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Five Things Every Married Woman Needs to Hear About Divorce

Kiri Blakeley 06.03.09, 5:20 PM ET

Not many people enter marriage thinking it will lead to divorce. While accurate divorce rates are difficult to calculate and often unreliable, many social scientists conclude that up to 40% of marriages are terminated. The chances are fairly high that you or someone you know will get divorced.

"It can be the worst thing you've ever gone through in your life," says Brette Sember, a former divorce lawyer and author of a series of divorce books, including *The Complete Divorce Handbook* (Sterling, 2009). "You're hurt, sad, frustrated, scared and can't think clearly."

Regrettably, it is also one of the most important times to keep your wits about you, as the decisions you make during this time can affect you for the rest of your life. While divorce laws vary from state to state, here are some basic, but vitally important, guidelines to keep in mind.

Keep Your Business Head

A divorce can be an emotionally wrenching time. The first thing you might want to do is burn your husband's belongings, slash his tires, grab the kids and the stock portfolio and make a run for it. Don't do any of it! Remember that everything you do from here on out will be taken into account by a judge ready to decide your fate.

"Setting the lawn mower on fire is destroying marital assets," says Sember. "The judge will not be happy with you. Don't burn his baseball cards, don't e-mail threats to the new girlfriend."

Sember recommends doing everything you can to think rationally during this time: See a therapist, join a divorce support group and rely on close friends. She adds: "When you are angry, you can make impulsive decisions that are not good for you in the long run, like saying, 'Fine, keep the house!' Divorce is a business negotiation, and you've got to get your business head on." As long as you are not in danger, it's better to stay in the house so you can continue to gather financial and other information.

Grow Up and Take Control

Unfortunately, many women, even powerful professionals, are still in the dark about household finances. "Even the women who could be in charge of lots of money at work just step away from being financially responsible in their personal lives," says Margery Rubin, divorce coach and author of *What Your Divorce Lawyer May Not Tell You* (Simon & Schuster, 2009). "It's that 'Daddy will take care of me,' type of thing. I call it the 'Little Girl' syndrome."

But when you are divorcing 'Daddy,' it's time to grow up. You need to dig deep into the finances--copy your husband's tax return or your shared tax returns. Many women, say lawyers, still just sign on the dotted line, or have their husband sign, without taking a good look at the information. Compile all the credit card statements, bank accounts, bills and a list of out-of-pocket expenses so you can make a budget and know what you're entitled to ask for financially.

"Literally, take the whole filing cabinet to Kinko's and photocopy everything," says Chicago divorce lawyer Beth Fawver McCormack, who also recommends "dumpster diving" for information that was thrown in the trash and putting keyboard sweeping software on shared home computers to find out about hidden bank accounts, businesses or other information. (If it is not a shared computer, but one used solely by your husband, seek counsel first.)

If you plan on charging that joint marital assets were squandered on a mistress, drugs or gambling, you can most likely get some of that money back, but you need proof of what was spent. More reason to dig through the trash, credit card bills and shared computer. By the way, if you find out about an affair and then resume a relationship with your husband--go on vacation

or even have marital relations--you can no longer hold the affair against him in court. So if it's over, make sure it's over!

Hire a Lawyer Who'll Work *With* You

This may seem like an obvious one, but women often go from letting a man at home dictate their lives to letting a lawyer do the same, says Rubin. "You need to educate yourself about your rights, so you can direct the lawyer. The lawyer is going to walk away, he'll be paid and you'll never see him again. Meanwhile, you have to live with his decisions forever."

Rubin shares how, during her divorce 15 years ago, her lawyer routinely made decisions without consulting her, and even went so far as to tell her that she didn't "need" a car when she requested one of the family automobiles. "I should have known from the beginning that he was talking down to me," she says. "The way your lawyer talks to you is a big deal."

It's better to fire a lawyer you feel uncomfortable with sooner rather than later, says Rubin, because after a while, he or she will be too entrenched in your case. "If you are always being forced into a corner and constantly giving in to the other side, that is a bad sign."

Face Today's Tough Economy

The economic downturn has made divorce more complex than ever. Because a couple's largest asset is often their home, and most homes have lost some if not all of their value, selling a home and splitting the sale 50-50 is less attractive than ever. The situation is so bad, says Nancy Chemtob, a New York City divorce lawyer with celebrity and billionaire clients, that many couples are putting off divorce until their financial situation improves. This way, homes and stock options don't have to be sold and split with neither party making a dime.

"They might agree to stay together until the fair market value of the house is X amount of dollars," says Chemtob. However, since 2008 tax returns are used for a divorce filed in 2009, some parties might decide to take their chances and "cash out" of the marriage before things get even worse. One may hope for a lower than usual valuation on assets, so that they can buy out the other party at a discount.

Consider Legal Alternatives

Divorce can be acrimonious, but for those couples that are amicably going their separate ways, or maybe just want to avoid the trauma of a courtroom, something called Collaborative Law, a fairly new process offered as an option in most states, may be the way to go. "At the end of the day, it can be a better outcome because both parties arrive at a solution, rather than leaving it to someone in a black robe," says McCormack, who says about 10% of her clients decide to use the collaborative method. It can also be much less expensive and less taxing on children.

While each party is represented by attorneys who are certified in collaborative law, each must also sign a contract committing to stay out of court. If the process falls apart and the parties decide to take it to court after all, they need to start from scratch and hire new lawyers. "You don't put away the law, but you become a team dedicated to deciding what is best for the future of you both," she continues. More information can be found on collablaw.com.

Other people might choose to use a mediator, a somewhat different approach. Here, an independent third party trained in mediation is retained to help each party reach an agreement. Lawyers can be consulted during the mediation process, but usually aren't (to save money). However, each party must individually consult a lawyer before the mediation agreement is signed. Mediators (you can locate one near you on Mediate.com) can recommend "mediation-friendly" lawyers. Depending on how complex the divorce is, one can have anywhere from a few to a dozen mediation sessions. Divorce coach Margery Rubin warns that mediation will not be successful unless both parties are communicative and trust each other.

In Pictures: Top Divorce Tips

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