



VALUE ADDED DIVORCE

VALUE ADDED PATERNITY

*Using your vision for better
results in divorce or paternity
litigation*

ABSTRACT

Using your vision of this next phase of your life to define the goals and strategy of your divorce or paternity litigation can result in lower costs, better results and more flexible orders or agreements.

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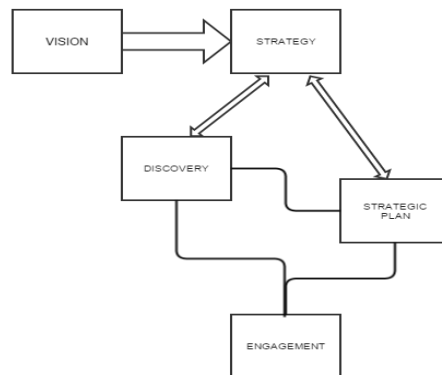
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VALUE ADDED DIVORCE/PATERNITY

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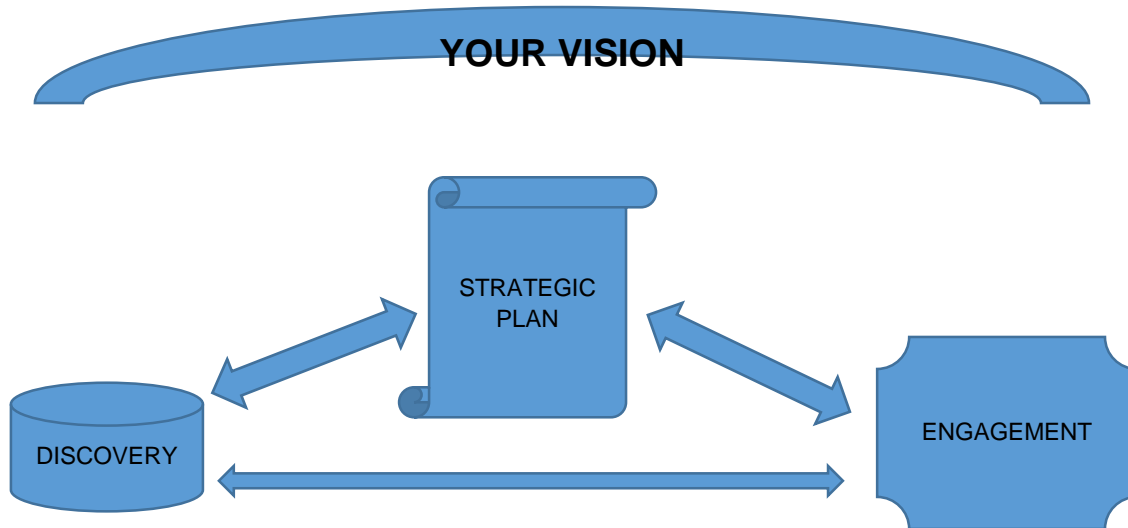
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Value Added Divorce/Paternity is a *strategic approach* that allows you to define what your life and - if applicable - the lives of your children will look like after the litigation concludes. It is a process in which each step is measured against **your vision** of the short term objectives and the long term goals of the litigation *and beyond*.

It is not an accident that you are reading this book. You are here because of 1 of 3 situations. You are involved in family law litigation and you want to eliminate the fear and doubt that is eating away at your self-confidence and self-esteem. Or else you see litigation on the horizon or even at your doorstep and you want to get ahead of the indecision that is grinding your life to a halt. Or you just got out of litigation and the results have left you fearful, doubting yourself and the system, and indecisive as to any action you want or need to take, including costs.

You are looking for something that will restore your **faith** in yourself and your decisions. You want to take definite **action** that won't be used against you. And you want - finally - to have a feeling of **definitiveness** and commitment. Value Added Divorce/Paternity - VAPD - may be the approach that works best for you.

VADP FLOW CHART



The diagram shows 3 blocks: **Discovery**; **Strategy**; **Engagement**. All subject to, and guided by, **your Vision**. These are steps and processes. They are steps in that Discovery - learning about the facts, issues, and law of the case - must come first. Strategy is developed based on your goals and whether they can be realistically achieved. Engagement is when your goals and strategy conflict with the goals and strategy of the other side. These divisions as processes is explained later.

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VADP Is Positive In Outlook and Approach

The vision of this approach is to turn the lemons of a breakup into the lemonade of the next phase of your life. It is to not only protect your finances and financial security but to put them into a position for positive growth. It is to maximize the time and input you have on your children's lives and minimize or eliminate conflict with your ex. It is to address mental health, substance abuse and domestic violence issues in a positive growth-focused manner.



Awkward name. Simple approach. Divorce and paternity are separate chapters and sections of the Indiana Code. They both deal with families but have radically different presumptions. Divorce statutes cover what happens to the assets and liabilities (including maintenance) of the family and custody, parenting time and support for the children. Paternity statutes cover only custody, parenting time and support for the children. This book will not discuss these differences. But these laws will be discussed as they are needed to explain how Value Added Divorce/Paternity increases their applicability.

VADP can help you control the transformation your family and wealth will go through. Having a vision may help forge greater collaboration on common issues and goals. It can assist with better communication, which is often the first casualty of divorce or paternity litigation.

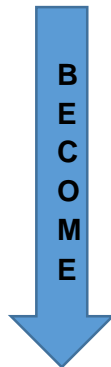
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VADP Replaces Fears and Doubts With Faith and Determination.

Fears of losing the financial security of the relationship. Fears of losing the wealth and assets you've worked for and saved. Fears of your relationship with your children being undermined or lost. Fears of domestic violence or substance abuse getting worse not better.



Fear of the unknown future or of losing the familiar
Indecision as to what actions to take in the litigation
Doubt about whether you have achieved the best result for you or your children



FAITH in yourself and your plan to achieve your vision
ACTION positively in the direction of your transition and not merely reacting to all the other players
DEFINITENESS and focus rather than aimless drifting and wandering through the painful minefield of family law litigation.



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BENEFITS TO YOU AND YOUR CHILDREN OF VADP

Boundaries



Value-added divorce paternity allows you to define the boundaries that will be respected by the other side during the litigation and following the litigation. This can include the manner and tone of communication; financial payments; and uninterrupted and unfettered parenting time with the children. It can also include responsibility to attend, or confidentiality of, counseling or therapy, whether for you, your ex, or your children.

My experience is that a significant amount of conflict (including discussion between the attorneys and court hearings) both during the litigation and following the entry of an order by the court, is due to the inability of the parties to set and define and respect necessary boundaries. Family law, especially in Indiana, does not neatly define very many boundaries. Most of the statutes and caselaw speak of “factors.” Child support and parenting time are controlled by “guidelines.” An order or an agreement may have a certain level of precision but it cannot set interpersonal boundaries nor predict every possible financial transaction. By defining your vision of the post litigation life, you are more likely to have your boundaries defined, which could reduce future potential litigation.

Domestic violence, substance abuse, and mental health issues



VADP permits these issues to be addressed in the context of the landscape in which you wish your children to be raised and not as blaming or attacking either parent. If these are your ex's issues, you can present them as what is necessary for your ex to co-parent in a healthy productive manner. If these are your issues, you can address them and present this to the court as your method of insuring that your children will grow and thrive in the post litigation world.

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Same sex issues



VADP is particularly well-suited for same-sex families. Indiana courts and law have for the past several decades accommodated new changes in the American family structure. There should be a smooth transition in trial courts to same sex divorce and paternity cases. In addition to this, however, each family needs to present its vision of *itself* for the best possible outcome, especially when children are involved. VADP allows you to present *your vision* of how *your individual family* defined itself and how it should operate post-litigation.

POTENTIAL COST BENEFITS OF VADP

VADP May Keep Costs Down

VADP can help to keep costs down by ensuring that your efforts and your lawyer's efforts are aligned with the strategy and are focused on your goals. No lawyer intentionally overbills or bills wastefully. Billing that remains focused on your vision as opposed to being mostly responsive to the actions of the other party can be as efficient as possible. VADP is a process in the style of Six Sigma and designed to reduce errors and inefficiencies.

It also can manage costs and, to an extent, allow you to budget better. By identifying the goals and the strategy early on, certain stages or actions can be better planned for. Unexpected events occur all the time in divorce/paternity litigation, which affects the timeline and costs. Having a specific strategy developed from your vision makes it more likely that you will not over react or under react.

VADP Can Reduce Future Litigation

Family law litigation is unique among most areas of law in that the litigants most likely will have a relationship after the litigation ends. If you share young children, that relationship could be over the next 2 decades. That provides plenty of opportunity to disagree, fight it out in court and be dissatisfied with the results. Over and over. For years.

VADP is focused on the future *beyond* the immediate future. You can identify these future potential sticking points and plan for them now. My experience is that parties that put so much of their effort into the immediate disputes create the "scorched earth" that will put them back in court way sooner than should be necessary. If you plan for the future and raise these potential problems, it is far more likely they will be addressed now. And hopefully avoided when they do arise.

VADP Helps You Achieve Your Goals

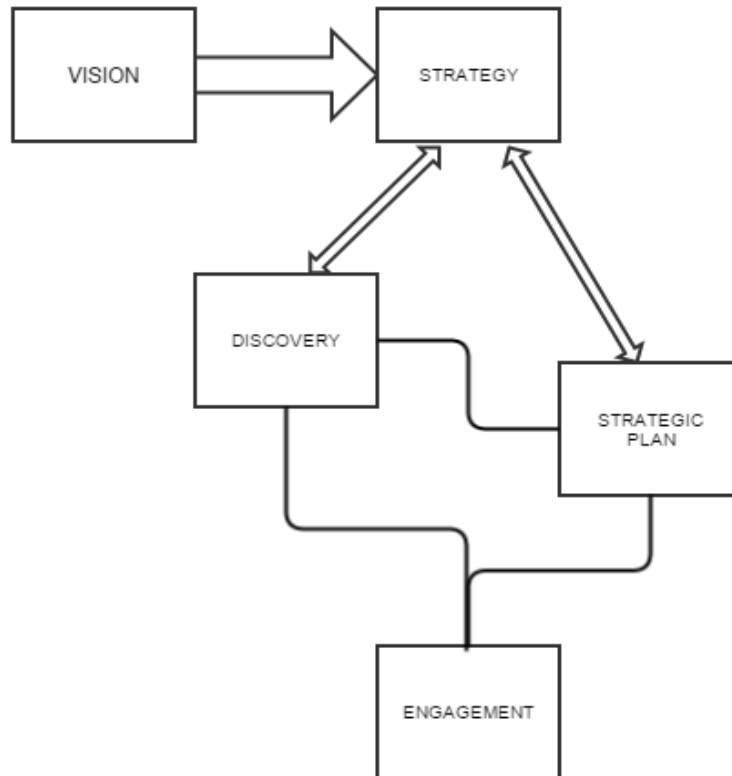
"If you don't know where you are going, you'll end up someplace else." Yogi Berra
Too often, people in divorce or paternity litigation have no specific goals or only vague goals. Many times, the goal is simply to oppose whatever the other side asks for. This is hopelessly unproductive and almost always wasteful.

But goals alone are not enough. Your *goal* could be to get the family unicorn and your strategy is to show she doesn't understand how to raise healthy unicorns. But if your **vision** is to travel the world after your divorce concludes, then getting the unicorn could disrupt your vision (we are assuming a non-flying unicorn). It is your vision that will define your goals, which directs the strategic plan.

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HOW VADP HELPS YOU TO REALIZE YOUR VISION

VADP is not collaborative divorce. It is not alternate dispute resolution or mediation. It can be *if* your goals coordinate with the goals of your ex. It can be cooperative *if* the other side adopts your vision of the future. But Value Added Divorce/Paternity is focused on you and your situation.



This chart shows the overall plan of VADP. **Your vision** is defined and clarified. The strategy is then defined. **Discovery** is the stage where information and the law of the case (the orders, statutes and caselaw that will control the result) are gathered and sorted. **Strategic Plan** is where the strategy and tactics to be used to realize your vision are prepared. **Engagement** is the clash with the other side, whether at mediation, final hearing, or negotiations in between.

Each phase or stage interacts with the others. For example, you may find that you need more information (i.e., go back to Discovery) because the Strategy shows that you do not have all the information to pursue the goals. These are not steps backward; nor do they fill in gaps that were missed or skipped. Rather, this is the dynamic nature of VADP – constant revision based on the advance toward realizing your vision.

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PHASES OF VADP



Discovery. Gathering the facts necessary to make the best decisions and plans. Includes the information you give your lawyer. May need to get this from non-parties: banks; schools; doctors; friends and family; former employers; etc. Also includes analysis of the law (prior Orders; statutes; and significant caselaw) governing your case.



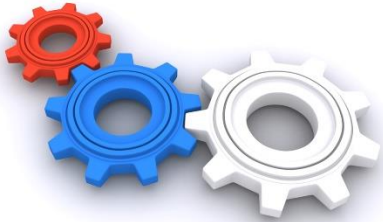
Strategy. Issues are defined by the pleadings and the applicable law. Your goals are defined by you in conjunction with discussions with your lawyer and possibly other professions. Strategy is a written plan to achieve those goals based on what had come out of Discovery.



Engagement. This is where your goals are put up against those of your ex. Where your ex's goals align with yours, you can be cooperative. Where your goals and your ex's goals are in conflict, your ex is your enemy. So this stage is evaluating what goals align and what goals conflict and how this affects your strategy.

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These divisions as process.



Each of these divisions work cooperatively with each other throughout the litigation. As engagement begins and becomes more intense, more discovery may be needed, to provide better support for some of your points or to respond to an allegation by your ex. Your strategy may need to be revised as certain issues settle or circumstances change. Engagement may be aggressive or deferred based on what you have found out in Discovery or on your strategy.

SPECIFIC ISSUES THAT VADP HELPS YOU WITH



Mental health, substance abuse and domestic violence

There can be no doubt that addressing these issues aggressively will benefit your life. This is true whether you or your ex have these issues; whether or not there are children involved in the litigation; or whether or not maintenance issues are involved. Too many people however ignore these because they think it "will be used against them" or make baseless allegations to "make the other side look bad."

If you have these issues, Value Added Divorce/Paternity can put your assistance in context of the vision you have for life after the litigation. This almost always helps the

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Judge understand the positive benefits and blunts any attacks by your ex for you seeking such assistance.

If your ex has these issues, Value Added Divorce/Paternity can put assistance for him or her in context of the vision you have for life after the litigation. If children are involved, it can show the judge why your ex should be ordered to get help. If financial issues are involved, it can show how getting better is preferred to your ex remaining dependent on you.



Financial security.

Too often, financial issues are reduced to bargaining for the lowest price, like on a car. However, without the proper vision and strategy, you could end up with a first class ticket on an airplane going to the completely wrong city. Your vision and strategy will help you get the mix and allocation of assets and liabilities you added most comfortable with.



Maintenance.

Indiana does not have alimony. Permanent maintenance can be ordered in only 2 circumstances: rehabilitative, when a spouse needs maintenance for up to 3 years to support reentry into the workforce; or disability, where a spouse is disabled or is taking care of a disabled child such that his or her ability to work is impaired, until the disability is removed. Indiana also can order temporary maintenance, which is payments during the pendency of the litigation to either preserve assets or support a spouse under a rehabilitative or disability analysis.

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Value Added Divorce/Paternity can develop a strategy and vision to maximize the assistance you may receive or minimize the effect on your financial position if you must make these payments.

BENEFITS TO YOU OF VALUE ADDED DIVORCE/PATERNITY

The essence of the legal profession is to bring value to your situation. And every lawyer will say - truthfully - that he or she does what is described in this book. But Value Added Divorce/Paternity is more than just providing you with valuable representation or following methods or checklists based on experience or education. Value Added Divorce/Paternity is a **dynamic holistic** approach totally centered on your goals that is aggressive when it needs to be and cooperative when it advances your goals. In addition, Value Added Divorce/Paternity aims to keep costs at the minimum level needed to achieve your goals and to ensure that your money is spent to its maximum use to achieve your vision of this next phase of your life.

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