The fridge wins, hands down.

Yesterday I was watching the movie *Founder*. It’s the story of Ray Kroc’s rise to build the biggest restaurant empire in the world: McDonald’s. At one point, I said right out loud, “I have to write that down!”

Ever done that? Inspirational messages can jump out at us at a soul level at any moment. When it happens, write it down. It might become the mantra that gets you through your divorce. My quote from *Founder*: “Being sad isn’t going to change the future.”

In my house, I can’t get milk for cereal without seeing those poems, sayings, and thoughts that break up my pity party. If the fridge isn’t your spot for motivational wisdom, find one.

The bathroom mirror? Your side door? In your car? Grab some sticky notes and put them someplace where they'll shift your thinking.

During your divorce recovery, you need cheerleading, humor, and wisdom. Here are my top 10 snippets of wisdom, from my fridge. Each one evokes head nodding, makes me laugh, or rattles my cage. Copy them if they speak to you, and let this be a jumping off place to find your own collection of inspirational messages.

## Cheerleading

1. "Do one thing every day that scares you." – Mary Schmich
2. "Whether you think can, or think you can't – you're right." – Henry Ford
3. "Sometimes 'right back where you started from' is right where you belong." – From a greeting card, Curly Girl Designs
4. "Now is the right time." – On a magnet, from Lotus Sutra.
5. "To change one's life, start immediately. Do it flamboyantly. No exceptions." – William James

## Humor

1. "I can only please one person a day. Today is not your day. Tomorrow doesn't look good either." – On a magnet, no source cited.
2. "Dear Sir: I am a married woman and I'm fed up with being stuck at home. I'm wondering if you could help me as I am thinking of starting to breed with my poodle." (This has nothing to do with divorce, but it never fails to make me laugh. It's from *Anguished English* by Richard Lederer, where he has assembled some of the funniest miscommunications you will ever read!)

## Wisdom

1. "Blessed are we who can laugh at ourselves for we shall never cease to be amused." – On a magnet, no source cited.



2. "Give your inner critic the day off." – From a greeting card, Bean Up the Nose Art.
3. "Some stories don't have a clear beginning, middle, and end. Life is about not knowing, having to change, taking the moment and making the best of it, without knowing what's going to happen next. Delicious ambiguity." – From a magnet quoting Gilda Radner.

Especially during divorce and divorce recovery, listening to the language that speaks to your soul is critical. Your brain believes everything you tell it. Go ahead and give yourself the gift of wisdom – and inspiration – in a language you understand. What are you telling yourself on your fridge? ■



Following her own brutal divorce after 33 years of marriage, Kat Forsythe (MSW) directed her experience and strengths to helping others through the psycho-social tangles of the divorce journey. She is a speaker and seminar leader, an author, a therapist, and a coach. [www.katforsythe.com](http://www.katforsythe.com)

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# How to Create Your Divorce Support Team

The divorce process is full of pitfalls. Establishing the proper personal and professional divorce support team is crucial to navigating this challenging process successfully.

By Karen McMahon,  
Certified Divorce Coach

**D**ivorce can be broken down into three areas: legal, financial, and emotional. You should have trusted advisors specializing in their particular fields, thereby creating your professional support team. It's best not to have your attorney advising you on financial planning, or your CFP providing you with emotional support. Collectively your divorce support team will be responsible for assisting you in every facet of your divorce, so selecting the right people is paramount to your success.



## Legal Divorce Support

Being comfortable with your attorney is equally as important as his or her aptitude. The divorce process is stressful enough without doubting that your lawyer has your best interests at heart or feeling that you are not being heard. You need to know that your attorney is responsive to your needs, and you need to be realistic about the role an attorney plays in your divorce. He or she is not a therapist and should not be your go-to person for your emotional struggles. The financial cost of dumping your emotional burdens on your lawyer will be steep. Make sure to focus only on the legalities of your divorce when you are with your attorney, and save your need for emotional support for someone more skilled (and significantly less expensive) in that area.

## Financial Divorce Support

If possible, it is a great idea to hire a CPA, CDFA, or CFA specializing in divorce. They are better equipped to help you figure out your financial landscape: what your financial picture currently looks like; what information you need to gather; what steps you need to take to guard yourself. They can also assist you in developing a plan that protects your and your children's financial well-being in both the short term and long term.

## Emotional Divorce Support

Many people overlook the impact of the remaining aspect of divorce – emotion – and the importance of having professional support in the same way you would in the legal and financial phases. After all, you wouldn't represent yourself in court or assign the standard deviation of a particular investment's risk tolerance, would you? Both divorce coaches and therapists can assist you with your emotional turmoil, but which one is right for you?

Divorce therapy helps you understand how your broken marriage is connected to your past, what emotional baggage you brought to the marriage, and how to begin healing the pain. Many

find this a critical part of understanding and moving through their grief.

Divorce coaching also touches on your past and your pain. However, the focus is more strategic, helping you gain clarity about your current situation, overcoming fears and obstacles that are keeping you stuck, and developing a plan for moving through the myriad of decisions involved in the divorce process. Ultimately, a divorce coach helps you to strategically navigate your way through the roadblocks of divorce and to begin to discover your passions and dreams, enabling you to create a new and fulfilling life.

## Support from Friends and Family

On a more personal level, you need to create a healthy support team of friends and family. Not everyone who loves you should necessarily make it onto your team. It is important that you have emotionally healthy people who are not bringing their own emotional load onto your boat (and inadvertently rocking it all the more). Your family members love you and mean well, but each has their own thoughts and opinions about what you are doing or going through. If they are positive and supportive, then you are in luck – sign them onto your team! But if they increase your angst, you need to turn elsewhere for support.

Important considerations before adding a friend or family member to your divorce support team:

- Who keeps the focus on you and your needs and who bashes the soon-to-be ex? Which is more helpful in the long run?
- Who focuses on the positive steps that you can take or the solution to your current circumstance, and who dwells on the problem and creates negative energy? If the conversation is more about your spouse, about blaming or criticizing him or her, ask yourself how they are serving you and helping you meet your needs. They might not be the best person to go to for support.

## Divorce Support Groups

If you don't have any friends or family who can do this for you, it is particularly important that you find a divorce support group, which will prove to be invaluable to you in the long run. A divorce support group provides you a safe place where you can converse with others going through similar situations. However, some people experience difficulty opening up about something so personal with unfamiliar people in an unfamiliar setting. If you are uncomfortable at the prospect of this, we invite you to join our private, online support community. Ask questions and receive answers, vent and decompress with people that can understand and relate, plus receive personalized advice from certified IPEC and ICF divorce coaches. With the proper support in place, you can emerge from divorce a renewed and empowered person. ■



*In 2010, IPEC and ICF certified divorce coach Karen McMahon founded Journey Beyond Divorce to offer separation, divorce, and relationship coaching services.*

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### Choosing a Divorce Support Group

A divorce support group can be a group of people getting together to share information – either led by a trained facilitator, or managed by members of the group itself.

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# How to Choose the Right Divorce Lawyer

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

By Donna M. Cheswick, Divorce Financial Professional

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

When interviewing a divorce lawyer, don't be apprehensive or nervous, or worry that you're insulting them by asking questions. A good lawyer will value an informed and proactive client. Also, lawyers are in business, and you are a potential customer who may ultimately pay thousands of dollars in services. You want to act responsibly by being selective so that you feel comfortable and confident in your choice.



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

### 8 Questions Before You Meet

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

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

Once you select a lawyer to interview, prepare a brief written overview of your current situation (length of marriage, problems leading to the decision to divorce, actions taken so far, a summary of your marital assets/debts, number and ages of dependent children, and any other complicating issues that might apply) and a list of questions to ask the lawyer before your interview. This will help keep the meeting on track – and also help to prevent you from getting overly emotional. During your interview, a good

divorce lawyer should make an effort to put you at ease, use language you can understand, listen patiently to your questions and take the time to answer respectfully, and be sure you understand their responses. Complimentary consultations are usually quite short, so you should be prepared to pay the lawyer’s hourly fee once the free period is up.

### 12 Questions for the Initial Interview

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

1. What is your preferred strategy/philosophy for handling a divorce case (a lamb, a pit-bull, or a fox)?
2. What percentage of your cases end up in court? What percentage of your cases settle out of court?
3. What do you think I could expect to pay (if you’re the higher wage earner) or receive (if you’re the lower wage earner) in spousal support and/or child support?
4. Can you give me a realistic expectation of what is typical with cases similar to mine?
5. Do you foresee any problems arising in my case?
6. Do you charge extra for copies, filing fees, and other fees?
7. What is your preferred method of communication (phone call/email), and what is your response time to communications with your office?
8. Do you recommend working with other professionals such as a certified divorce financial analyst, business valuator, forensic accountant, or coach/therapist if needed?
9. Can you provide long-range forecasts of what I should expect my future will look like for a potential

- marital settlement agreement?
10. May I have a copy of your retainer agreement, engagement letter, or other contract you require so that I can review it before agreeing to retain your services?
11. Will you provide me with copies of correspondence and legal documents pertaining to my case?
12. What documents do you need from me in order to get started?

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



*Donna Cheswick (CDFA®) helps clients and their lawyers understand the financial complexities surrounding divorce. She facilitates and teaches monthly Divorce Workshops for*

*Women, and she has published articles on divorce and finances for national print and online media.*  
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A large teal graphic on the left side of the page shows two hands reaching upwards. The top hand is larger and appears to be holding or supporting the bottom hand, which is smaller. The hands are stylized with simple lines for fingers and palms.

# Is it Possible to Co-Parent with a Narcissistic Ex-Spouse?

By Terry Gaspard, Licensed Therapist

Co-parenting with a difficult ex-spouse can be challenging to say the least. Here are eight strategies for dealing with a narcissistic, challenging, or high-conflict co-parent.

**I**f one of the reasons why your marriage ended was due to your spouse being a narcissist, you probably hoped that things would get better for you and your children after your divorce. In many ways they might have since your daily life is no longer filled with turmoil. However, many parents who try co-parenting with a narcissistic ex-spouse soon realize it doesn't work any better than being married to them.

One of the most crucial things to keep in mind post-divorce when you were married to a narcissist or challenging ex is to set good boundaries. It's also important to abandon any thought of co-parenting successfully because you *can't* co-parent with someone who is self-absorbed. After all, the premise of a co-parenting plan is cooperation and the commitment to putting your children's needs first which is impossible for a narcissist.

What is the solution for parents who want to co-parent with an ex who is narcissistic or challenging? According to Dr. Edward Kruk, Ph.D., "Parallel parenting is an arrangement in which divorced parents are able to co-parent by means of disengaging

from each other, and having limited contact in situations where they have demonstrated that they are unable to communicate with each other in a respectful manner.”

Parallel parenting allows parents to remain disengaged from one another (and have a parenting plan) while they remain close to their children. For instance, they remain committed to making responsible decisions (medical, education, etc.) but decide on the logistics of day-to-day parenting separately.

Here are eight strategies for dealing with a narcissistic, challenging, or high-conflict co-parent.

## 1. Set Firm Boundaries for Your Kids

Since their life with their other parent is unpredictable, you will have to provide stability. High-conflict personalities thrive on the possibility of combat. Be prepared and write a script to use when talking to him/her and try to stick to it, using as few words as possible. For instance, if he/she tries to persuade you to change the parenting plan, say something like: “I’m not comfortable with this idea. I’m sure you have good intentions, but this won’t work for me.”

## 2. Limit Your Contact With Your Ex

Don’t take frequent calls from your children when they are with the other parent (unless there is an emergency). If you speak often, your ex might react in an angry way toward your kids or put you down in front of them.

## 3. Be the Parental Role Model Your Kids Need to Thrive

Show compassion toward your children and don’t bad-mouth their other parent in their presence. Children are vulnerable to experiencing loyalty conflicts and shouldn’t be in the middle between their parents. Be aware of your tone and facial expressions during interactions with your ex in front of your kids.

## 4. Keep Your Eye on the Big Picture in Terms of Your Children’s Future

Although it’s stressful trying to deal with a difficult ex, remember that your children will be more resilient if you put your frustration and “emotional baggage” aside for their sake. Adopt realistic expectations and pat yourself on the back for working at this challenging relationship for your kids.

## 5. Focus on the Only Thing You Can Control – Your Own Behavior!

You alone are responsible for your reactions to your ex’s comments and behavior. But don’t be persuaded by your ex to do something that you’re uncomfortable with just to keep the peace. Adopt a business-like “just the facts, ma’am” style of communicating with him/her.

## 6. Don’t Become Emotional or Apologize to Your Ex

Don’t express genuine emotion to your ex or apologize for wrongdoing in the relationship. If your ex is a perilous or

abusive narcissist, they might interpret your apology as proof of your incompetence and use it against you, according to Virginia Gilbert, MFT.

## 7. Make Sure Your Parenting Plan Is Structured and Highly Specific

Spell out schedules, holidays, vacations, etc. to minimize conflict. Using a communication notebook to share important details with your ex can be an essential tool to help you stay detached and business-like. Check out websites and articles on parallel parenting.

## 8. Seek Help from Counselors, Mediators, or Other Supportive Professionals

Make sure you have plenty of support from a lawyer, friends, family, and a therapist. Use a third-party mediator when needed. Educate yourself about strategies to deal with a difficult or high-conflict ex. Therapists who utilize cognitive behavior therapy (CBT) are usually the most successful dealing with survivors of a relationship with an ex who has a personality disorder.

In many cases, co-parenting is a wonderful opportunity for children of divorce to have close to equal access to both parents – to feel close to both of their parents. However, few experts discuss the drawbacks of co-parenting when one parent is hands-off, has a high-conflict personality, or a personality disorder such as Narcissistic Personality Disorder.

It’s essential that you take an honest look at the effect your ex’s behaviors and the dynamics in your co-parenting relationship are having on you and your children. Once you accept that you can only control your own behavior – not a person with a difficult or high-conflict personality – your life will greatly improve. After all, you and your children deserve to have a life filled with love and happiness! ■



*Terry Gaspard (MSW, LICSW) is a licensed therapist, college instructor, and nonfiction author specializing in divorce, women’s issues, children, and relationships. As a therapist, she helps people heal from the pain they experience related to divorce and other losses. [www.movingpastdivorce.com](http://www.movingpastdivorce.com)*

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# Considerations when Filing Taxes After Divorce

With issues such as spousal support, child support, and child custody now being a part of your life, it's important to be prepared before filing taxes after divorce.

By Michael V. Fancher, Collaborative Divorce Lawyer

If you have recently gone through a divorce, you may or may not have thought about how it will affect your financial status for the upcoming tax season. Divorce can impact your taxes in a variety of ways, including filing with dependents, giving spousal support, and in a number of other areas.

Because divorce can mean significant changes in how you file your taxes, it is important to evaluate your status to ensure your information is filed correctly and you earn maximum deductions. If you are recently divorced, here are four things to keep in mind when filing taxes after divorce this year.

### 1. What Is Your Marital Status for This Fiscal Year?

For tax purposes, your marital status is determined at the end of the calendar year. This means if you finalized your divorce on December 31, 2017, you would be considered single for your 2017 federal taxes. However, if you finalized your divorce on January 2, 2018, you would be considered married for the previous year's taxes (in this case for the year 2017). If you are unsure about your marital status as it pertains to your taxes, be sure to consult a tax professional.

### 2. Tax Status with Dependents

Typically the parent who spends the most time with the children will have the tax exemption that comes with having children. The IRS does not allow parents to split claims for dependents if they have joint custody of their children. If parents share custody of the children, there are a number of potential solutions. They may opt to alternate years claiming their children as dependents. For families with multiple children, oftentimes each parent will claim a child as a dependent. This is another tax situation that varies from family to family, so when filing taxes after divorce, it is wise to consult a tax professional so they can help your family create an arrangement that works for everyone.

### 3. Are Child Support and Spousal Support Payments Deductible?

You will not be able to deduct child support payments from your taxes. The reasoning behind this is that child support is meant to be the financial commitment one parent contributes to the cost of raising their children, not simply a means of income for their former spouse.

However, spousal support payments are typically deductible for the person who is supporting the other spouse and the tax burden is placed on the former spouse who is getting the support. Where child support is meant to be one parent's half of the cost of raising a child, spousal support

is meant to provide additional income for that party. The US has treated spousal support as taxable income to the recipient and tax-deductible for the payor since the 1940s. However, under recent changes to the tax code, spousal support payments ordered in divorce decrees entered in 2019 and beyond will NOT be deductible. Because arrangements vary from couple to couple, this is another situation where consulting a tax professional is wise because there are some cases where even now spousal support is not deductible.

### 4. Property Taxes and Divorce

Finally, in terms of property taxes and divorce, you should not be taxed on shares of property you may receive in a divorce. Moving forward post-divorce, taxes owed when property was liquidated during the marriage would still be owed after divorce. Taxes that fall into this category may include capital gains and deferred taxes on pre-tax retirement investment. Some retirement accounts may also be transferred to your former spouse during divorce without penalty, depending on the situation. ■



*Michael V. Fancher has been practicing family law in the Seattle area since 1988. He served on the Board of Directors of the International Academy of Collaborative Professionals (2013-2016), and he is past-president of Collaborative Professionals of Washington. [www.seattledivoceservices.com](http://www.seattledivoceservices.com)*

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# 3 Ways

## *a Consulting Lawyer Is Worth the Expense in Divorce Mediation*

A good consulting lawyer can provide legal advice, coaching, and document review; and can help you achieve the best possible outcome in your divorce.

By Susan E. Guthrie,  
Divorce Mediator and Lawyer

So, you and your spouse are getting divorced and have agreed to mediate in order to reduce the legal wrangling and costs. Great choice! After all, why pay for lawyers when your mediator can help you make all the necessary decisions and handle all the paperwork for you? But now your mediator raises the possibility of one or both of you having “review counsel” or a “consulting lawyer” during the mediation process. But why? Wasn’t avoiding the expense of individual

lawyers and acrimony of litigation the whole point of choosing to mediate?

While it is true that the divorce mediation process does eliminate the need for the parties to retain counsel to represent them in the divorce proceeding, there are three good reasons to consider retaining a lawyer to advise you as you proceed through the mediation process.

## 1. The Consulting Lawyer Can Give You Specific Legal Advice

As you work your way through the mediation process and discuss the issues of your divorce, your mediator will provide you with a general understanding of the law pertaining to each issue so that you have a basis for your dialog and negotiations with your spouse. However, always remember that your mediator is a neutral party and even if they are a lawyer, they are not representing either of you in the mediation process. They are there to support you both equally and, by necessity, the information that they provide will not be specific to either of you but will be impartial in nature. Bottom line, your mediator cannot give you legal advice. This is one place where your own lawyer, acting in a consulting capacity, can be invaluable.

As you work with your spouse to negotiate the terms of your divorce, often questions will arise in your mind as to what the best course of action for you to take would be. Should you pay more alimony for a shorter period or a lesser amount over a longer time frame? Would you be better served by keeping the marital residence alone or continuing to own it jointly with your spouse with an agreement to sell it later? There is no end to the questions that can arise in a divorce mediation and the uncertainty can be paralyzing, which brings the mediation to a halt if you cannot make decisions.

Having a lawyer to consult gives you access to legal advice specific to you and your goals and will help you to move forward with the mediation. Although there will be some hourly charges for your lawyer's time, the benefits derived in being able to continue to move forward in the mediation and make informed decisions is well worth the money, and will save time and the expense of delaying your mediation process.

## 2. The Consulting Lawyer Can Coach You

One of the great benefits of mediating your divorce is that you and your spouse

retain control of all agreements reached. Unlike the litigation process where a judge can impose a decision on the parties, mediation allows the parties to make all decisions based upon what they feel is fair in their situation and best for their family. The mediator is there to facilitate the necessary conversations about each issue so that agreements can be reached. This means that each party must negotiate for themselves in the process. While some people may be comfortable with negotiation, certainly most people do not have a great deal of experience in this area. This can be compounded by the fact that you are negotiating with your husband or wife under often difficult circumstances, which can add an additional layer of complexity to the process. Here again, a consulting or review lawyer can be extremely helpful to you.

A family law lawyer negotiates every day – that is the nature of the job. Your lawyer can work with you at any stage in the process to help you to put your best foot forward in negotiating for yourself. This can include discussions of a proposal made or to be made, strategy, and establishing priorities. In fact, many people find that a session with their lawyer before their next mediation session to be very worthwhile. Again, there will be an hourly fee for your lawyer's time to coach you, but you will be better prepared and more confident in your next negotiation session. This will assist you in making those necessary final decisions.

## 3. The Consulting Lawyer Can Provide Invaluable Document Review

Upon the successful completion of your divorce mediation process, you and your spouse will have reached an agreement on all the necessary elements of your divorce, such as property settlement, child custody and access schedules, and support issues. The Court will need everything reduced to a written agreement. This agreement is a legal contract between you and your spouse and will outline your legal rights and responsibilities for many years to come. In other words, it is a very important document

that you should not sign until you are sure you completely understand its provisions and that they correctly outline the agreements that you reached in mediation.

At this point, even if you did not consult with a lawyer during the mediation process, it is imperative that you retain review counsel to go over the provisions of the contract with you in detail. Most divorce agreements are quite lengthy and can be confusing. There is no substitute for reviewing each section of the agreement with your own lawyer to ensure that the agreement is correct – and to save you from costly mistakes or misunderstandings in the future. Your consulting lawyer's hourly fee to review your agreement with you and to propose any necessary revisions is money extremely well spent.

All in all, having a consulting lawyer to refer to on an as-needed basis during your divorce mediation for legal advice, coaching, and document review is well worth every penny, and will help you achieve the best possible outcome in your divorce. ■



*Susan Guthrie has been a practicing family lawyer for over 30 years. As a divorce mediator, she brings her wealth of knowledge and experience in the family law and divorce arena to the table in assisting the parties to reach agreement in mediation. [www.lajollamediation.com](http://www.lajollamediation.com)*

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Mediation can work for couples who are looking for a cost-effective way to divorce, and it can also help divorcing parents to establish a good co-parenting relationship. However, it's not for everyone. Here's look at the five major principles of divorce mediation.

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# When Fault Matters in No-Fault Divorce Cases

Just because you live in a no-fault state doesn't mean that fault can't be used or argued during your divorce case. Here's what you need to know.

By Russell J. Frank, Family Lawyer

**I**n many of my cases, clients will want to explain all of the reasons that they are seeking a divorce. While I will listen attentively, I ultimately have to remind them that Florida – like most states – is a “no-fault” divorce state. In practice, what that means is that the underlying reasons behind why a person is seeking a divorce will not be relevant in the courtroom.

Now there are some exceptions to this general no-fault rule, but in most instances the Court will not want to hear the reasons behind why your marriage has fallen apart; the Court's only role in this regard is to confirm that the marriage is in fact irretrievably broken.

No-fault divorce stands for the idea that either party may seek a divorce without having to provide any reason other than that one of the spouses does not want to be married anymore. The spouse seeking the divorce

simply needs to state that the marriage is “irretrievably broken” in their divorce petition and then affirm that again to the Court prior to the Court entering a Final Judgment. This can work as a way to simplify the divorce process, as it allows for a much more efficient and cost-effective divorce by eliminating the need to prove that one party may be at fault for the breakdown of a marriage.

Additionally, it can save the parties from litigating over what can sometimes be painful personal matters in a public arena and prevent parties from feeling they must present the other party as the “bad guy”.

### Fault Can Be Argued During a No-Fault Divorce Case

It is important to understand, however, that just because Florida may be a no-fault state, that doesn’t mean that fault can’t be used or argued during a divorce case. In fact, ignoring the fault of one or both of the parties is a mistake that could potentially jeopardize your case. For example, if one party dissipates or wastes marital funds, or incurs debt without the other party’s knowledge, or mistreats the other spouse or children, these “faults” can have a dramatic effect on determinations of alimony/spousal support, distribution of the marital assets, and the terms of a potential parenting plan.

### Consideration of Infidelity in Making Alimony Determinations

One of the more common reasons people seek divorces is due to infidelity – but in many cases, the Court will never hear evidence related to a cheating spouse. Infidelity will become relevant, however, if alimony or spousal support becomes an issue: for example, Florida Statute 61.08 specifically provides that the Court may consider the adultery of either spouse in making alimony determinations, including considering the circumstances surrounding the adultery of either spouse. This can include evidence related to the adultery itself – such as the length of the relationship – and the effect that the adultery has had on the marriage and your life in general – particularly

if it has affected your professional life, income-earning ability, or overall mental health.

### Bad Actions Can Affect Distribution of Assets

In addition, a party’s bad actions may also affect the distribution of the marital estate. Florida is an equitable distribution state, meaning the Court will decide financial-related issues based on overall fairness principles. Gifts, trips, apartment rent, car payments, expensive jewelry, and romantic dinners for a non-marital partner are all considered a waste of marital assets. If a party is shown to

**Ignoring the fault of one or both of the parties is a mistake that could potentially jeopardize your case.**

have wasted or depleted these assets, then the Court is well within its discretion to order that the one party receive an unequal distribution. Sometimes it may take the form of one party receiving more than half of the assets, such as a retirement or savings account, and sometimes it may take the form of the dissipating party having to be responsible for all or most of the marital debts.

### How a Parent’s Actions Affect the Children can Influence Parenting-Related Rulings

Another area in which the reasons for your divorce may become relevant would center around children and the effects the breakdown of the relationship may have had on the children. If you can tie in a parent’s bad behavior – including alcohol or substance abuse, infidelity, or other destructive behaviors that led to the filing of the divorce – into the parenting issues in your case, then the Court may in fact want to hear evidence

related to those behaviors and the impact they’ve had on the children.

For example, if one parent is abusing drugs, or acting inappropriately with their new lover in the presence of the children, those issues would be relevant for the Court to consider in making parenting-related rulings – including timesharing and parental decision-making determinations. If, however, you cannot tie a spouse’s bad behavior into having an effect on the children, then it’s likely the Court would not consider such evidence presented by either party. ■



*Russell J. Frank is a partner at CPLSP, P.A. in Orlando, FL. He focuses his practice on family law, including dissolution of marriage, paternity, and child support and timesharing modifications. He has also been a Court-appointed Guardian Ad Litem for disadvantaged children. [www.cplspa.com](http://www.cplspa.com)*

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# Tax Consequences During Property Division

In divorces and dissolutions, some assets are worth more than others when it comes time to withdraw or sell them. You must consider how much each asset is worth *after* taxes – otherwise, your “half” could be worth substantially less than your spouse’s “half.”

By William L. Geary, Family Lawyer

**A**s a divorce and family law lawyer, it is sometimes interesting to hear what people think you actually do. For instance, someone once said to me, “I don’t see what’s so difficult about what you guys do. All you do is divide everything in half.”

Division of assets and debts may sound easy, but it is not often easy at all. I remember seeing a movie once where something (illegal) was going to be divided in half. One of the two people in the scene said, “I’ll divide it in half.” The other person responded, “That’s fine. You divide it in half and then I’ll pick which half I want.” The concept of “Divide and Choose” (or “You cut, I Choose”) has received a lot of attention historically. Look up “divide and choose” in Wikipedia for some interesting history on division of things into “halves.” Also, look at other articles and commentaries on the internet on this subject.

So, if we are dividing a “thing” such as a piece of paper, division may not be so difficult (so long as each part of the paper

## Hopefully, you are only dividing marital property after carefully considering the tax effects and status of each asset and debt.

is the same as all other parts of the paper.) In divorces and dissolutions, however, some assets and debts may be easily and fairly divisible (with each party receiving the same benefit or taking on the same type of obligation as the other party after division), while other assets and debts may not be the same.

### The Difference Between Dividing Pre-Tax and Post-Tax Assets

In divorces and dissolutions, one must always watch for tax consequences. By way of example, let's think about a marital bank account. If a marital bank account has \$100 in it from a few years ago and the taxes have been paid on all earnings from the year in which the \$100 was earned, this \$100 is "after-tax" money. It is cash that is available "in hand," which can be spent. Division of that bank account, with each spouse getting half – or \$50 each – leads to the same result for each of the people in the divorce or dissolution since they are just being given half of what is already their property.

Good enough so far. Receiving your own property in a divorce, or half of the marital property in a divorce, does not create a taxable event. However, spending it may create a taxable event later, and not all taxable events will be equal for both former spouses.

What if a marital bank account has \$100 in it and half of that would be owed to the other spouse, but the other spouse has a marital Traditional IRA which also contains \$100. Couldn't we just let the one spouse keep the \$100 IRA and the other keep the \$100 bank account to make them equal on property distribution? The answer is, "No." This is because when the spouse who keeps the Traditional IRA finally starts taking out money, that money will be taxed. At a 30% tax rate, that \$100 Traditional IRA will only be worth \$70 after taxes. The \$100 in the bank account will still be worth \$100 even after the \$100 is taken out. It is "post-tax" money. You don't get charged anything, tax-wise, to remove your own money from your own bank account. In the example above, in the end one former spouse has \$100 and the other only has \$70.

### What Happens to Investments and Debts?

The same principle (involving the possible effect of taxation on different types of assets) will also apply to stocks and other investments. Tax on proceeds from the sale of investments may be calculated upon how long the investment has been held and also upon the actual gain on sale (gain over the original cost of the investment). So, the "market value" of 3,000 shares of one stock which has a value of \$1 per share (\$3,000) may be the

same "market value" as 3,000 shares of another stock which has a value of \$1 per share (\$3,000), but the after-tax effects of selling those shares and collecting their value may be greatly affected by taxes on the gains (depending on the original costs of the shares and how long they have been held, etc.).

The same type of principle can be applied to debts of differing kinds, which might be assigned to the parties to a divorce or dissolution. A debt given to one spouse may be of "more value" to him or her than if it were given to the other spouse.

### The Importance of Working with a Financial Expert During Divorce

The "moral" or "warning" here is this: Hopefully, you aren't just dividing things in half. Hopefully, you are only dividing marital property after considering the tax effects and status of each asset and debt with which you are dealing.

At our firm, we bring in CPAs, business valuers, and other financial experts as needed to help advise our clients regarding the financial aspects of the proposed divorce settlement – including what effect taxes could have on the assets they wish to retain. ■



*William Geary is a family lawyer who has been practicing since 1979. He is admitted to practice before the Supreme Court of the United States and also is a practicing member of the Ohio bar. [www.columbusfamilylawyer.com](http://www.columbusfamilylawyer.com)*

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# Divorcing After 50? Make Finances Your Top Priority!

By Aviva Pinto, Divorce Financial Analyst

**D**ivorce is a reality for a growing number of aging couples, a phenomenon commonly referred to as “gray divorce.” According to a 2013 study at Bowling Green State University, the divorce rate among adults ages 50 and older doubled between 1990 and 2010. Now, one in four Americans getting divorced is 50 or older.

The study also found that the divorce rate is 2.5 times higher for those in remarriages compared to those in first marriages. The Baby Boomers (those born between 1946 and 1964) were the first to divorce and remarry while they were young, and may experience even more divorce as they age.

## “Gray” Divorce Can Involve Significant Assets

Divorces among couples in this age group may have significant assets at stake. At the same time, it is not unusual for one spouse to have a lack of in-depth knowledge about the family’s finances. In those circumstances, the non-moneyed spouse may not be aware of what a fair settlement should be.

Whether or not you handled financial decisions during marriage, it’s critical to do whatever it takes to put your emotions on hold when facing divorce. You’ll need to focus on your future and set financial goals, as these decisions will likely affect the rest of your life. Unfortunately, there is no “do-over” in divorce and you will need to focus on the money during this painful process.

Even those with little or no financial experience can become financially savvy by asking the right questions and seeking help from professionals such as lawyers or financial advisors who specialize in divorce. Consider working with a financial professional specializing in divorce issues; they can act as an advisor to you and your divorce lawyer, or as a financial neutral helping both you and your spouse find an equitable settlement.



Financial mistakes related to divorce settlements are often rooted in not realizing the consequences of a decision that seemed to make sense at the time. These mistakes can happen when decisions are made emotionally, not taking into account the ramifications from a financial standpoint.

As an example, you might be tempted by an offer to keep your family home. You need to keep in mind that the real value of that home after the mortgage balance could be far less than its assessed value. A home with a market value of \$3 million but with a mortgage of \$2 million is really only worth \$1 million to you. In addition, if you keep the home, you will need to consider whether you can afford to maintain it over time, factoring in the mortgage payments, taxes, and other carrying costs.

If you have decided to find a new place to live, you need to consider whether your income and/or settlement will be enough to maintain your desired lifestyle in that new location.

### 3 Financial Mistakes to Avoid Before and During Divorce

In addition to the example above, the following are three financial mistakes to avoid if you are contemplating or going through a divorce.

**1. Underestimating your living expenses.** Most people know how much they are paid, but often-times don't know exactly where their money goes each month. For those who are not employed and/or are not involved in financial decisions for the household, this problem is often amplified. Knowing how much you need to maintain your lifestyle will be crucial to negotiating the terms of your divorce settlement. Be sure to consider such expenses as health insurance, which you might have had through your spouse's work and may need to purchase independently post-divorce. When detailing expenses into the future, it is important to also take inflation into account. What something costs today (for example, college education) could be much more expensive in the future.

**2. Retaining illiquid assets.** In most divorces, one spouse keeps the primary residence and the other might get a corresponding amount in cash, retirement accounts, or other assets. A similar process can be used when a spouse or couple owns a business or significant investment portfolio. Although the split might be equal on paper at the time of the divorce, one spouse can be left with an asset (a house or business) that could be difficult to sell. In addition, if a divorce settlement drags on for months or years, your financial situation can suffer until you are able to get access to those assets.

**3. Failure to consider taxes.** Be careful to consider the implications of taxes on your divorce settlement. Keep in mind that you will be taxed on any alimony that you receive. You should also be aware of the taxes and penalties assessed on distributions from retirement assets. If you receive a portion of a retirement account as part of a Qualified Domestic Relations Order (QDRO), you will be subject to a 20% withholding tax if you fail to roll that retirement money directly into an IRA or other retirement account. You must also have a QDRO in place to avoid an additional 10% penalty on distributions taken before age 59 ½. A QDRO details how you and your spouse will split qualified retirement accounts, such as 401(k) or pension accounts. You will also need to consider capital gains taxes on any appreciated assets. This could include selling a home that has appreciated significantly or an investment portfolio with stocks that were purchased at a much lower dollar amount than what they are worth today. Although liquid and easy to sell, highly appreciated investment assets may have significant future tax liabilities due to capital gains and have a much lower actual after-tax worth to you.

### Information Is Power

Ideally, you should gather information about your finances before you or your spouse files for divorce. It can ultimately

save you time and money because obtaining information or discovering hidden assets can sometimes become difficult later, resulting in potential added legal fees and stress.

You'll want current records of your assets detailing what you and your spouse each own, together and separately. Although information on children, property, and assets is only required once a divorce case is filed, you should start collecting it in advance – especially if your spouse is likely to take his or her documents when you separate.

**1. List your assets.** Providing an inventory of your assets and other financial information is critical – not only so that you know what you have, but also to help your lawyer in negotiating items such as alimony, child support, and division of property in your settlement. Items for the inventory include real assets such as your primary home; a secondary or vacation home; timeshares; rental property; furniture; electronics; vehicles such as cars, boats, motorcycles, and recreational vehicles; art; jewelry; and anything else of tangible value. You should also inventory investments and liquid assets such as bank accounts and cash; retirement, pension, and investment accounts; and employee benefits or stock options. Your lawyer also will need a list of and details on all insurance policies – including those for life, health, home, and vehicles – and umbrella policies. Other assets that sometimes are overlooked include frequent flyer miles, vacation pay, pensions or deferred compensation from a previous job, contents of safety deposit boxes, and collectibles or valuable items related to hobbies such as coins, books, or antiques. It is best practice to also have appraisals for valuables such as art, jewelry, and collectibles. You should also list for your lawyer any non-marital assets, or assets acquired or inherited before your marriage, that will not be included in a divorce settlement.

**2. Gather legal and tax documents.** Make sure you have all legal

estate-planning documents, including wills, financial powers of attorney, healthcare powers of attorney, living wills, and trusts. You will also need income tax returns for the previous five years along with all payroll statements and pay stubs. If you and your spouse own a business, you will need to gather tax returns for the business, accounting statements showing profit/loss and balances, any partnership agreements, and business credit card statements and records.

**3. Identify your liabilities and expenses.** Your lawyer will need information on your liabilities and living expenses in order to document your current standard of living and help you determine what it will be after your divorce. Your liabilities include what you owe in mortgages, lines of credit, credit cards, and any tax liabilities you might have, all of which will be taken into account when negotiating your settlement.

You will also need to detail all of your expenses and cash needs, including monthly mortgage or lease payments for your current or future home; utilities; insurance premiums for life, health, auto, home, or any other policies; current or future tuition; car payments; gas; car maintenance; food; clothes; home maintenance; memberships; vacations; dining out; entertainment; and lawyer fees. Ultimately, these expenses should include anything you currently pay and anything you expect to have to pay in the future. Credit card and bank account statements are good resources to use to determine your historical recurring and occasional expenses.

Keep in mind that the income and assets that supported a single household will now be split to support the lifestyle for two households. When marriages end, living costs easily can double, as you will now need two homes plus the utilities, taxes, and maintenance attributable to each. By detailing your assets, liabilities, and expenses, and analyzing your spending habits, you and your professional advisors can craft the best

possible settlement and help you set up a post-divorce financial plan to help ensure a secure future.

### Determining Where to File

In most situations, you will file for a divorce in the state in which you and/or your spouse live. If you and your spouse own property in different states or you live apart, you might be able to select the state in which to file. In those situations, you and your lawyer should evaluate each state's divorce laws to determine the best choice. Among the items to consider are the length of time it will take to grant a divorce, the age of majority used in determining how long a parent is required to pay child support (for some states it is 18 and others it is 21), and filing and procedural rules, which can vary significantly.

Some states have requirements that limit options even if a couple has multiple homes or live in separate states. For example, some states require that child custody be determined by a court in the state in which the children live; other states require that decisions about prop-

## Even those with little or no financial experience can become financially savvy by asking the right questions and seeking help from professionals who specialize in divorce.

erty must be decided by a court in the state where the property is located. Divorce laws also vary concerning other matters such as how prenuptial agreements are handled and whether alimony is allowed.

If you do have a choice on where to file for divorce, it's important to consult your lawyer – and possibly a financial advisor – to ensure you make the best decision for your unique situation.

### Identifying Your Priorities

Once you have gathered all of the information that your lawyer will need, you can start to consider the bigger picture questions. Initially, many people simply focus on the settlement itself and how much it should or could be. Instead, a lifestyle analysis is needed to identify the priorities that need to be covered.

Questions to consider as a part of this

lifestyle analysis include:

- What type of post-divorce lifestyle do you want and is it realistic based on your assets and likely settlement?
- How much income will you need for the lifestyle you desire?
- Where will you live?
- If you haven't worked outside the home for many years, will you go back to work? If so, will you need to retrain first? How long will that take, and how much are you likely to earn when you re-enter the workforce? If you've never worked outside the home, it may be unrealistic to assume you'll be able to get a job – especially if retirement is just a few short years away.
- When will you want to retire or need to start tapping your savings?
- Will you want or need to leave money to your children or grandchildren? Will you want to donate to charitable or other organizations?

Your analysis should consider your current assets, both liquid and those that can't be sold until later, along with current and future expenses.

Examples of future expenses could be your next home, college tuition, weddings for your children, vehicles, and healthcare. You'll also want to estimate

your eventual Social Security benefits, potential inheritances, taxes, and inflation. All of this information can help you determine how much you'll need to save, how much risk you can afford to take with your investments, and how much you can spend on a monthly and annual basis.

A lifestyle analysis will consider both wants and needs, and how they fit into the life and lifestyle you desire. For example, you might choose to work and save over a longer period, or invest more aggressively, so that you might be able to afford to travel or spend on other "wants" in the long term; or you might choose to save less now, or select safer, lower-risk investments, and live a more frugal lifestyle later. These are decisions that have the potential to affect you, and possibly your children, for the rest of your life, and they require careful thought and deliberation.

By working with a financial advisor throughout divorce, you'll have a better understanding of your current and future financial status. An advisor can help you pursue your plan, make adjustments as needed, maintain financial independence, and retire comfortably.

## The Right Divorce Settlement

With complete information, your lawyer should work to get an equitable settlement that meets your needs. Depending on the state, an equitable settlement does not necessarily mean equal amounts for both spouses. Your lawyer may have to negotiate aggressively to ensure your settlement fairly reflects the best opportunity for you to maintain your lifestyle.

This includes securing a settlement that can generate the income you will need. It also means being careful not to accept a settlement that might lead to additional expenses that could be a drag on your finances and your future. For example, if your settlement includes highly appreciated stocks that will cause a large tax bill upon sale, or includes a home where the carrying costs are not reasonable for your post-divorce income, this could be detrimental to your future financial well-being. If possible, try to get payments upfront.

For some, post-divorce may be the first time they have managed their own money. An advisor can help execute a post-divorce financial plan and make adjustments as new circumstances and changes in assumptions require. In some cases, you may need to cut back on discretionary spending for entertainment or vacations, or move to a smaller home. Working with a financial advisor who will help you define and set financial goals will give you the confidence you need to manage money and build a comfortable future for yourself in your new life. ■



*Aviva Pinto is a Certified Divorce Financial Analyst® (CDFA®) and a Director of Bronfman Rothschild, a registered investment advisor. Based in New York, she has been*

*in the investment business for more than 25 years. [www.belr.com](http://www.belr.com)*

# Securing Your Financial Life After Divorce

Here are five steps to help to secure your financial future. If you're experiencing gray divorce, pay particular attention to securing retirement assets.

- 1. Do not overlook financial and estate documents.** It's critical to make sure you have updated beneficiaries on insurance policies, wills, IRAs, retirement accounts, and similar documents after a divorce settlement. Failure to make changes can result in an ex-spouse inheriting assets that you intended to go to children, a new spouse, or another designated heir. It is especially important to have a Qualified Domestic Relations Order (QDRO) in place. A QDRO will detail how you and your spouse will split qualified retirement accounts such as 401(k) or pension accounts. QDROs should be filed before the divorce is officially finalized because it will need to be approved by the retirement plan sponsor.
- 2. Protect your divorce settlement with insurance.** Provisions in a divorce settlement such as child support, alimony, and college tuition are dependent on the ex-spouse's ability to continue paying. You can stipulate that your ex-spouse is required to carry disability and life insurance as part of your settlement, to guarantee payment will continue in the event your spouse dies or becomes disabled. Another option is to be designated as the beneficiary on your ex-spouse's retirement plan.
- 3. Don't forget about inflation.** Inflation can have dramatic long-term effects on a settlement. For example, educational expenses have been increasing at a rate of 6% – so if you have a child who will be attending college, what costs \$40,000 today will cost \$47,640 in just four years. The U.S. inflation rate has fluctuated between 0% and 5.6% over the last ten years, so ask your financial advisor what

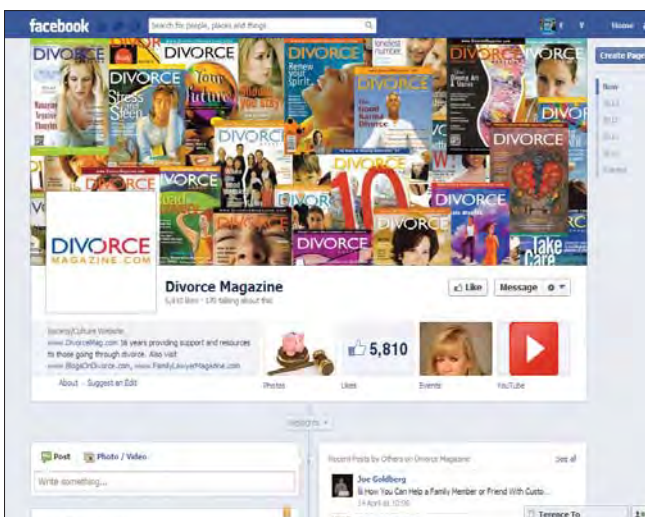
rate(s) you should use for your projected expenses, and be sure to work inflation into your settlement negotiations.

- 4. Remember that you could be entitled to Social Security.** If a couple was married for 10 years or longer prior to divorce, a non-working or lower-earning spouse is entitled to a portion of his or her spouse's social security benefits. These benefits do not impact the worker spouse's Social Security payments.
- 5. Plan for the long term.** Planning for your divorce settlement should include a post-divorce financial plan that considers your long-term financial needs through retirement and beyond – especially when retirement is only a decade or so away. Transitioning from one household to two will add expenses, while the total income supporting divorcing spouses may remain unchanged. You will need a realistic estimate of your financial resources to determine whether they match your long-term needs and expectations. After you and your spouse are divorced, it is important for you to embrace the financial plan that helped to shape your settlement.

# Join Your Divorce Community

Connect with real people who are going through or have recently finalized their divorce by joining our online divorce community. You can vent, ask questions, get support, share your thoughts, insights, and tips, or even inspire others through your own divorce.

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# Post-Divorce Dating:

## Things to Consider Before You Get Started

Some of the post-divorce dating advice your friends and family offer is worth considering, while some of it might need to be thrown out!

By Dr. Deanna Conklin-Danao, Clinical Psychologist and Child Specialist

**T**he approaches that people take to post-divorce dating vary widely. Some people are shell-shocked after a divorce and can't imagine dating, while others want nothing more than to jump right back into the dating world.

If you're just entering post-divorce life, be prepared to receive a wide range of dating advice from your friends and family. This advice can be even more confusing if the last time you dated was before the advent of online dating, texting, and social media, as websites, blogs, and an expanding range of apps will promise you a formula for finding the partner of your dreams.

## Everyone deserves to have happy and healthy relationships in their lives. All this soul-searching might be difficult at times, but the hard work will set you up for success in the long run.

If you are divorced, you already know how hard and complicated relationships can be, that there is no perfect partner, and that all relationships take work. You also know that you want things to be different in your next long-term relationship (even if you haven't completely defined what different means).

While your post-divorce dating journey will be your own, here are some things to consider before you get started.

### Understand Why Your Marriage Ended

It's easy to blame your ex entirely, but it's more effective if you do some soul-searching. How did you choose him/her? What other relationships have had similar patterns? How did you contribute to the breakdown of the relationship? Did you stop communicating? Did you avoid conflict? Did you put up with behaviors far too long without giving feedback? In the vast majority of marriages, both parties contribute to the unhealthy dynamic. Understanding your role will allow you to make different choices moving forward.

### Mourn the Loss of Your Marriage

This may sound strange, especially if you were the one seeking the divorce. Even if a divorce was what you wanted, it is still a loss. The loss of your spouse, the loss of your shared history, the loss of the future you imagined together. Being able to acknowledge your grief and mourn these losses is important.

### Evaluate All Aspects of Your Life

Take some time to consider what you want your life to look like moving forward. Romantic relationships are just one aspect of your life. Don't ignore personal, family, professional goals and the dreams you have for yourself. It can be appealing to get a new partner to try and fill the holes in your life, but this strategy tends to backfire over time. Taking the time to recognize and develop different aspects of yourself will help you stay more centered and solid for when you do decide to date again.

Once you feel ready to date, consider the following:

- **Beware of Games**

We all remember the dating games from high school and college: how long to wait before calling, how to play hard to get, etc. These are only more complicated with social media. Let go of these games because when you are engaged in them, it means one or both of you is ambivalent about dating. If you are ambivalent, then you need to understand why. If the person you are dating is

ambivalent, then you need to consider if you are interested in pursuing a relationship with them.

- **Beware of Patterns**

Pay attention to your relationship patterns, especially if they start feeling familiar. This goes back to really understanding why the marriage ended. If you find yourself repeating patterns that have been problematic in the past, then it could be really helpful to seek therapy to understand why those patterns are so hard to break.

Everyone deserves to have happy and healthy relationships in their lives. All this soul-searching might be difficult at times, but the hard work will set you up for success in the long run. It is worth the energy to create the type of relationship you want. ■



*Deanna Conklin-Danao (Psy.D.) is a Chicago-based Clinical Psychologist, Collaborative Divorce Coach, and Collaborative Divorce Child Specialist. In her practice, Dr. Conklin-Danao creates a safe and supportive environment for adults and children to learn about themselves, develop new ways of relating, and grow into the life they want to lead. [www.drconklindanao.com](http://www.drconklindanao.com)*

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#### 4 Things to Consider Before You Start Dating After Divorce

Jumping into the dating scene before recovering from divorce may lead to more pain and poor decisions. Working on yourself will help lead you to a better place to achieve your relationship goals.

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# How to Help Teenagers Cope with Divorce

Following these 7 tips on helping teenagers cope with divorce will allow your children to get through your divorce in a smoother way.

By Wendi Schuller, Author and Therapist

Teenagers can be challenging during divorce as they are more likely to be stoic and keep their feelings hidden than their younger siblings who cry, are clingy, and often more talkative. There may be an obvious sign with a young child that they are stressed, such as bedwetting. Teens may not show many obvious signs that they are struggling with parental divorce, so you may need to do some sleuthing – including talking with their school’s guidance counselor – to find out how they are really doing.

Adolescents are undergoing physical changes with fluctuating hormones taking a toll on their emotional state, even under the best of conditions. Throw a divorce into the mix and it can be difficult to decipher what is “normal” teenage angst and what



is problematic. One day they may feel childlike and the next, quite grown up.

Teens may not want to share their feelings with parents for various reasons – including not wanting to be a burden when their folks are in turmoil, or to avoid hurting a depressed parent. Teens may be angry at the two individuals causing such a drastic upset to their world.

An adolescent may become depressed and turn inwards. When this happens, they shut others out and become quieter, withdrawing from their friends, extracurricular activities, and social events they enjoyed pre-divorce.

## 1 Inform the Adults in Their Lives That You Are Getting a Divorce

It is less traumatic if teens do not have to keep explaining the situation to teachers, coaches, and so forth. As a school nurse, I found that kids were embarrassed when they had to ask whether their testing result was for their mother or father. I would quickly make an extra copy so each parent had one but this upsetting situation did not have to happen.

## 2 Deal with Any Behavioral Changes Right Away

Your teenager may start exhibiting marked behavioral changes. It is better to deal with those behaviors right away rather than have them escalate or become a pattern. When my son became sassy with a teacher who was similar to his father, I was called into the school immediately. My son and that teacher talked about his disrespectful behavior. Although divorce is not an excuse, the teacher listened to what was a trigger for my son. Now when they bump into each other, it is as old friends.

## 3 Look for What's Behind the Changes

Is your teenager's behavior erratic? This could indicate alcohol or drug use: they may be self-medicating while trying to numb their emotional pain. Do they wear long sleeves all of the time? That

could indicate cutting or track marks – or bruising from bullying – and the long sleeves are hiding scars and contusions from you.

## 4 Ensure That Your Teen Has Access to a Neutral Third Party

A neutral third party can help them discuss their fear, disappointment, and what is going on in their life. It could be a family friend, godparent, neighbor, or a relative who is non-judgmental. My sons had a therapist assigned to them during divorce proceedings by both lawyers. This support was invaluable for them. They could let off steam and gently be given a reality check. If your teen is going off the rails, a session with a counselor or divorce coach can be beneficial.

## 5 Give Teens Your Undivided Attention

This includes without your smartphone in sight. It can be easier to open up when doing side-by-side activities, such as taking a walk. These older kids may not want eye contact when expressing difficult thoughts. It is easy to get caught up in the trauma of your divorce and be significantly less available to your children. Make sure you get breaks and support in order to be there for your kids. If you are burned out, you will be a less effective parent.

## 6 Plan Enjoyable Activities with Your Teens

My sons and I had fun rituals that we did weekly. For example, we continued going to restaurants where the owners had known them as babies and were supportive during divorce. Splurge on a day out at an amusement park. Go to see a funny movie at the theater, as laughing is a good way to reduce stress. Music or comedy festivals can help you and your teenagers get into an upbeat mood and forget their problems for a while.

## 7 Keep Your Sex Life Private

Teens I spoke with felt uncomfortable

when their parents' dates turned into sleep overs. This is especially true when the divorce has not yet been finalized. Several adolescents became angry when their father presented his new girlfriend and said they were already a couple. When one of the lads pointed out that he was still married, the encounter turned nasty.

Teens can learn valuable life lessons from their parents' divorce – such as how to adapt to new situations and to look for the silver lining in challenging circumstances. My sons learned how to live within a budget, self-reliance, and that experiences are more important than material goods. Looking for positives – instead of back at what was – got my sons and me through divorce and beyond. ■



*Wendi Schuller is an author, nurse, and hypnotherapist who is certified in Neuro-Linguistic Programming (NLP). The author of The Global Guide to Divorce (Austin Macauley Publishers, 2015), she is a featured author on [www.DivorcedMoms.com](http://www.DivorcedMoms.com) and a regular blogger for [www.DivorceMag.com](http://www.DivorceMag.com). [www.globalguidetodivorce.com](http://www.globalguidetodivorce.com).*

### Related Articles

#### 7 Ways To Help Your Teenager Cope With Divorce - Part 1 and 2

Some teenagers seem to make it through their parents' divorce relatively easily, while others struggle and are more vulnerable to negative emotions and low self-esteem. Expressing compassion and understanding to your teen can go a long way to smooth over the rough patches in a divorced family. [www.divorcemag.com/blog/7-ways-to-help-your-teenager-cope-with-divorce-part-1](http://www.divorcemag.com/blog/7-ways-to-help-your-teenager-cope-with-divorce-part-1)  
[www.divorcemag.com/blog/7-ways-to-help-your-teenager-cope-with-divorce-part-2](http://www.divorcemag.com/blog/7-ways-to-help-your-teenager-cope-with-divorce-part-2)

# A Letter to the Other Parent: How a Child Perceives Divorce

In custody and divorce matters, sometimes one parent may intercede in the relationship between the child and their “Other Parent.” This letter from a professional shares how the child is impacted by these actions.

By Ruth A. S. Nichols, Certified Family Life Educator



## To the Other Parent,

A father is seeking help via an online support group. His ex left with their young child and is blocking all efforts of this father to maintain contact with their child. In just two paragraphs, this father expresses palpable emotions of fear and speaks words of sheer panic at the possibility of losing his child. Sadly, this is not an isolated case. The experience of this parent is the inspiration for this Letter to the Other Parent.

When one parent states they want a divorce, a common question from the other parent is “What about the children?” Thinking about how divorce will impact your child is a valid concern. This is true for most parents.

A common theme across all cultures, genders, races, and SESs (socio-economic statuses) is that parents want what is best for their child. Due to numerous Facebook pages, legislation, websites, and support groups addressing parental concerns in custody, divorce, and especially high-conflict cases, we may surmise an exception to this social rule.

To the Other Parent, this is how your actions come into play.

To a child, divorce is much more than a legal matter: this is their entire world being ripped apart and thrown on the ground in pieces. Children of all ages are aware of the actions and events in their family, especially when things are turned upside down. Each age group faces different challenges as indicated in their responses.

## Ages 0-3

This age group is pre-verbal and we need to rely on data. Parents and family members are encouraged to look at the vast research addressing the important topics, including the father/child and mother/child relationship and information supporting overnights with both parents. A child having a relationship with both parents is paramount.

## Ages 4-7

Some parents may think young children do not understand what is happening. These responses show that there is a keen sense of awareness with their surroundings and what is happening in and to their family. Here are the words of some children in this age group:

- “Divorce has lots of anger and it causes hurt.”
- “They don’t like each other.”
- “This is all very confusing. I am soooo confused.”
- “Yelling together at each other.”
- “When I think of you and Daddy not living together, I feel so sad. I do not understand why you got divorced. Sometimes I dream about Dad being sad, about not having you around. I wish that you didn’t get a divorce.”

## Ages 8-12

This age has the emotional capacity to deal with everything, yet they are still quite limited. They may feel anger at one or both parents, or they may choose sides. This is how some children in this age range describe divorce:

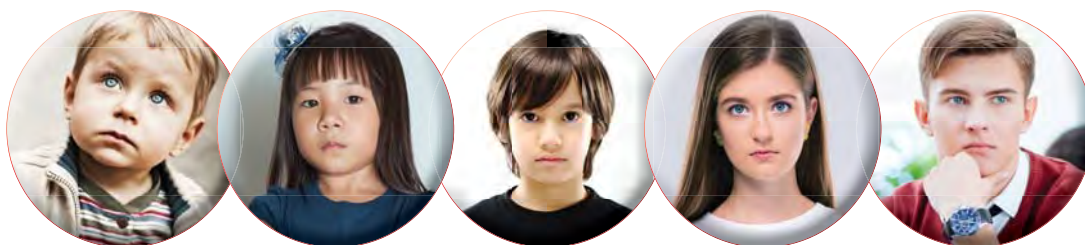
- “Divorce is really confusing to kids. Everybody thinks the kid understands and knows what’s happening, but I’d say just remember that kids don’t know and they don’t understand and they get confused because no one explains anything.” Boy, 9.
- “I am afraid that my parents will forget about me when they start a new life.” Girl, 10.
- A therapist asked a third grader what he wanted adults to know, if divorce makes a child feel lonely. He looked at the therapist with sad eyes, hung his head and said softly, “Yes. That’s what I was trying to say. I just didn’t know how to say it.”
- “They didn’t really say they were splitting up, but I could just see it coming because they were always fighting: then, one day, when I got home from school,

- “It makes us feel sad, and we don’t like that feeling, because you make us feel like wanting to run away or something. It’s very hard on our heart.”
- “I understand why you separate from my father, but do not separate from us.” Boy, 16.

### College Age

Going away to college is always a fun and exciting time. For one 18-year-old, the best part of this adventure is finally having one place to call home.

- “When I went away to college, I was soooo relieved. I finally had a home to call my home. No more going between houses. No more having to remember each thing I would need when going to one parent’s home from my other parent’s. I no longer had to deal with



my dad and all his stuff was gone. I felt like they left me all by myself.” Girl, 9.

- “Divorce is like a thousand knives being thrown at one’s heart or a slow, painful ride through Horror Mountain.” Girl, 12

### Ages 13-18

Adolescents are more aware of adult problems and may accept the burden of emotional and money issues. Here are some adolescents describing their perception of divorce/separation:

- “I don’t know why my mom and dad ever got married.” “I used to think I was adopted because there was no way they could have stopped fighting long enough to have me!”
- “The constant feeling of being ripped away from the people you love by the people who love you.”
- “Mom and Dad expect me to ‘adjust,’ but the home I once knew is gone. Why can’t they cut me some slack?”

communicating between my parents who were unable to be civil to one another. Finally, I had one address. All my belongings were in one place. For the first time since the divorce I felt like I had a real home.” Male, 18.

Some of these responses indicate that younger children may not fully understand the divorce or separation. There seems to be a common theme of confusion and feelings of being left behind.

To the Other Parent, please know you are one of the parents. If your child enjoyed a loving relationship with both parents before the custody, divorce, or high conflict began, your child should maintain the caring, loving, and supportive relationship after the fact. Children are the innocent victims of divorce and separation. A relationship with both parents is a child’s right and not a parental decision.

P.S. The best parent is both parents.

Sincerely,

A Shared Parenting Advocate ■ ” ”



*Ruth A. S. Nichols (M.A., M.A., CFLE p) is a Certified Family Life Educator and advocate for Shared Parenting. She works in the arena of Shared Parenting focusing on the parent/child relationship in the divorce process. Ruth actively participates in establishing equal parenting in custody and divorce.*

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