

"10 Tips to Reduce the Costs of Marcie and Leo's Divorce"

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Leo and Marcie were married in 1985 at Niagra Falls. They met at university. Leo is an engineer and is employed with a national corporation. Marcie teaches acting at one of the local colleges. They have two children: Katherine is completing grade 12; Timmy is finishing grade 9. Katherine has been accepted at the University of Victoria. They own their own home and Marcie and Leo each have employment pensions. They are both good parents, in their own ways.

Their marriage is over. They tried counseling for 13 months. About 2 months ago Leo had a short affair during a business trip. He told Marcie. She was and is extremely hurt and angry. Both of them feel as if they are on an emotional rollercoaster. Some days Leo wishes they could go back to the way it used to be; other days he can't wait to get things settled and get on with his life. Marcie simply can't believe that this is happening to her. Marcie is afraid that she will live in poverty. It's hard to think about the children. At the same time, they both want to continue parenting and they want Katherine and Timmy to be happy and secure even if they will be children from a broken home.

Leo decided to meet with their financial advisor and tell her that they were separating. There was a Collaborative Family Law brochure in the waiting room, so he asked about it. What should they do? Should they use mediation? Leo heard that it is the least expensive but Marcie refuses to meet in the same room with him at this time.

There is court. A couple two doors down had a divorce trial last year. The husband was Leo's buddy and showed Leo some of the Affidavits that his ex-wife swore against him. Leo cringes at the thought of Marcie making similar statements about him. Fortunately for Leo, Marcie believes that if they go to court, they will waste money that she would rather have for her future security.

Collaborative Law would keep them out of court but it sounds expensive. It doesn't take a rocket scientist to figure out that two lawyers at meetings adds up to a big number. The Financial Planner told Leo that in addition to lawyers, there is one coach for each spouse and that a Financial Specialist is a good idea especially if Marcie is concerned about her future financial security. She said that sometimes families also need a Child Specialist to help plan for the children.

Marcie and Leo decided that as they both needed to find out what their legal rights were, they would each see a lawyer. Since they wanted to learn more about Collaborative Family Law, they agreed to each choose a collaborative lawyer. And, they decided to ask their lawyers how they could spend the least amount of money on their divorce. They were told:

1. Use the coaches. They will help you deal with the feelings you are experiencing about the end of your marriage. They will help you make decisions rationally with as little emotion as possible. Their hourly rate is much less than the lawyers.
2. Be realistic about each parent's future role as a parent. Very few people change how they parent just because they are divorcing. Usually they parent the same way after divorce. Do NOT use the children to get even or hurt the other parent. Children need to love each parent. Since Leo travels for work, it doesn't seem logical for him to take on the role of primary caregiver. If you argue about parenting, it will cost more and take longer. The coaches can help Marcie and Leo make a parenting plan that is designed for their unique family.
3. Gather the family's current financial information. Do not hide anything; be transparent. Make 4 copies of all documents and organize them into binders. This will save time and money.
4. Do not sell anything or buy anything without the other spouse's consent. Do not withhold consent in order to get your way about something else. Trust is fragile at this time. Resist doing anything that will erode trust. Understand that you will tend to paint your former spouse with a black brush and to believe that he or she is trying to harm you. Usually this is not the case, so, check it out rather than being a victim and making your former spouse a villain. At the same time, talk to your lawyer about how to protect your interests.
5. Take time to figure out a realistic budget. How much will each parent need every month? Consider looking at budgeting from a short term and long term perspective. Consider alternatives to staying in the home. Check out the cost of the type of housing in the location where you would ultimately like to live.
6. It takes time to uncouple. If it is too hard to remain living in the same home, consider negotiating an interim financial arrangement that pays the bills and ensures that children are safe and secure and spending time with both parents. Give yourself time to get used to being separated and to heal before you negotiate the final division of assets and debts. Trying to do this when either of you are not ready can increase legal fees.

7. Be flexible and creative. A position is only one of several ways to meet your needs and your goals. There are others. When you work together, there are savings that can be achieved that will benefit both of you, such as reduced income taxes.

8. Think about what you want for your future. Think about what you want for your children. Be prepared to listen to each other talk about what is important in a settlement. Check out any assumptions you may have – you may be mistaken. Any negotiated settlement will have to incorporate what is really important for all of you, or it will be resisted.

9. You will not like all of the information that your lawyers give to you. At the same time, collaborative family lawyers are committed to telling both of you the way it is. So, accept what you learn and work with both lawyers and your former spouse.

10. Check out what different ways of dividing family income, assets and debts will look like into the future with the Financial Specialist so that you can choose with some confidence rather than resist settlement because you are afraid of unknowns.