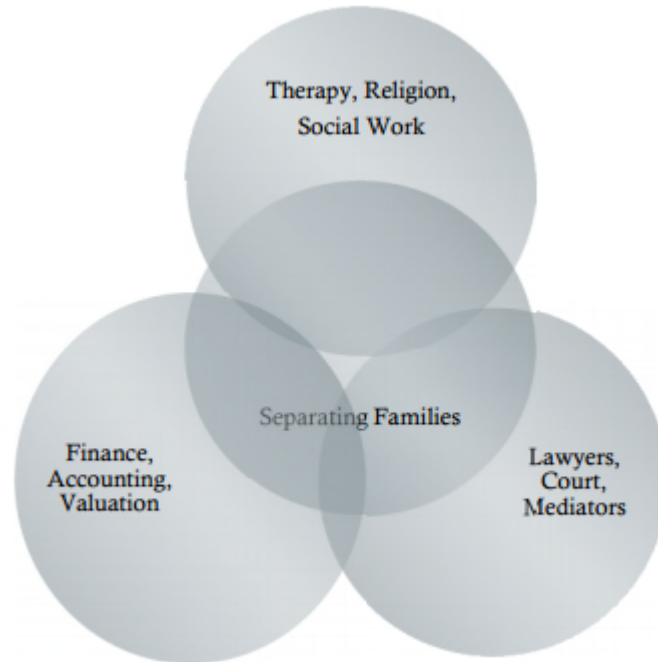


# SENSIBLE SEPARATION

EDITOR, GREG KINCAID

JANUARY, 2016



Sensible Separation is an interdisciplinary newsletter for professionals assisting families with divorce or separation. If you would like to contribute an article, please submit to [GKincaid@hrkklaw.com](mailto:GKincaid@hrkklaw.com). For more information about divorce mediation, please visit [www.SensibleSeparation.com](http://www.SensibleSeparation.com). Another opportunity to share helpful thoughts or insights about our work exists on the Sensible Separation FACEBOOK page, which is located at [www.facebook.com/sensibleseparation](http://www.facebook.com/sensibleseparation). Please visit our site. We appreciate the traffic and any helpful information that you would like to share.

This issue of *Sensible Separation* will focus on preparing for divorce.

<b>Preparing for Divorce</b> <i>By Greg Kincaid</i>	<b>Preparation for Divorce</b> <i>By Daniel C. Claiborn, Ph.D.</i>	<b>7 Steps to being Financially Prepared for Divorce</b> <i>By Anne Peterson</i>
Legal considerations for families contemplating a divorce.	Suggestions for coping with divorce from a leading mental health professional.	How to properly prepare financially for divorce and helpful tips from a financial planner/lawyer.

# PREPARING FOR DIVORCE

## BY GREG KINCAID.

Getting families off on a healthy start may be the one area where divorcing professionals do their most valuable work. Imagine a client that asks for directions to Denver. That's easy. Right? "Get on I-70 and go west. Can't miss it." Pretty good advice. It's only when our traveling friend climbs on his bike and starts peddling toward the freeway that we realize how careful we need to be when dispensing directions.

There is a variety of reasons why people set off ill-prepared. In the next few short paragraphs, I will try to explore a few.

1. Most people are unaware of the variety of legal processes that are available for families dissolving a marriage. While aspirin is great, it will not cure all illnesses. Some families will be able to process their divorce on their own, *pro se*, with very little help. I've written earlier about the **Johnson County Help Center**, which is a great resource for families with very simple or very limited assets. On the opposite end of the spectrum, there are families that will need significant legal assistance from their own attorney. In between, are many families where mediation, limited representation or Collaborative Law may be more effective. Unless you have knowledge of these different processes, it is very difficult to set the divorcing family off in the right direction. Most practitioners are naturally biased toward one system or the other. For me, it's mediation. If you would like a more detailed explanation of the differences in these various processes, you might wish to visit the FAQ section on my webpage. Here is the link.  
<http://www.sensibleseparation.com/faq.html>

2. Divorce is seen as a failure; it's painful. There are feelings of loss, fear and anxiety about the future. With this emotional cauldron bubbling on the front burner, a host of psychological defenses are triggered. Who wouldn't want to *deny* this mess is happening to them or *project* it on to some evil other, usually their spouse. Families attempting to jump into the divorce process without help from a good therapist are likely to have a flat tire before they can get out of the driveway.

3. Cultural attitudes and marketing clichés are not always helpful for families in the beginning stages of the process. Family members often succumb to the blame game with comments like, "I never liked that jerk anyway," instead of a more healthy offering of condolences and support. Legal advertisers, like politicians, often hawk their services by appealing to the worst in us and not the best. "We'll fight for you" suggesting that without a warrior or hired gun you'll be a victim. While there are certainly settings where we need aggressive legal advocates, more often, the attitude that divorcing professionals need to foster is cooperating—not fighting.

4. Perhaps because they are too depressed or overwhelmed to do it themselves, families often allow others to set their priorities. For example, if mother and father both agree

that mother and the children should stay in the home for at least some period of time, the attorney or mediator can build this into the settlement model right from the start and both parents can avoid engaging the lawyers to argue over something they're not predisposed to argue over.

5. There are a wide variety of books on divorce, many are very helpful. Like travel guides, it helps to read about the experiences of other that have made the trip. We should encourage our clients to become more knowledgeable. We do this by offering them good resources written by well qualified authorities.

*Greg Kincaid is a Mediator for divorcing families and has successfully helped many families navigate divorce with as little conflict as possible. If you would like more information, please feel free to contact him at [GKincaid@hrkklaw.com](mailto:GKincaid@hrkklaw.com).*

---

## PREPARATION FOR DIVORCE BY DANIEL C. CLAIBORN, PH.D.

Divorce is often a necessary step toward a healthier future and away from a limiting or unsatisfactory situation. While it may be necessary and ultimately beneficial, divorce involves losses: of our original hopes, of our ideal marriage concepts, of familiarity and predictability, of the love we once felt, of a best friend, and of the intact family we intended and had. Divorce can also involve fear: of the unknown, of being perceived as failing, of having to start over, and of losing parenting time with our children. Anticipating these losses and fears – and knowing they are normal for everyone – helps us be prepared for weathering them.

Several other aspects of divorce are helpful to keep in mind:

- Divorce does not necessarily harm children psychologically. If parents continue to express warmth and acceptance for their children, and if they are civil to each other, with minimal conflict, the children are likely to develop normally.
- Divorce may mean we have made mistakes, in the relationship or in our choice of mate, but not that we have failed.
- We have to choose, and choosing is good; not divorcing has consequences just as divorcing does.
- Divorce counseling is often very helpful in understanding what happened and why, and in gaining understanding of our individual needs, triggers, and vulnerabilities in intimate relationships.
- It is important, in deciding whether to divorce, to evaluate our partner at their best, not at their worst. At our worst, most of us would not fare so well.

- In contemplating divorce, realize that no relationship is perfect or ideal; our standard should be is this relationship good enough (safe enough, comforting enough, fun enough, stable enough, interesting enough).
- Going through a divorce, our taking the high road always pays dividends, both for us and the other person. Treating our partner with respect, kindness, or at least neutrality is best for both of us.
- Adjusting after a divorce often takes months or longer. There are no set patterns or stages, and being able to talk to a best friend or counselor through the process is very helpful. Typically after a calendar year, things will feel mostly normal.
- To be ready for divorce, we must be ready to (Derman and Gregson, Mediate.com):
  - Experience changes in our finances, lifestyle, and traditions
  - Accept our children's sadness, anger, and confusion
  - Accept times of insecurity, fear, and the unknown
  - Be willing to let go of our spouse mentally, emotionally, and spiritually

Divorce can be productive and successful, but this takes patience, support, determination, openness, and deciding to embrace the future.

*Daniel C. Claiborn, Ph.D., is a licensed psychologist who has provided marital and family therapy for 45 years. He is a member of the American Association for Marriage and Family Therapy.*

---

## 7 STEPS TO BE FINANCIALLY PREPARED FOR DIVORCE BY ANNE PETERSON

Ask anyone who's been there...certain things are a given about divorce:

It's an uphill battle, wrought with emotion, implemented in language clients don't understand, using money that can't really be spared and for a prize that's only half of what they had before. Given the harsh money realities, what can a client do to make sure they are **definitely prepared** so the newly overhauled financial ship doesn't sink?

1. **Put together the divorce team.** An attorney guides the client through the legal aspects of divorce (litigation/collaboration/mediation) and a good therapist will provide emotional support. But what about the impact of the financial changes? The potential for having serious financial problems POST-DIVORCE calls for being prepared and making good choices before and during the DIVORCE.

Most clients would benefit greatly from the services of a CDFA – Certified Divorce Financial Analyst specifically trained in the financial issues of divorce. A CDFA can forecast the short- and long-term effects of a given divorce settlement and help answer so many common questions. Developing a long term forecast for the client's financial situation is just as important as making sure the immediate family needs are taken care of.

When clients understand their financial situation they have a sense of control over their lives. Easing negative emotions – fear, apprehension, anger – can benefit both spouses by making the divorce process feel more equitable and non-threatening. More positive feelings certainly impact more positive outcomes throughout the divorce.

A CDFA can help develop a realistic monthly budget during the process of analyzing the current financial picture. Expenses such as life insurance, health insurance, and cost of living increases must also be considered when agreeing on a final divorce financial settlement.

A CDFA can explain financial options, help set priorities and leads the client through the hard choices ahead. Professional divorce financial analysis increases the accuracy of financial information so that both parties arrive at workable settlements more quickly and more comfortably accept realistic lifestyle changes when necessary.

- 2. Begin securing funds for legal and professional fees and other expenses in addition to ordinary living expenses.** Unfortunately, choking off the money supply is a common tactic, one that often forces a woman to sign a divorce settlement agreement that is totally lopsided in her husband's favor. Avoid this kind of financial squeeze. Be proactive.
- 3. Immediately start gathering all of the financial records including copies of your credit reports.** Having all the information together and organized saves time and money. Do not keep these records in the home! Make copies and bring them to parents, a trusted friend or keep them in a safe deposit box.
- 4. Immediately set up a new checking and savings account at a different bank than all other joint accounts.** Your divorce lawyer may instruct you to withdraw up to half of your joint funds (state law will dictate what you can and cannot do) and you'll need to put those funds in your new accounts.
- 5. Open a credit card to help clients establish their own credit.** Also, credit cards may help with day-to-day living expenses during the divorce when some other funds may be frozen or unavailable. Do this before any divorce proceedings start, especially if the income is substantially less than the spouse (you may not be able to get sufficient credit based on your own income).
- 6. Opening a post office box ensures that mail will sit securely in a locked box that only the key holder can access.** This will allow the client to receive confidential mail from the divorce professionals as well as the new bank statements and credit card. An added benefit of having your own post office box is that mail may be received a bit faster.
- 7. Update your Estate Planning Documents.** To financially prepare for divorce, reviewing your estate plan, no matter how small, will help to avoid any gray areas down the road

— some of which may take years to surface.

I am often amazed at how much better a client feels after having completed many of these steps. This puts the client in a much stronger mental position to be able to deal with the divorce, which will hopefully ensure that hasty decisions are not made that could negatively impact the client for the rest of their life.

*Anne Petersen is the President of Tallgrass financial Strategies Incorporated. Registered Representative, Securities offered Cambridge Investment Research, Inc., a Broker/Dealer and Member FINRA/SIPA. Investment Advisor Representative, Cambridge Investment Research Advisors, Inc., a Registered Investment Advisor.*