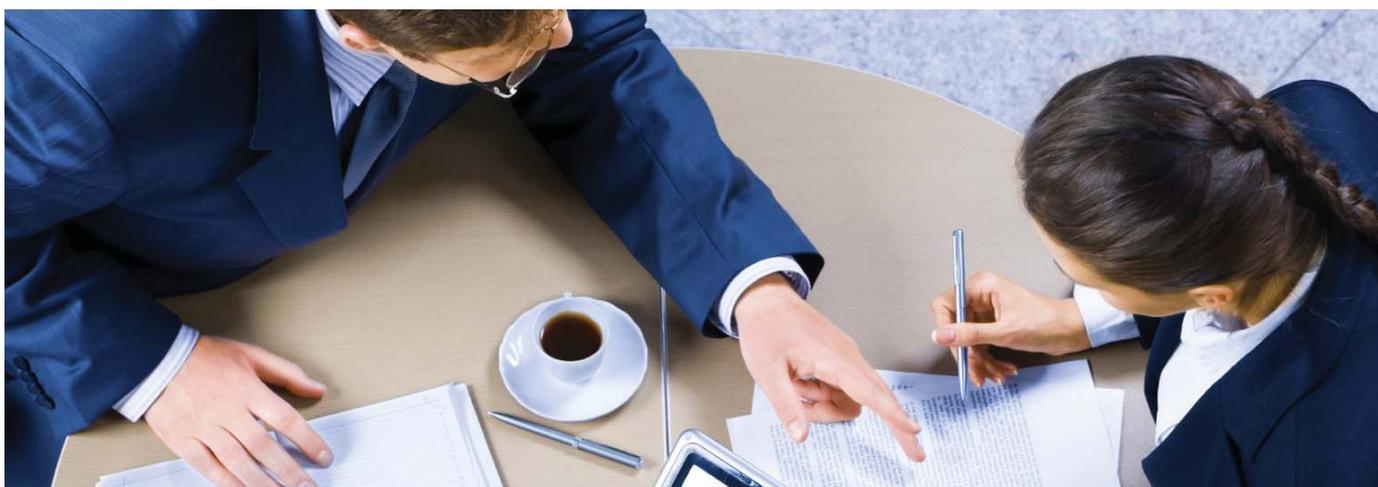


# DIVORCE GUIDE



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This special **Divorce Guide** contains helpful articles, tips, and advice to assist you and your family through this transformational process. It will help empower you to build the satisfying new post-divorce life you desire – and deserve.



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The articles in this *Divorce Guide* are provided for general information and may not apply to your unique situation. These articles do not take the place of a lawyer, accountant, financial planner, therapist, etc.; since laws and procedures vary by region, for professional advice, you must seek counsel from the appropriate professional in your area. The views presented in the articles are the authors' own and do not necessarily represent the views of this firm or of Divorce Marketing Group. This *Guide* is published by and Copyright © Divorce Marketing Group. ALL RIGHTS RESERVED. Any use of materials from this *Guide* – including reproduction, modification, or distribution – without prior written consent of Divorce Marketing Group is prohibited.



establish that one spouse needs the support and that the other spouse is able to pay it – which may require a Financial Affidavit or Statement detailing both spouses’ living expenses and incomes.

You should hire a divorce lawyer and/or mediator and financial advisor as soon as possible. You’ll set your temporary order/agreement in a brief, relatively informal hearing before a judge, so prepare a complete list of what you want to request. The items you can request include: temporary custody and visitation arrangements; a restraining order (if there has been domestic violence); child or spousal support; and/or who gets the car and house.

### Filing the Petition

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, spousal and child support, etc. The other spouse (“the defendant”) must answer the summons and, if they wish, can make their own claim.

### Collecting Information and Discovery

You must gather all relevant information for your lawyer and/or financial advisor, including:

- Full names, addresses, phone numbers, and Social Security or Social Insurance numbers for you, your spouse, and your children (if applicable).
- 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

## If you and your spouse can’t reach an agreement, then your case goes to trial. Divorce trials can take many months or even years, and they’re never pleasant.

last five 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 divorce 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 advisors, appraisers, etc.) may have to retrieve documentation of every dollar value – including that of premarital assets.

### Contested vs. Uncontested Divorce

There are two general types of divorce: contested and uncontested. In a contested divorce, a judge will decide the outcome if you can’t come to an 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 than a contested one. However, the more issues you’re able to resolve on your own means fewer to resolve in court – which will help to reduce your expenditures of both time and money in a contested divorce.

### 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. 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 (a.k.a. Pro Se) route, you’ll be able to represent yourself in this hearing. Once the judge makes a decision on the matter, the regular process continues as before.

### To Litigate or Negotiate?

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? Alternative Dispute Resolution (ADR) methods – such as arbitration, mediation, and Collaborative Divorce – have become popular means of resolving divorce-related issues in a cooperative environment. Some states and provinces have made mediation compulsory in the divorce process.

### Trial

If you and your spouse can’t reach an agreement, 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 in court. You take the stand, and your divorce lawyer asks you questions that prompt you to explain your side (direct examination), and then your spouse’s divorce lawyer has the option of asking questions or challenging the validity of your testimony (cross-examination). This process is repeated for your spouse. Finally, the judge – who only knows you through what they have heard in court – weighs all the evidence and makes all the final decisions about your divorce.

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# Divorce is never easy – and if your ex is uncooperative or downright adversarial, it can turn into a long, painful, and expensive process.

## The Issues

- **Money and property.** Your property will be classified as either “marital” or “separate.” All marital property will go into the marital pot that will be divided between the two spouses, and separate property stays out of the pot. The rules are complicated, but generally speaking, separate property is anything that was brought into the marriage, inherited during the marriage, or gifted during the marriage – and kept in one spouse’s separate name. The goal of property division is “equitable distribution” – meaning a fair division of assets and debts. The more financially complicated your divorce, the longer this will take. You’ll likely need an accountant, a Certified Divorce Financial Analyst® (CDFA®), and perhaps a business or pension valuator to help you make sense of all the assets.
- **Spousal support/alimony.** In family law, marriage is seen as a financial partnership. When that partnership breaks down, the partner with more income or assets may have to pay support to the other. Sometimes also known as “alimony” or “maintenance,” spousal support is based upon one spouse’s need and the other person’s ability to pay. For instance, you may “need” \$5,000/month to cover your expenses, but if your ex is making minimum wage (and is not independently wealthy), then you’re unlikely to get that \$5,000/month. Spousal support is intended to cover living expenses while the financially disadvantaged ex-spouse goes back to work or school to retrain for a higher-paying job. In the case of some long-term marriages, support may be ordered so that an ex-spouse can maintain his/her pre-divorce lifestyle indefinitely. Ask your lawyer whether you’re eligible for or likely to have to pay spousal support.

- **Child support.** All parents are obligated to support their children. In a divorce, the non-custodial parent is usually ordered to pay child support to the custodial parent; the custodial parent is expected to use these funds to pay for the child’s expenses. “Custodial parent” means the one that the children live with most or all of the time; the “non-custodial” parent would have visitation or access rights. The amount of child support is based on a number of different factors, including the annual income of each parent, the total number of children in the family, and the custody arrangements for the children.
- **Child custody and visitation.** Child custody has two components: legal and physical. Generally speaking, sole legal custody means that one parent has the legal authority to make all major decisions involving his/her children, while joint or shared legal custody means that both parents have an equal say in all major decisions about their children’s lives. Physical custody can be sole, split, or joint/shared (the terminology varies by jurisdiction, so make sure to become familiar with the correct terms for your area). One of the most important decisions you’ll make during your divorce is where and with whom the children will live. 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 even more so for your children.

## 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 and provinces, but the average waiting period is about six to 12 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.

The divorce process is complicated, and this summary doesn’t touch on what an emotional rollercoaster ride a divorce is. Divorce is never easy – and if your ex is uncooperative or downright adversarial, it can turn into a long, painful, and expensive process. 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 will lead to a respectful co-parenting relationship post-divorce. But once it’s finalized, you’re free to start over – so the sooner you reach the end, the better for all involved. Consult the necessary divorce professionals (family lawyers, divorce mediators, CDFAs, accountants, therapists, etc.) to find out how to reduce time, money, and emotional costs during your divorce process. ■



*Diana Shepherd is the co-founder and Editorial Director of Divorce Magazine and a Certified Divorce Financial Analyst® (CDFA®). She has been writing about divorce-related issues since 1996.*

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# 5 Ways to Financially Prepare for Divorce

Following these simple steps will ease the financial shock of divorce – and put you in a better position to transition to your new life as a single individual.

By Rosemary Frank, Divorce Financial Professional

**F**inancial issues will dominate the discussion of your divorce settlement. Therefore, it makes sense to financially prepare for divorce. You are preparing not only for the actual expenses related to the divorce process, but also for the major financial adjustments that will follow. (For those of you who were looking for ways to hide assets, this is not where you will find it.)

Taking the following steps will help you be better prepared financially for the divorce process as well as the outcome. But remember: in spite of all your preparation, there will still be difficult times ahead.

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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

**I**n 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 (C DFA®) 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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# 7 ways

## to Stop Sabotaging Relationships

By Terry Gaspard, Licensed Therapist



With insight and self-awareness, you can reject the faulty patterns of relating to partners you grew up with and create loving, long-term relationships in the future.

**F**or the most part, people who sabotage relationships are not intentionally self-destructive. Our past experience can cast a large shadow over our present relationships, and we may not be aware that we're playing out old patterns.

Truth be told, most of us begin relationships with the expectation that we'll be happy, so we're blindsided when they begin to crumble. In fact, most relationship saboteurs are distressed when they experience a breakdown in communication with their partner and don't really understand why their relationships aren't working out.

The first step in changing negative patterns in relating to romantic partners is to check to see if your own baggage

is getting in the way of successful communication. Is it possible that you have not come to terms with your tendency to create self-destructive relationships that match your negative view of yourself, love, and commitment? As you grow and learn about yourself, it's important to look at the choices you make and to see what lessons can be learned from your experiences.

Additionally, in order to stop sabotaging relationships, you are wise to examine how your trust issues are getting in the way of creating a loving partnership. Sometimes people's actions are not intentionally hurtful, and it's possible that he or she wasn't aware that this was a hot-button issue for you. Not all mistakes are intentional – most

are simply errors in judgment. Take an inventory of your mistrustful feelings and determine how many of them are based on the past, rather than on your partner's present behavior.

### **Building Trust in Relationships**

The first step in building trust in relationships is to work on your fear of being vulnerable and not holding in your mistrustful feelings with partners. Trust is a skill that can be practiced in the context of a relationship with a partner who is dependable and shows consistency between his or her words and actions. It takes time to learn to trust others if you've been let down in the past.

Every person is born with the propensity to trust others, but through life

experiences, you may have become less trusting as a form of self-protection. Perhaps one of the hardest things about trusting someone is learning to have confidence in your own judgment. Trust is about much more than catching your partner in a truth or lie. It's about believing that he or she has your best interests at heart.

Many relationships are sabotaged by self-fulfilling prophecies. If you believe your partner will hurt you, you can unconsciously encourage hurts to emerge in your relationship. But day by day, if you learn to operate from a viewpoint that your partner loves you and wants the best for you, you can enjoy trust in your life. For instance, you seem to have unrealistic or rigid expectations of how others should treat you, and so you are easily disappointed. Then when a partner treats you badly, your suspicions are confirmed. Yet you failed to set healthy boundaries from the beginning.

People who enjoy healthy relationships have learned from their mistakes and have treated their setbacks with compassion. With an empathetic attitude, you can start to connect to the rest of the world as you remember that we are all flawed in some way, and start to realize that the wonderful thing about behavior is that it can be improved. You might not get a second chance at your relationship, but there is still a chance for recovery for those who have made mistakes.

## 7 Ways to Avoid Sabotaging Your Relationships

1. Gain self-awareness of your history. For instance, if you have trust issues, you may break off relationships when you experience conflict because you don't trust your partner has your best interest at heart. You'd rather be the one to break things off rather than be dumped. If your parents had an unhealthy relationship, find out about how patterns learned from them have impacted your choices in partners.
2. Accept your part in the destructive

## Trust is about much more than catching your partner in a truth or lie. It's about believing that he or she has your best interests at heart.

dynamic with your partner. It's natural for one person to see their style as preferred and to be convinced that their partner needs to change – neglecting to see their part in the struggle. But when you begin to focus more on changing your mindset and way of responding to him or her, you'll be surprised how this can ignite positive change.

3. Begin to see relationships as teachers. Let go of being a victim and positive things will start to happen. When you see yourself as a victim, your actions will confirm a negative view of yourself. Instead, focus on the strengths that helped you cope so far in life. Don't obsess about past choices in partners, but learn from them.
4. Examine your expectations about intimate relationships. You might be focused on your dream of how a relationship should be rather than the reality of how it is – leading to disappointment. There is no such thing as a soul mate or perfect partner. If your partner lets you down, don't always assume that a failure in competence is intentional – sometimes people simply make a mistake.
5. Take things slowly before making a commitment. Make sure you've dated someone for at least two years and are at least in your late 20s before you make a life-long commitment to reduce your chance of divorce.
6. Make sure that you have common values and beliefs with people you date. Pinpoint destructive traits in some of the partners you are attracted to. Finding a good match may require that you choose a new "type" in the future, according to dating expert Cija Black.

7. Write a new narrative or story for your life – one that includes taking your time picking partners who are trustworthy and willing to work on a committed relationship, if that's your desire.

Repeating the past can be problematic, but with insight and self-awareness, you can reject the faulty patterns of relating to partners you grew up with, and create loving, long-term relationships. Coming to grips with your fears and changing your responses to romantic partners will take time, but it's the first step in changing your perspective on love and commitment. ■



*Terry Gaspard (MSW, LICSW) is a licensed therapist, college instructor, and author concentrating on divorce, women's issues, children, and relationships. She specializes in helping people heal from the pain they experience related to divorce and other losses. Terry and her daughter, Tracy Clifford, are the co-authors of Daughters of Divorce: Overcome the Legacy of Your Parents' Breakup and Enjoy a Happy, Long-Lasting Relationship (Sourcebooks, 2016).*

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# 7 Common Financial Divorce Mistakes to Avoid

These mistakes can have devastating effects on your financial well-being during and after divorce.

By Adrienne Rothstein Grace,  
Divorce Financial Professional

**A** client came to me during the very beginning stages of her divorce. She was in her mid-30s, with three children, and devastated. If she had allowed it to, the emotion of what she was about to face would have surely blinded her vision from the practical. So I gave her this list of some divorce mistakes to avoid – mistakes I had seen have devastating effects on the financial well-being of individuals after their divorce. If you find yourself in this situation, make sure to take some notes.

## 1 Underestimating your expenses

Let's face it, we often know exactly how much we make – but it is a lot harder to explain where all that money goes. Take some time to record all of your expenses and develop a realistic monthly budget. Don't forget holiday spending, vacations, auto repair, and bills that only come quarterly or annually. Also consider the cost of future expenses, taking inflation into account.

## 2 Holding on to the family home at all costs

Especially when children are involved, it can be ideal to be able to keep the family home, keep everyone comfortable, and avoid the hassles of moving. But no matter how attached you are to your home, it is crucial that you have a realistic understanding of whether or not you can afford it. Like nearly everything else, this decision is a practical one that relies on a solid understanding of your post-divorce finances – and an open mind.

## 3 Not taking a holistic view of your finances

If you examine each asset or source of income separately, you lose the opportunity to understand the interaction of taxes, capital gains, investment losses, inflation, and more. Fair settlements take into account a comprehensive picture of all of your finances. In doing that, you will better understand how each financial decision you make may affect other areas.

## It's important to know what you have before you can divide it.

## 4 Dividing your assets without first creating an inventory

It's important to know what you have before you can divide it. Your inventory should include details (including a description, year acquired, price paid, and current value) of all your possessions, and whether you want to keep it, let your ex have it, or sell it and divide the proceeds. It's important to consider your property, business, investments, car(s), life insurance policies, and especially pension plans, 401(k), and other retirement accounts. Also consider your debt – dividing things up includes both assets and liabilities.

## 5 Failing to insure spousal and child support payments

Your ability to collect spousal and child support is only as good as your spouse's ability to pay. Consider life and disability insurance policies to ensure that these payments will continue in the event of your spouse's inability to pay. Even better – be the owner of these policies to assure that they stay current and in force and you remain the beneficiary.

## 6 Having unrealistic financial expectations

Divorce means splitting one household into two. Stretching your income to cover two households means that finances are going to have to tighten. Expect it and plan ahead so you don't find yourself in the hole financially.

## 7 Failing to consider your long-term financial security

If you simply focus on the immediate task of dividing assets and receiving spousal and child support, without understanding how things might look when that support terminates or you're near retirement, you're doing yourself a great disservice. Having a financial

professional with experience in the divorce arena review your proposed settlement agreement (before you sign it) and discuss with you the long-term financial consequences can protect you and your family. ■



*Adrienne Rothstein Grace (CFP®, CLTC, CDFIA®) brings 30 years of financial advisory experience to clients in transition. Her holistic approach to financial transition planning*

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# Marital Property vs. Separate Property in Divorce

Here's an explanation of how the courts typically define separate property and marital property in divorce.

By Diana Shepherd,  
Divorce Financial Professional

**I**n a divorce, all assets are designated as either separate or marital (known as “community” in some states) property in accordance to the state or provincial laws and prenuptial or marital

agreements (if any). During property division, all marital property will go into the marital pot to be divided between the spouses, and each spouse gets to keep his/her own separate property (assuming it has been kept separate for the entire marriage).

You should know that “property division” does not necessarily mean a physical division of all assets: physical assets, like a house or a car, can't be split into two parts. Instead, the judge could award each spouse a percentage of the total value of the property, meaning that each spouse will receive assets (from cash to cars to real estate) and debts

whose worth adds up to the percentage specified by the judge.

Exactly what constitutes separate vs. marital property can be a gray area, which you should discuss with your divorce lawyer. However, here's an explanation of how the courts *typically* define the two types of property.

## Separate Property

Separate property consists of items such as:

- Property owned by either spouse prior to marriage, *and kept in that spouse's separate name.*
- Inheritance received by either spouse

before or during the marriage, *and kept in that spouse's separate name.*

- Gifts received by either spouse before or during the marriage by a third party.
- Payment received for pain and suffering in a personal injury judgment.

Let's look at some examples. John and Jane have been married for 20 years. On their wedding day, she made a grand romantic gesture and changed the title on the lakeside cottage she had inherited from her grandparents from her name alone to both of their names. So although she inherited the cottage (which would make it separate property), she changed the title, which made it marital.

During her marriage, Jane inherited \$20,000 when her Uncle Pete passed away. She deposited it into a bank account in her own name, and didn't touch a penny of the funds. The \$20,000 would be her separate property – but in some states and provinces, the interest on the original sum might be considered marital property. (Ask your divorce lawyer whether this is the case in your area.)

Some states make a distinction between “active appreciation” and “passive appreciation” when it comes time to deciding whether money is separate or marital. Active appreciation is when one spouse contributes or puts in effort directly or indirectly to increase the value of his/her separate property, such as a business or other investment. Passive appreciation is when property increases in value due to inflation or other reasons (sometimes, simple bank-account interest).

Let's go back to Jane's inheritance. In this example, she withdrew \$15,000 from the \$20,000 inheritance to renovate the marital home. In some states, if she can trace the \$15,000 back to the original inheritance, it might still be counted in separate property; in others, she changed the designation to marital by spending the money on marital property. The same would be true if she deposited the \$15,000 in a joint account, co-mingling her separate property with the marital property. (Again, ask your lawyer whether this is the case in your area.)

Do you get a sense for why this can be such a gray area?!

## Marital Property

Generally speaking, all assets acquired or earned during the marriage are considered marital (or community) property – regardless of whose name it is in. Marital property consists of items such as:

- Employment income
- All bank accounts (except for those that pre-dated the marriage and did not have any marital funds – e.g., a paycheck – deposited into them during the marriage)
- Businesses
- Professional practices and licenses
- Limited partnerships
- Real estate
- Vehicles and boats
- Art and antiques
- Pension and retirement plans
- Brokerage accounts, mutual funds, stocks, and bonds
- Bonuses and commissions
- Memberships
- Annuities
- Life insurance
- Tax refunds

Again, the distinction between marital property and separate property is a legal one and it varies from place to place, so you must speak to your divorce lawyer about how the local laws might affect your property division.

## Community Property vs. Equitable Distribution

If you reside in a US state, and you and your spouse can't agree on how to divide jointly-owned property, then the courts will divide it for you according to “equitable distribution” or “community property” principles. (By the way, your joint debts will also be divided according to either equitable distribution or community property principles.) Although the specific details vary from state to state, the main difference between the two schemes is that in community property states, there is an absolute 50/50 split of all property acquired during the marriage, whereas in equitable distribution states, more assets might be considered marital property, but the split is not necessarily 50/50.

Community property states are Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin. In Alaska and Tennessee, spouses can opt in to the community property system. The remaining states are equitable distribution jurisdictions.

## Property Division in Canada

Generally speaking, property division in Canada works much the same way as described above. In all provinces, the goal of property division is fairness – but each province uses different rules to achieve a fair division. For example, some provinces don't make a distinction between marital and separate property, but how the property was acquired (i.e., it was a gift or inheritance, or it was owned by one spouse prior to the marriage, etc.) may play an important role in how the property will be divided on divorce. Other provinces exclude separate property from division on divorce. Depending on the province, separate property that has been co-mingled with marital property could be treated as either separate or marital. However, as long as the assets or earnings were acquired during the marriage, the property is marital and will be divided – no matter whose name it's in. ■



*Diana Shepherd is the co-founder and Editorial Director of Divorce Magazine and a Certified Divorce Financial Analyst® (CDFA®).*

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# Designing a Parenting Plan

Here are the important issues you should consider as you design your parenting plan.



By Dr. Donald A. Gordon  
and Dr. Jack Arbuthnot

Virginia Satir, a well-known psychologist in the family and divorce field, once said, “Parents are teachers of human beings, not owners of human beings.” This is a wise view to keep in mind when creating your parenting plan. A child needs the love and affection of both parents, but they also need both as teachers. These roles should override your desire to “own” your children. Ultimately, you cannot own them: you can only prepare them for their future. How well you prepare them will ultimately reflect your qualities as parents.

Another well-known expert in this field, Joan Kelly, has observed that, “It is not the divorce per se, but the conditions and agreements the parents create during and after the divorce that will determine the child’s adjustment.” The marriage is over, as are your lives as Mom and Dad parenting under the same roof. You will begin new lives as Mom and Dad parenting apart.

There are three basic types of living arrangements for children: sole custody, split custody, and shared custody. The most common is sole custody, in which one parent becomes the resident parent while the other has “reasonable access.” About 70% of all parenting plans result in the mom being the resident parent – although the number of fathers becoming the resident parent increases with income.

## The Language of Parenting Plans

Most parents say they want to “win custody” of the kids. This suggests control – or possession – of the children is the goal. Instead, your goal should be to work out the best parenting plan for your children, so call it a parenting plan rather than a custody battle. The child may be in one parent’s home more than the other; refer to that person as the “primary residential parent,” not as the “custodial parent.” The other parent should be viewed as the “secondary residential parent,” not someone who just has visitation rights. No caring and involved parent wants to just “visit” his or her kids.

In split parenting plans custody of the children is divided: one or more child/ren may go to one parent, and the other child/ren the other; boys often go to fathers and girls to mothers. However, this is rare in initial separation decrees, and it generally only happens when there are unusual circumstances. It may occur when a child is old enough to choose which parent they wish to live with (age 12 in some jurisdictions). Many people believe it is a bad idea to separate siblings, but there isn’t enough good research to corroborate this.

In shared parenting, both parents share legal control of the children. Shared decision-making does not mean shared time, which can vary from equal time (50/50) with each parent to 60/40 or even 65/35. With shared parenting, the children may live primarily with one parent but they may spend more time with the other parent than is normal in a non-shared parenting arrangement. The parent with whom the child lives most is called the primary residential parent, and the other is called the secondary residential parent.

In most areas, shared parenting is presumed to be the best plan for children. Judges must provide a strong reason if they wish to order some other arrangement; in some areas, judges have the authority to order shared parenting if they believe it would be best for the child, or if one parent requests it.

Many judges require parents to develop a parenting plan before granting a divorce. Conflict between the parents can be minimized by a written plan stating specific dates and times when each is in charge of the child; because everything is in writing, there is less need for parents to negotiate or argue. Adherence to the plan will increase trust between the parents and encourage them to cooperate in the future.

## Guiding Questions for Parenting Plans

There are several important issues you should think about as you design your parenting plan. Ask yourself:

1. What goals for our children do we both share?
2. How will we continue to be effective parents in separate households?
3. Do I only want to resolve our legal matters, or also our family issues?
4. How do we want our children to look back on this time and on our behavior as parents?

You need to spend time talking about what goals you have for your children, what their childhood should be like, what you want them to be like both as children and adults, and what each of you can contribute to these goals. Write it down on paper and share it with

your children; they’ll know that you both care about them, and they’ll see that you’re working together for their welfare. Set an example of cooperation – even though it may be a heroic effort.

Parenting is difficult under the most ideal circumstances, and it is more of a challenge when done from two households. Plan how you will coordinate your efforts: plan for the big issues (like school, religion, etc.), and plan for the small, day-to-day stuff (such as transportation, parties, etc.). You should set up regular meetings, emails, or phone calls to catch up on important developments, work out schedules, and discuss concerns.

Your parenting plan will spell out conditions and terms – some of which can be legally enforced. Take the time to design a good, flexible plan. Someday, as young adults, your children will look back on their childhood and judge how well you both handled this difficult time. They will look at how you cooperated, and they’ll remember if you put their interests ahead of your “marital issues.”

## Frequency of Contact with Each Parent

The amount of time children should spend with each parent is one of the most fought-over issues in a family break-up. It is also the most misunderstood by all involved – including parents, lawyers, and judges. As a result, parenting plans are often flawed, which can cause a great deal of emotional suffering for children.

There has been much psychological research on children’s attachment to their parents, and the most recent findings are clear: children – particularly young children – need frequent and meaningful contact with both parents. A young child becomes deeply attached to both parents at a very early age; to be separated from either parent causes distress and can even cause trauma.

Young children need frequent transitions to ensure continuity and provide comfort. This goes against what many people assume is “common sense”, and many parents, lawyers, and judges

misunderstand this fact. Although quality of contact is more important than quantity, there must be enough quantity. Infants and toddlers form bonds with both parents, and extended separations put these bonds at risk over time. Fathers, especially, are likely to drop out of the child's life. If court orders restrict the father's access to a young child, it may cause a decline in contact with the father over time. This decline in contact can also happen with the mother.

The ideal situation for young children is to interact with both parents daily. Some interaction is functional, including meals, bedtime routines, limit-setting, discipline, and play. After age two, most children can tolerate two back-to-back overnights with one parent. Avoid long separations lasting more than five days.

Frequent contact will mean more transitions from one house to the other. Many people – including some judges – automatically assume this is bad. They assume that frequent transitions will upset a child, and should be avoided. But there is evidence to the contrary: even a young child will get used to frequent transitions if they are not too stressful.

Unfortunately, a concept of stability – one home, one bed – for children still prevails. The concept has been emphasized too much in many courts, and it is to the detriment of the child's other needs. They need strong and meaningful relationships with both parents, and most children adapt quickly to having two homes.

Research points out that less frequent transitions may cause more stress. Children must leave the home they have been in for a week or more, and they must also leave their second parent and go “home” with the prospect of not seeing the second parent for a long time. Frequent transitions between homes eliminate this problem.

### Outlining the Issues

You must discuss the parenting plan for your child, and both parents must be clear about the issues. What assumptions should you start with? Here are

## Unfortunately, a concept of stability – one home, one bed – for children still prevails.

the major issues that most parents face:

1. A child needs two loving, caring, competent parents.
2. Both parents have a right to an active role in their child's development.
3. Both parents must be willing to share in the tasks of parenthood.
4. Conflict and competition over the children will hurt both them and you.

Your parenting plan should be specific; this way, everyone is clear about what will happen and when. Here are some reasons to be as specific as possible:

1. Children need predictability.
2. Parents will experience less conflict if plans are specific.
3. It is easier to recognize when a plan needs to be modified if its terms are clearly spelled out in detail.
4. The time and energy of the courts and lawyers will be better used if a plan is specific. It will result in fewer phone calls in the middle of the night, and fewer court filings.

Finally, recognize that no plan is perfect, and most plans need to change over time as children develop and their lives and needs change.

### Flexibility Is Essential

Although parenting plans need to be specific to minimize conflict and misunderstandings, be aware that situations – and people – change over time. For most families, anger will diminish over time. Parents usually remarry or re-couple, and stepchildren may enter the picture. And, of course, your own children will age and mature. Their interests will change, and the need for parental input in their lives will also change.

A parenting plan should not be

carved in stone. It is not an unchanging document, and you should be prepared to modify it over time. The truly wise mother and father can sometimes anticipate some future changes, which could be built into the original court decree. However, few of us are able to predict the future, so be prepared to work with the other parent. You'll have to make changes when necessary, and the best way to do this is by mutual agreement.

If you cannot create a parenting plan yourselves, work with a mediator, parenting expert, or other third party. Put into your plan that you both agree to mediate before court action. ■



*This article was adapted with permission from What About the Children? A Simple Guide for Divorced/Separated and Divorcing Parents (CDE, eighth edition, 2011) by Donald A. Gordon (Ph.D.) and Jack Arbuthnot (Ph.D.). The Center for Divorce Education (CDE)*

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The impact of infrequent or no contact with a non-custodial parent after a divorce can be devastating for a child.

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## 1. Save Money

Forego as many unnecessary expenditures as possible and save funds to pay for your divorce team of professionals: therapist, financial advisor, and lawyer. You will need the assistance of these experts, who help people like you through divorce on a daily basis, just to understand what is happening to you and what to do about it. Divorce is like no other life experience, and trying to go through it without professional help is like trying to take out your own appendix.

## 2. Take Care of Delayed Needs

This is going to seem in direct conflict with number one – and in some cases, it might be. However, if you’ve been putting off some non-urgent medical or dental care, you should get it done before embarking on a process that will likely sap your strength and negatively affect your overall health. In addition, ask yourself why you may have been delaying taking care of yourself. If you have delayed things like home repairs or necessary replacement of a vehicle, better to do it before the divorce while the current household income is fully available. Remember, you and your spouse “wore out” these items during the marriage, so it is appropriate that marital funds are used to restore or replace that value. Of course, I’m not suggesting that you should replace your 1997 Chevy Cavalier with a brand-new Porsche 911; if you’re using marital funds for the purchase, buying a luxury car will make the marital “pot” that you’ll be dividing smaller – and you may have to give up some other asset to keep that car in the divorce.

## 3. Understand Your Finances

However much you think you understand about your household finances, focus on learning more. You can never know too much – and the more you know, the better decisions you will be able to make regarding settlement. Collect all the

# Divorce is like no other life experience, and trying to go through it without professional help is like trying to take out your own appendix.

documents you can: tax returns, payroll vouchers, bank and investment account statements, retirement plan and account statements, pension information, credit reports, mortgage statements, etc. Think about every dollar that flows into or out of your household and get some documentation to substantiate the income or expense. This seems ambitious, but just do the best you can. Your lawyer and divorce financial advisor will help you with whatever may be difficult to obtain and/or understand.

## 4. Prepare for a Better Career

Plan on ramping up your career or replacing your current low-paying job with a career. Whatever your circumstances, your household income is about to be reduced and you’ll need to increase your earning potential. If you require additional education or training, plan on determining the funds needed for that and make it part of your divorce settlement negotiations. Your future financial well-being will depend upon your ability to be financially self-sufficient. A career with long-term growth potential is clearly different from a “McJob,” which may fill a short-term need for limited income.

## 5. Pay Down Joint Debt

Seriously consider paying down any unnecessary credit-card debt. If you have the funds in a checking account, or in an easily liquidated reserve, eliminate debt that is considered joint by a creditor, because there will be no way to modify the ultimate responsibility for that obligation: it will remain shared in spite of who is assigned responsibility for payment as part of your divorce decree. Joint mortgages and vehicle loans will need to be

refinanced individually; determine if it might be easier to pay off the debt completely rather than trying to refinance it. In anticipation of closing all jointly-held credit cards, prepare by ensuring that you have at least two cards in your individual name that will survive the divorce.

Basic preparation for the impact of divorce will ease the financial shock of it all. By following these five simple steps, you will find yourself better able to cope with other unanticipated issues as well as be in a better position to transition to your new life as a single individual. ■



*Rosemary Frank (MBA, CDFIA®/ADFA®, CFE, MAFF) has worked on dozens of divorce cases providing litigation support, expert witness testimony, or financial neutral consultant services. She has extensive experience with high-net-worth situations as well as highly contested divorce.*  
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# The Dangers of Social Media in Divorce

You should think carefully before you post anything on social media during – and even after – divorce. Post the wrong item and the consequences could be terrible.

By Henry S. Gornbein, Family Lawyer

**S**ocial media is a critical issue that impacts everyone who deals with divorce – from the divorcing couple themselves to the professionals who work with them. Every day, I think that I’ve heard it all – and then there will be new issues involving social media and my divorcing clients. I always warn my clients to avoid social media as much as possible during a divorce or other family law proceeding.

More and more people are posting everything about their lives on Facebook and other social media sites. In 2014, Facebook and other social media were the main cause of 20% of all divorces; that number is now up to one-third of all divorces.

People have lost custody of their children because of posts and activities that have been picked up through social media. Examples include bad-mouthing the other parent excessively on social media, and being caught in questionable or illegal activities such as being an escort through social media. Other cases include spouses being involved with another party with the children being included in Facebook postings. Other cases where there has been an impact on custody include parents who would post pictures of their children on the same site where they were also involving themselves with escort services or pornography. With all of the lurkers and crazies out there, any post or controversial case comes with people promoting a cause or sideline quarterbacking.

The Internet provides access to everyone. When you're going through a divorce or custody suit, you don't want your dirty laundry aired all over social media, and you don't want everyone commenting on or knowing about your private lives. Remember that divorces and other family law court proceedings are public records. We sadly live in an age where there is too much information available and where everyone can think that he or she is an expert and knows more than the attorneys or judges about particular matters.

There's an old saying that people often have part of the story or part of the facts, but does anyone know the whole story? Everyone has a different perspective based upon his or her knowledge of the facts.

## 7 Ways the Internet Can Help Ruin a Marriage (and Complicate a Divorce)

- 1. You can be anyone you want to be online.** It's so easy to be deceptive. I had a client who ran off to England for another man only to lose thousands of dollars through a Nigerian scam. People are more dishonest online than they are in face-to-face relationships because it is easier to lie when you have some anonymity.
- 2. Many affairs begin online** through

Facebook and other social media sites. I have had clients reconnect with old high-school sweethearts and literally move across the country in the middle of a divorce. In one case where I was representing the father, the mother abandoned her children – and my client – to move across the country. Needless to say, my client obtained full custody of their three children.

- 3. The Internet is a source for day trading and e-trading where people can lose their life savings.** This can come as a shock to the non-investor spouse during property division.
- 4. Online gambling is another significant factor that has resulted in many divorces.** Think of the fantasy football sites that generate billions of dollars in revenue by way of example.
- 5. It's easy to access drugs** – both prescription and illegal – online. In 2013, the owner of the “Silk Road” (an online black market and the first modern darknet market) was sentenced to life in prison for dealing illegal narcotics through this very successful website. Although the FBI shut down the Silk Road, various successor websites continue to pop up.
- 6. There are websites that encourage infidelity.** Ashley Madison's motto was: “Life is Short – Have An Affair.” That site was hacked in July 2015, and the hackers released contact information for thousands of users in August. After that, some of my clients' spouses had a lot of explaining to do.
- 7. An angry or unhinged person can stalk or bully their ex-spouse online.**

## 5 Tips for Using the Internet During Divorce

- 1. Don't post messages or photos on Facebook or other sites** that could come back to haunt you.
- 2. Think twice before participating in intimate photos or videos at any time.** They can come back to haunt you. Some people running revenge porn sites have been sentenced to long prison terms.

**3. Be careful with what you say in emails and texts.** They can be used against you as evidence in a divorce. The “e” in e-mail stands for “evidence.”

**4. Monitor your children.** Children's access to computers can become major issues. I have a case where my client's young daughters have been exposed to pornography when left unattended by their father who left them with his girlfriend's 11-year-old daughter while he and his girlfriend were in another part of the house.

**5. Deleted does not mean gone.** There is always a permanent record of your emails and other postings. This is where forensic experts can become so important in a divorce action.

The bottom line is that you should think carefully before you post anything on social media during – and even after – divorce. Push the wrong button or post the wrong item and the consequences could be horrible. We live in an age where almost anything can go viral – and it could cost you dearly. ■



*Henry Gornbein is a partner at the law firm of Lippitt O'Keefe Gornbein, PLLC in Birmingham, Michigan. His practice is exclusively devoted to family law. His book, Divorce Demystified: Everything You Need To Know Before You File For Divorce (Momentum Books, 2014), is available on Amazon. [www.lippittokeefe.com](http://www.lippittokeefe.com)*

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By Dr. Deanna  
Conklin-Danao,  
Clinical  
Psychologist

# 5 Tips for Maintaining an In-Law Relationship Post-Divorce

Relationships with the in-laws naturally change during and after a divorce, but there are things you can do to help maintain those connections.

**D**ivorce affects relationships. While most people think about how divorce will impact relationships with their spouse, children and friends, one that is often forgotten is the in-law relationship.

While the stereotypical in-law relationship is adversarial, the reality is that many married people enjoy warm and loving relationships with their in-laws. In instances where a person's relationship with their family of origin is strained, in-laws can even become a surrogate family, creating missing parental and/or sibling bonds.

What happens when the marriage that created those bonds disappears? Is it possible to lose your spouse but keep their family? While divorce will undoubtedly complicate your relationship with your in-laws, it doesn't have to end it.

## The 5 "Bs" for Maintaining a Relationship with Your In-Laws

### 1. Be Realistic

Even if you've known your in-laws for years and developed a strong and loving bond with them, they may feel obligated (or have been told by their child/sibling) to limit their contact with you. This type of separation may be extremely painful; it may even be more painful for you than the loss of your spouse. While this change may be difficult for you, try to empathize with their struggle and desire to remain loyal to their child/sibling.

### 2. Be Flexible

There is no roadmap for maintaining an in-law relationship post-divorce. It's rare that your choice will be as stark as either never seeing them again or enjoying the exact relationship you had before the divorce. It may be difficult to establish the "ground rules" for this new phase, and it may take some time for both of you to find something that works. Be open and flexible. The more that you can show that you are open and willing to adapt, the easier it will be for them.

### 3. Be Patient

Establishing a stable relationship will not be achieved quickly or with one

conversation. You and your in-laws may need several conversations or interactions to establish your new normal. It may take a while to find a balance that is comfortable for everyone.

### 4. Be Direct

While the previous points stressed being realistic, flexible and patient, at some point you will need to have direct communication with your in-laws if you want to maintain that relationship. You shouldn't have this discussion right after you announce the divorce; give them some time to digest the information. When you do talk with them, be direct and compassionate, as this conversation is likely very hard for them as well. Try something like: "I realize this is complicated, but I wanted to talk directly with you because I value our relationship and want that to continue. I realize it will look different moving forward, and I'm hoping to find a way for us to do that together." If kids are involved, you will want to address that as well: "I also want us to be on good terms for the kids."

### 5. Be Respectful

This is such a key piece for your relationship with your in-laws following the divorce. Do not say negative things about your ex-spouse and do not put them in the position of taking sides. At the end of the day, their child/sibling is still a family member. Also, don't use your interactions with your in-laws as a way to find personal information about your ex. These boundaries will help everyone feel that a continued relationship is healthy.

Similar to your relationships with your spouse and your children, the process of divorce can play a significant role in whether or not you maintain a relationship with your in-laws. Working through your issues with your spouse in a respectful manner can set the stage for a better relationship with your in-laws.

The final point is to keep your children's best interests in mind as you develop your post-divorce relationship with your in-laws. The more people who love your children, the better off your children are; maintaining relationships with extended family is beneficial to everyone. (This, of course, assumes

there are no issues of abuse or addiction.) Even if a close relationship isn't possible, forging a cordial relationship with your in-laws will benefit your children. Just as you don't want your children to feel trapped in the middle of you and your ex-spouse during a divorce, you don't want your children to feel stuck in the middle of your conflict with their grandparents or aunts or uncles.

You can't make your in-laws continue a positive relationship with you. However, following these tips will help you do your part to maintain or re-establish that relationship, if they are open to it. Divorce will complicate this relationship (and many others), but it doesn't have to end it. ■



*Deanna Conklin-Danao is a clinical psychologist, divorce coach, and child specialist practicing in Chicago. She helps people navigate the divorce process in a respectful and constructive manner to decrease the time, expense, and emotional toll of divorce.*

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# 7 Tips for Healthy Co-Parenting with a Toxic Ex

While the process of a divorce usually signals an end to the intimate relationship between the parents, there is still a co-parenting relationship that needs to continue when there are children involved. Parents need to develop a healthy relationship post-divorce for the emotional and psychological well-being of the children.

By Dr. Tarra Bates-Duford,  
Forensic Psychologist

**M**ost of us are aware of the challenges that go along with the breakdown of the family when partners divorce. Once a couple decides to divorce, many issues and questions arise that had never been previously contemplated by the couple – such as who gets custody of the children, how to divide the marital property, child and/or spousal support, etc.

The process of divorcing one's spouse can be extremely difficult in and of itself. However, when you combine the process of divorce with custody and other parenting issues, the process can become much more challenging. For many dueling spouses, the process of separating

themselves from their marital partners and maintaining a parental relationship with their children can be a tricky balancing act.

Once the divorce is finalized and each parent is living in separate environments, one parent might still be consumed with anger, hurt, or resentment, making it difficult to move past the divorce. Some parents find it tough to separate negative feelings about a former spouse without including their children, forcing them to choose sides between their parents.

Unfortunately, once parents engage in a battle to pollute their children's feelings about the other parent, toxic co-parenting usually follows. As parents, we all wonder how children will respond to a divorce once we have made the decision to end a marriage. We often wonder if our children will hate us, blame us for the divorce, or will have a difficult time adjusting to a one-parent household. Our main priority as parents, divorced or not, is to ensure that our kids have a happy, healthy, stable, and balanced life. But for many divorcing or divorced parents, emotions run high and conflict with our former spouse feels unavoidable.

For some couples, it is not easy to separate when you share a child with someone and both parties desire and intend to remain an active part of the child's life. While the process of a divorce usually signals an end to the intimate relationship between the parents, there is still a co-parenting relationship that needs to continue when there are children involved.

Parents need to develop a healthy relationship post-divorce for the sake and well-being of their children. It is essential for the child's emotional and psychological health that each parent behaves respectfully toward each other and does not try to interfere with or undermine the child's relationship with the other parent.

## 1 Avoid Speaking Negatively About the Other Parent to the Child

Do not speak negatively of the other parent to the child or in an unflattering way about the other parent when the

child is around. Although some divorces can be contentious with understandably hurt feelings and anger, children should be protected at all times from emotional pain. Both parents are required to provide a safe, secure, and healthy emotional support network.

## 2 Identify What Is Most Important to You as a Parent

Creating a healthy partnership with the other parent reduces the likelihood of making a child feel he or she needs to pick a side between the parents. Children should be reassured that although parents no longer love each other romantically, they still have some degree of love and respect for the other parent because they share children.

## 3 Support Communication Between Your Child and Ex-Spouse

Recognize that your child needs to have ongoing access and communication with both parents. Don't avoid communicating with the other parent about any issues pertaining to the children. Each parent should have an honest and loving relationship with their children, so be sure what you are saying to your children about respecting the other parent matches how you speak and behave toward the other parent.

## 4 Consider the Other Parent When Making Decisions about Your Child

Parents are encouraged to consider the other parent's point of view whenever parental decisions need to be made. Remember that both parents love the children equally, so it is only fair that you listen without judgment to any of their parenting suggestions and concerns. After all, if you're initiating the concern, consider what the other co-parent might be thinking or how they might be reacting to what you are saying.

## 5 Learn to Identify What Triggers Negative Reactions from Your Ex

By identifying what triggers negative behaviors, former spouses can begin the

process of healing from the divorce and becoming more effective parents. By knowing what upset you about a former spouse, you can develop options to manage your responses to the triggers.

## 6 Do Not Provide Your Child Detailed Reasons for Your Divorce

It is only natural for children to question their parents about the reasons leading to their divorce; however, the explanation should not include blaming the other parent, cheating, the other parent no longer wanting to be a family, etc. Simple explanations such as "we decided we did not want to remain married, but we are still a family" answers the child's question without assigning blame.

## 7 Respect Your Children's Relationship with the Other Parent

Be encouraging and avoid interfering. Divorce is not only confusing for spouses but for children as well. Children need to know that even if their parents are no longer together, the parents' love towards the children remains and has not been changed or affected by the divorce. ■



*Dr. Tarra Bates-Duford is a forensic psychologist specializing in familial dysfunctions, as well as a marriage, couples, and family therapist in Orlando, FL. She has more than 15 years of experience*

*working with couples and families dealing with issues of divorce-related issues.*  
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#### Successful Co-Parenting Communication After Divorce

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A photograph of a man with dark hair, wearing a grey shirt, carrying a young girl with blonde hair on his shoulders. They are both looking off to the side in a field of tall grass. The image is partially obscured by a large white circle containing the title text.

# 4 QUESTIONS

## Your Kids Will Ask About Your Divorce

Be prepared for your child to have plenty of questions and fears racing through their minds at this time. Here's how to answer some of the most common questions – and reassure your children – during your divorce.

By Audrey Cade

**A**nnouncing your plans to divorce to your kids is one of the most difficult moments of the process. Obviously, it has to be done because, before long, one parent will leave the home, and other big changes will be just around the corner. The ages of the children and their understanding of what “divorce” is also makes bringing kids

into the loop challenging, but for different reasons.

Younger children first need to have the concept explained before they can even begin to comprehend what it will mean in their lives, while older children already know what it is and will have more complex fears and emotions about how it will affect them. Some parents

take the straight-up approach, explaining that mommy and daddy can't live together anymore, while others try to soften the blow with promises of duplicate holidays. However you deliver the message, your kids are bound to be full of questions. Here are four of the most common questions kids ask about divorce.

## 1 Will You Stop Loving Me, Too?

It seems pretty logical for a child to draw the conclusion that if Mom and Dad once professed to love one another forever and were once so happy together, that your love for them must also have limits or conditions. How frightening to watch Mom and Dad separate everything they own, not get along anymore, and make plans to forever sever their relationship!

Even if your children never vocalize this fear, you should reassure them that a parent's love is a deeper and stronger love than they could ever imagine, and that there's no way you could ever stop loving them. Explain how seriously you took the marriage commitment, and that you wouldn't just stop loving their other parent for trivial reasons; let them know that you made the decision, in part, to create the best environment for them away from conflict.

## 2 Why Did This Happen?

Honesty is important, but it is also important to present things in an age-appropriate way. Your children, no matter what age, do not need to hear all the sordid details of Dad's infidelity or Mom's drinking problem (or whatever your issues were). Older children will likely already be aware of some of the issues – or at least that their parents were unhappy.

You can present age-appropriate factual information that doesn't cross the line into TMI territory or engage in trashing the other parent. Some aspects of the divorce will never be anyone else's business because they were between you and your spouse. Period. You will have to decide what is necessary for the kids to know to help them make sense of the situation without turning them against a parent or overwhelming them with private adult issues.

A core fear tucked at the heart of this question may be a child's belief that they are responsible for the divorce. Whether or not they actually ask this question, you must tell your kids that they are absolutely not responsible!

## 3 What Will My Life Be Like Now?

As it is their life, too, it only makes sense that your kids will be concerned about what the schedule will be like, where they will live, what their space will be like in each home, and so on. Tell them about every detail that you do know and be honest about what still needs to be decided or that you're not privy to.

For instance, you may not personally have any idea what their room will be like at Dad's house, but you can at least reassure them that you're sure Daddy will do all that he can to make a space for them with everything they need.

You can provide the kids with a copy of the schedule on a calendar or in an app to allow them to know where they're projected to be on any given date so that they can mentally plan out their lives or discuss these things with you.

Make them aware that you remember all of their special events at school, games, and so on, and that you'll make every effort to be there for them. In the beginning, all of you will be floundering to get your bearings and become accustomed to the schedule, so keep the doors of communication open and be willing to answer every question as best you can.

## 4 Why Are You Doing This to Me?

Of course, you and your ex didn't divorce with the intent to make your kids unhappy or to complicate everyone's lives more. However, kids will notice that holidays or special occasions may be interrupted mid-way for them to be shipped off to the other parent's home; they may have to move or change schools, and just generally feel like their whole world has been turned upside-down. It's natural for kids to be angry, feel inconvenienced, and need to place blame on someone for seemingly ruining their lives. All you can do is try to offer as much consistency and familiarity to their lives as possible, minimize the number of major changes occurring at once, and address their questions as honestly and appropriately as you can.

If they miss friends from the old neighborhood, let them have a sleepover. If they want to say "goodnight" to Dad before bed, let them give him a call. In short, find ways to make the massive blow of divorce as tolerable as possible. If your kids demonstrate behavior that shows you they are really struggling (e.g., extreme anger or sadness, self-harming behavior, big changes in appearance or social activities), get them professional help to cope. Otherwise, any child can benefit from drawing or writing about how they feel, talking about their feelings, and finding comfort in routines and rituals.

Be prepared for your child to have plenty of questions and fears racing through their minds at this time. Kids won't always know the best ways to express what they're thinking and feeling, so their questions may manifest more through their actions, or they might take some time to formulate what they need to say. Try to be proactive about anticipating what they may be curious and worried about. ■



Audrey Cade is the author of *Divorce Matters: Help for Hurting Hearts and Why Divorce is Sometimes the Best Decision* (Amazon, 2016) and the matriarch of a blended family of eight. An experienced "divorce warrior" in the areas of co-parenting, step-parenting, and parental alienation, Audrey is a featured blogger for [www.DivorcedMoms.com](http://www.DivorcedMoms.com). [www.divorcewarrior1.com](http://www.divorcewarrior1.com)

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# Documenting Your Financial Situation

Collecting financial information and creating a budget will help your divorce lawyer and financial advisor do their jobs most effectively – and let you know where you stand.

By Diana Shepherd, Divorce Financial Professional

**Y**our divorce lawyer and your financial professional are going to ask you to gather information and documents for them, so you might as well start this process now. Here are some things you should consider and prepare for as you go through the divorce process.

## 1. Early Divorce Stages

If you are in the early stages of your divorce you will need to compile information regarding all the assets and debts acquired during marriage; assets acquired before the marriage, or at any time via gift or inheritance; all sources of income for you and your spouse; and a list of

your weekly, monthly, and annual living expenses, which includes everything from mortgage/rent to food, clothing, car expenses, etc. Here are some tips:

- Make a list of your assets and assign values to each of them (see #2, below, for help with this);
- Ask your divorce lawyer to help you determine which ones are marital and which are separate property;
- List your debts, determining which ones are joint and which are separate;
- Determine your current and post-divorce needs;
- Start making a budget. (See #4 and 5, right, for information on how to create pre- and post-divorce budgets.)

## 2. List Your Assets

Creating a detailed list of all your assets, from real estate to retirement plans, can help simplify the property-division process during divorce. When you start to make your list, make sure to include all of the following items owned by you and your spouse – both individually (separate property) and together (marital property).

- **Financial accounts/investments:** including bank checking and savings accounts, certificates of deposit (CDs), mutual fund accounts, stocks, bonds, and other financial investments
- **Pension and retirement plans/benefits:** including profit-sharing plans
- **Cash-value life insurance policies and annuities**
- **Trusts:** especially trusts where you are a/the beneficiary
- **Real estate:** including the marital

home, vacation homes, and investment properties

- **Vehicles:** including cars, trucks, motorcycles, motorhomes, boats, ATVs, etc.
- **Household furniture and appliances:** bear in mind that unless your furniture is a valuable antique, you'll be getting garage-sale prices for all of these – even that 60" flat-screen TV
- **Valuable jewelry and art**
- **Collections and memorabilia:** including gold and silver coins, stamps, comic books, sports memorabilia, etc.
- **Expensive power tools**
- **Country club, golf course, and other memberships:** these can be worth thousands of dollars
- **Expensive musical instruments, and hobby or sports equipment**
- **Businesses:** including any ownership interest you or your spouse has in a business. This includes professional practices (doctor, dentist, lawyer, etc.)

Here are some frequently-overlooked assets:

- **Stock options**
- **Retained earnings**
- **Deferred bonuses**
- **Vacation pay**
- **Benefits from previous employers**
- **Tax refunds** (from joint returns)
- **Capital loss carryover**
- **Property tax reimbursement**
- **Contents of safety deposit boxes**
- **Prepaid insurance premiums**
- **Frequent flyer points**
- **Credit card reward points**
- **Season tickets** (sporting events, concerts, theater)
- **Timeshares**
- **Prepaid professional dues**

Ask your financial professional if you're unsure which of these apply to your situation – and whether they are significant enough to worry about. You can download an "Asset Worksheet" to help you complete this task at: [download.divorcemag.com/divorce-magazine/pdf/asset\\_worksheet.pdf](http://download.divorcemag.com/divorce-magazine/pdf/asset_worksheet.pdf)

### 3. List Your Debts

Compiling a list of all your liabilities – including all loans, mortgages, and other debts – is an important aspect of preparing for your divorce. When you start to make a list of your debts, make sure to include all of the following items owed by you and your spouse – both individually and together.

- **Loans:** including car loans, educational loans (for tuition), personal loans, business loans, promissory notes, and lines of credit
- **Leases:** for vehicles, electronics, property, etc.
- **Financing household equipment:** including appliances, electronics, furniture
- **Mortgage(s)**
- **Home equity loans or balances on home equity lines of credit**
- **Credit-card debt:** including bank, department store, and gas cards.
- **Back taxes owed**
- **Professional debts**
- **Business liabilities**

For each debt, include information about whether the liability is joint or separate (if the latter, who is responsible for it), how much is still owed, the interest rate, and repayment details (including monthly payment amount and due-date, and the term, if applicable).

### 4. Create a Pre-Divorce Budget

By creating a budget, you'll reduce the uncertainty and guesswork about what you can and can't afford both during and after the divorce. You need to determine what your current living expenses are and how you'll pay for these expenses; potential sources of income during divorce include your own employment income, and spousal and/or child support (if you'll be receiving these). In addition to your regular living expenses, you need to make a budget for professional help from a divorce lawyer, mediator, financial professional, valuator, etc. If your income from all sources won't be enough to cover your living expenses

and divorce-related costs, you need to take a hard look at your expenses and see where you can trim them. Ask your financial professional for help with this process. If you're still coming up short, you may need to dip into savings and/or speak to your lawyer about the possibility of increasing the amount of support you'll receive during the divorce process. If your spouse can't afford to pay more support, the two of you will have to consider liquidating and dividing some marital property so you can both pay your bills.

You can download an "Expense Worksheet" to help you complete this task at:

[download.divorcemag.com/divorce-magazine/pdf/expense\\_worksheet.pdf](http://download.divorcemag.com/divorce-magazine/pdf/expense_worksheet.pdf)

### 5. Create a Post-Divorce Budget

Once you have finalized your divorce agreement – including property division and spousal and/or child support, if applicable – you'll be equipped to create a realistic post-divorce budget for your living expenses. Use the pre-divorce budget you created as a starting point, since your post-divorce budget will include almost all of the same items (with the exception of divorce-related bills, once you have finished paying your professional team). ■



*Diana Shepherd is the co-founder and Editorial Director of Divorce Magazine and a Certified Divorce Financial Analyst® (CDFA®). She has been writing about divorce-related issues since 1996.*

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# 5 Ways

## *to Build Confidence After Divorce*

Your confidence can take a nose-dive after divorce. This short step-by-step guide offers ways to boost confidence and get back on track.

By Wendi Schuller, Therapist

**G**etting a divorce can affect one's self-confidence. One may have to get a job, move to a different locale, or meet new people. A lot is thrown at you at once. Divorce does not define who you are, but it is a word indicating your marital status. Being divorced is just a part of one's multifaceted being. There are ways to boost one's confidence, which leads to a more fulfilling life.

1

### **Do a Self-Inventory**

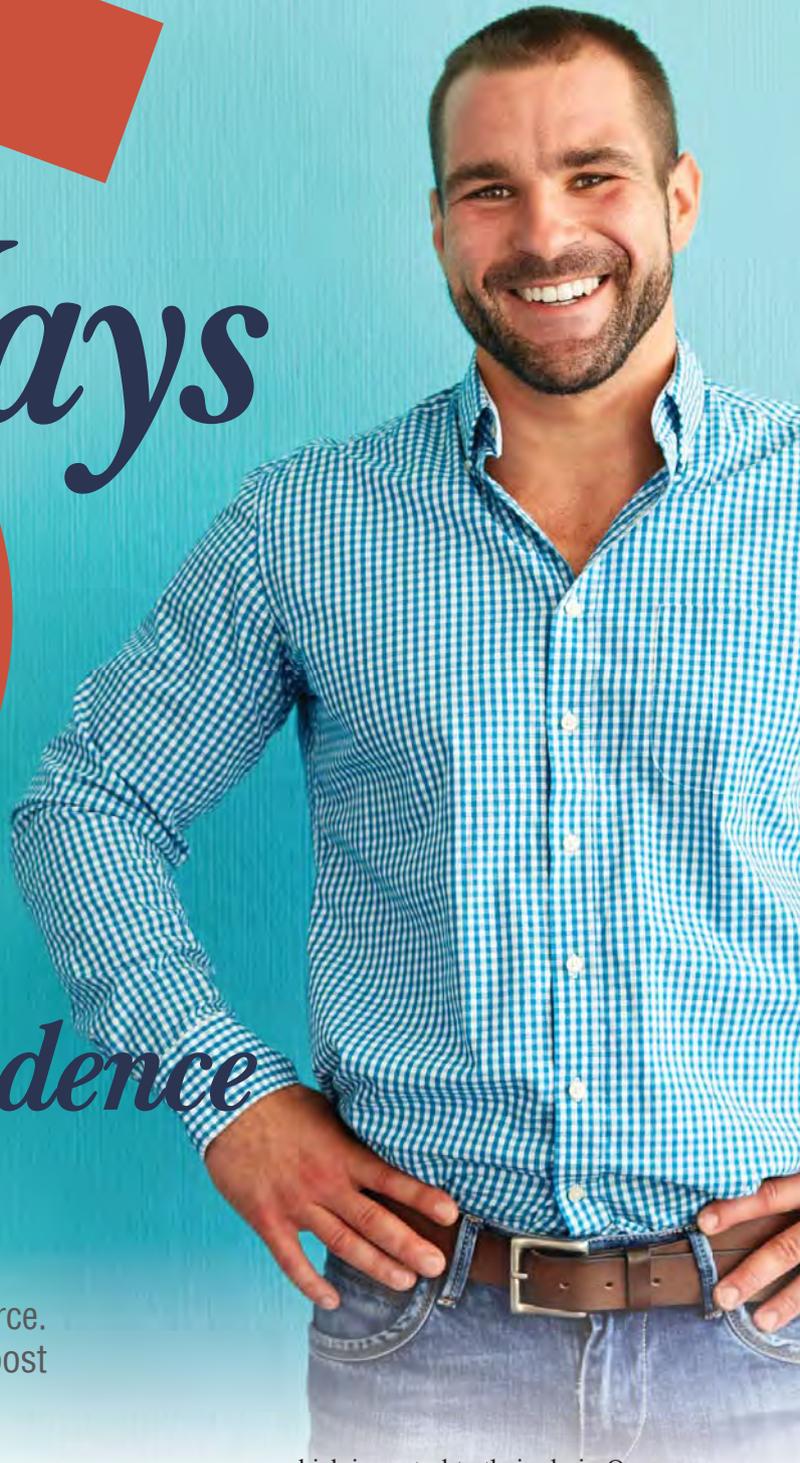
The first step for gaining more confidence is to do a self-inventory. In what areas do you feel overwhelmed and could use improving? Think about where you excel, such as on the job, with some relationships, or in your hobbies. Your talents and abilities may have brought accolades, such as winning local tournaments for a sport. A person may have a magnificent voice

which is central to their choir. One may be surprised at how many areas of confidence outweigh what scares them. People sometimes focus on the negatives instead of the positives and feel that they lack confidence in general, rather than in a few specific aspects of their lives.

2

### **Learn New Skills**

Learning new skills, material, and strategies is the way to fix the areas that are weak and lacking





## Following dreams and passions gets you excited and engaged. This enthusiasm is attractive to people and draws them to you.

leads to other conversations. The trick is to get help for what is draining one's confidence.

**3**

### Reward Yourself

Rewards do work. I had a phobia about public speaking, and as an author, I knew interviews and doing workshops were inevitable. I joined Toastmasters International to help get over this fear and increase my confidence. However, I paired Toastmasters meetings with getting together afterwards at a coffee shop with friends. Eventually, my brain linked going to Toastmasters with treats. I no longer feel the need for lattes afterwards and found I really enjoy speaking in front of others and doing radio interviews. Pick a treat to motivate you to go to a class or do something out of your comfort zone.

**4**

### Follow Dreams

Following dreams and passions gets you excited and engaged. This enthusiasm is attractive to people and draws them to you. Divorced people have gained confidence doing mountain climbing, running marathons, or doing treks. I went to a travel talk given by a woman who went to Africa and joined a group to cycle along stunning scenery. These folks conquered fears and dramatically increased confidence.

**5**

### Share Your Expertise with Others

Share your expertise by tutoring, coaching, or volunteering. People who mentored kids that were failing in school or had families in turmoil said watching them blossom into young adults positively affected how they felt about themselves. Volunteering takes the focus off you and

your perceived inadequacies. Making the world a better place takes one outside of themselves, and they can be more relaxed in life.

Lack of confidence can be tied to how we think others are judging us. Eleanor Roosevelt said, "You wouldn't worry so much about what others think of you if you realized how seldom they do." If there is a CD in your brain spewing negative comments about you, then replace it. Mistakes are a way to learn how to do something better, as Henry Ford and Thomas Edison have stated. In hypnotherapy class, we were instructed to come up with a 30- to 45-second self-promotion monologue. This serves several purposes: what to say when you meet someone and to reinforce to yourself what sterling qualities you possess. Think about what you would say on yours. If you still feel your confidence requires a boost, then consider seeing a life coach. They can give a reality check and help you form strategies to improve your well-being. ■



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

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#### 3 Helpful Strategies to Cope with Divorce

While it is devastating to see the end of a relationship and the life you built with someone else, there are ways to bounce back from it.

in confidence. Building confidence is like building up a muscle when lifting weights – it benefits the whole person, not just one part. Take a computer class if feeling wobbly about IT on the job. Some scientific guys have confided they feel awkward trying to make small talk. Small talk is a way to connect with others and is important socially as well as at work. Joining groups with a purpose – such as hiking, photography, chess, books, and so forth – makes discussing the subject at hand easy, which then

When life hands you lemons, you can complain about how awful they are – or you can sprinkle sugar on them, add water, and enjoy a sweet lemonade. The choice is yours.

# 7 Ways To Fight Depression and Thrive After Divorce

By Lizzy Smith, Divorce Survivor and Blogger

A few months ago, my daughters and I went on vacation to Orlando. Our best friends, Julie and Shane, and Julie's mom, Kay, joined us for five days. I've known Julie and Shane since college, and they are family to me; Kay is like my second mom, and my daughters call her Grandma Kay. She is an amazing woman and truly an inspiration: Kay has taken all of life's lemons and made a very sweet lemonade.

Some five years ago, Kay's leg was amputated due to a severe blood clot. Two years later, her husband passed away. She now lives alone in her home, wheelchair bound. It would be very easy for Kay to remain holed-up at home, crying about how the kids never visit enough and watching life pass her by while watching TV. She has chosen another path: Kay travels and enjoys life like no one I know.

When I asked about her mindset on life, she replied: “I want to live! When Jim passed away, I decided that I wanted to spend whatever time I had left in this world doing things I love. I may be in a wheelchair, but so what?”

## Sprinkling Sugar on Life’s Lemons

Yes, so what? So life hands us lemons. What do we do about it? Suck them dry, lamenting at how awful they are – or we sprinkle sugar on them, add water, and enjoy a sweet lemonade!

I can’t tell you how many cancer survivors I talk with who are in the throes of depression. Hey, it’s common. Hearing you have a life-threatening illness is a real game-changer. It is terrifying, actually. When I was told I had cancer and then left my abusive husband just days later, I could easily have sat in an infusion room, cried my eyes out, and then gone home to... what?

I have talked to countless divorce survivors who also suffer from depression and PTSD. What to do about it? Let divorce beat you down, or live with purpose?

Let me tell you, thriving is far better than drowning in pain and sorrow. In fact, overcoming life’s challenges rocks! It’s not always easy, but it is possible. (Note: if you’re struggling with clinical depression, please see a therapist.)

## 7 Strategies for Thriving After Divorce

### 1. Eat Well

Your brain needs good nutrition. Now is the time to cut out processed foods and sugar and give your body the nutrients it needs to thrive. Add foods high in Omega 3 fatty acids (like salmon), loads of fresh fruits and veggies, beans, and nuts. Drink lots of water. Add lemons to give it flavor. I am also a huge fan of unsweetened ice tea, especially in heat. It’s a far better alternative than sodas and energy drinks.

### 2. Get Proper Sleep

You must give your body time for proper rest. It is possible to get too

much sleep, however. Each of us is different, but about eight hours (give or take) is good. If you’re consistently getting a lot more sleep than that, force yourself to get out of bed. Likewise, if you are consistently sleep-deprived, it is nearly impossible to function properly. Get fresh linens in your room, diffuse a relaxing scent, and consider taking a hot bath before getting in bed. It will relax and calm you.

### 3. Make a Bucket List and Get to Work!

Make a list of things you’ve never done but sound like fun. Now start working on crossing things off your list. One day when I was sitting in infusion getting chemo, I made my bucket list. Just writing things out gave me a huge emotional boost. While I might have been very sick, there was going to come a day when I would feel better and I could start having fun again. My list included places I wanted to visit, trails I wanted to hike, and skills I wanted to learn. Here I am, four years later, and I’m steadily working on that list – and adding more items to it.

### 4. Force Yourself to Get Out of the House

I once met a cancer survivor, who is in remission and doing very well, who spent crazy amounts of time lamenting that she was too sad to leave home. All she did was cry all day. I wanted to scream. She was in remission! Something not all cancer survivors ever achieve. What the hell was she doing crying all day? I met another cancer survivor who was extremely upset over 4th of July weekend because no one invited her to their home and she was alone. I asked her why she didn’t host her own party or hit up the local fireworks by herself and meet new people? Neither cancer survivor had good answers. Sometimes, there is a “joy” in being a victim. We expect others to “just know” that they need to help us and, when that doesn’t happen, we love to wallow in self-pity. This is a terrible mindset and solves absolutely nothing. Get out

of the house (shower first!) and go do something fun. Get a pedi, hike a trail, adopt a homeless pet... If you don’t feel like it, do it anyway.

### 5. Exercise

Go for a walk. Take up yoga. Garden. Do something (anything!) that gets your heart rate up. Adopt a dog and walk together. If the weather allows, try and get outdoors and take in natural vitamin D and fresh air. It is a huge emotional boost.

### 6. Help Someone Else

Spend your time doing something kind for someone else. Make a meal for a homebound senior, play cards with seniors at a residential community, volunteer at your child’s school, or knit caps for cancer survivors. Serving others helps us realize that we aren’t alone and that there is always someone else who has it worse. Plus, you might make some new friends.

### 7. Try New Foods

One of my favorite activities is trying new foods. Look up an interesting recipe, try cooking with an ingredient you’ve never heard of, or hit up an ethnic restaurant. Take a friend or your children with you and enjoy a hearty conversation over your meal.

Although it may sound counter-intuitive, during and after divorce is a great time to challenge your current routine and take you outside your comfort zone. Sometimes, finding joy and happiness takes work and commitment. Even if you don’t feel like it, do it anyway. Your mind and spirit will thank you for it. ■



*When Lizzy Smith was diagnosed with multiple myeloma in 2012, she made the difficult decision to leave her alcoholic husband and move to another state with her two young daughters to seek treatment. Lizzy is the proud survivor of a contentious divorce as well as cancer – and she is living proof that post-divorce life can be beautiful. [www.DivorcedMoms.com/blogs/lizzy-smilez](http://www.DivorcedMoms.com/blogs/lizzy-smilez)*