

**Subject: News and Events from Transition Institute of Marin**

May - June - July 2009

## Transition Institute of Marin Newsletter Summer 2009

### Busting Divorce Myths

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Dear Susan,

I'd like to take a second to do some "myth-busting" since I've had several clients in the past two weeks become immobilized as a result of having some bad information about divorce.

Before I get to the answers, let me quiz you to see how much you know (no sneak peeking!):

1. **Before you can file for divorce you must hire a lawyer.** T F
2. **All lawyers require a retainer (a lump sum paid in advance).** T F
3. **You may use different lawyers to address different issues in your case.** T F
4. **If your spouse hires an aggressive attorney, you should do likewise.** T F
5. **All family law cases go to trial.** T F
6. **You have to serve your spouse with divorce papers.** T F
7. **Your lawyer is "in charge" of your case and makes all of the decisions.** T F
8. **Children always suffer as a result of divorce.** T F
9. **The average cost per party in an average divorce is \$15K to \$30K.** T F
10. **Litigation is the most effective way to handle a divorce.** T F

See the answers below -

1. FALSE - A lawyer is NOT required to file for divorce, you may file on your own and either represent yourself or hire an attorney later. You can seek assistance in filing from the Legal Self-Help Center, or a Legal Document Assistant. Check your phonebook or on-line for these resources in your area.

2. FALSE - While this is the general practice for family law attorneys, it is not required in all cases. For example, if you are simply consulting with an attorney, you don't usually need to pay a retainer.

3. TRUE - you can use different attorneys and even different methods of divorce on the various issues you are dealing with in your case. For example, you can use one attorney to handle the financial settlement piece and another to handle the child custody issues. Likewise, you can do mediation on one issue and collaborate on others. It may increase your expenses somewhat to use different attorneys, however.\*

4. TRUE - unfortunately, if your spouse hires a knock-down-drag-out attorney, you will do better to match that energy with a like-minded attorney - even if you want to have a peaceful marital dissolution. If your attorney is a lamb but your spouse's attorney is a lion, you are very likely to get eaten alive!

5. FALSE - a good number of dissolution cases settle without going to court or even to the bench bar settlement conference. This often happens when you and your spouse work together to resolve issues and/or when your attorney and your spouse's attorney work well (cooperatively) with each other.

6. FALSE - You do NOT have to serve your spouse with divorce papers in order to begin the process but you and your spouse. The service of the divorce papers merely gives the Court "jurisdiction" over your spouse. You and your spouse can file the paperwork (Petition and Response) together by going to Room 113 (Superior Court) at the Civic Center and asking for a Marital Dissolution packet.

You DO need to serve your spouse if you anticipate that s/he will try to evade you and deny receiving the petition, for example.

7. FALSE - and this is a tricky question. You basically hire an attorney for legal advice and to lead you through the legal process. However, while the lawyer is responsible for the law, you have the final say as to what strategy and tactics are used. For example, let's say you have a child with health issues. Your attorney may want to hire an expert witness when a written statement from your current physician may suffice. This decision may make a difference of thousands of dollars.

Don't be afraid to voice your opinion or ask questions. If your attorney doesn't encourage your questions or explain her/his reasoning behind a suggestion, you may want to consider using another attorney.

8. FALSE - this common misconception is what I call a "misguided reason" to stay in a bad marriage. Children are usually perceptive enough to realize that things are not going well in the home. It is not the divorce that causes children to act out per se, but the manner in which parents handle the divorce. Children who have been witness to fighting and problems are actually relieved when the parents separate - stress levels are reduced and they start to thrive and also move on with their own lives. Children who were truly sheltered from parental discord and didn't see a breakup coming have a tougher time adjusting.

In either situation, there may be children who have difficulty accepting that their parents cannot live in the same house, or who don't like going between two homes. For these kids, it's important to check in with them often, get them the appropriate resources. There are also agencies like Family Service Agency, Apple Family Works, Kids Turn and CorStone that have sliding scale fees.

9. TRUE - According to an article in Forbes.com (Hoffman 2006) the average cost of a divorce ranged from \$15,000 to \$30,000 per couple. Knowledge about divorce prior to starting the process will save you time and money.

10. FALSE - the best way a couple can save money is to agree on how to divide assets and debts and how to handle child custody issues. Couple can spend hefty amounts of money in any of the divorce modalities (mediation, collaborative or litigation) if they fight over every little thing.

Another factor impacting the cost of a divorce is how complicated your lives have become. A couple with no house, no kids who've been married

a few years will obviously have less to negotiate than a couple who have been together for 40 years, one spouse who is self-employed and who have five children and three homes.

I hope you have found this segment helpful. If you know someone divorcing, please pass this newsletter on to them. If you'd like more information about these types of divorce issues, read Chapter Seven of *Contemplating Divorce, A Step-by-Step Guide to Deciding Whether to Stay or Go* (New Harbinger Publications, Inc. c 2008) or check out some of the Nolo Press books.

\*\*\*\*\*  
 \*Just a side note that it is never recommended that you not use an attorney at all. Even if one of the spouses is a Family Law Attorney, s/he would do well to at least consult with another attorney because the outside person will not be emotionally triggered by the issues and this can impair even the best and the brightest from making the best decisions.

**The Transition Institute of Marin is proud to announce its 2nd**

**Post Part Him Divorce Recovery Salon ~**

Wednesday, June 3 from 6:30 - 9:00 pm  
 at the Marin Suites Hotel in Corte Madera

**TOPIC: DATING IN THE 21st CENTURY**

YOU WILL NEVER VIEW DATING THE SAME!

This gathering will include great information on how/where to date and meet men, lots of laughs and a chance to interact with other great women like yourself!

The cost is \$25 in advance, \$30 at the door  
 Bring a friend and you both come for \$40 in advance, \$50 at the door.

**Contemplating Divorce Workshop for Women ~**

Saturday, June 20 from 9:30 am to 12 noon

Attendees will gain clarity and insight on if, why and when to stay in their marriage or leave. This workshop is led by Susan Pease Gadoua, LCSW, author of the book, *Contemplating Divorce, A Step-by-Step Guide to Deciding Whether to Stay or Go.*

The learning will take place in an environment that is safe, professional, and non-judgmental. Participants will learn tools to help them break free of the "Marital Indecision Cycle" that has kept them from moving on with their lives.

Place: 2175 E. Francisco Blvd., Suite E in San Rafael Cost:  
 \$75 per person - cost includes: A copy of *Contemplating Divorce.*

In addition to this workshop, private 2-hour *Contemplating Divorce*

sessions are available for couples for \$200.

### Women's Divorce Workshop

~ Two Wednesday evenings,  
July 8 & 15 from 5:30 pm to 8:30 pm in Corte Madera.

**Any woman embarking on a divorce will be so glad she attended this workshop.**

The three main areas of divorce are discussed: the **Legalities of Divorce** (by Pauline Edgemon, Family Law Attorney); **Divorce and Finances** (by Susan Bross, Financial Counselor) and **Managing Emotions in Divorce** (by Susan Pease Gadoua, Licensed Therapist)

The cost is \$275 before 6/24/09, \$300 thereafter. Some partial scholarships are available to those who apply on a first-come-first-served basis.

*For all Event Registration  
Contact the Transition Institute of Marin ~  
by email: [susanpease@tiofmarin.com](mailto:susanpease@tiofmarin.com)  
or by phone: 415.257.0830*

Please note that we accept credit card payments through PayPal, however, there is a 3% service fee that is added to all charges.

Sincerely,

Susan Pease Gadoua  
Director, Transition Institute of Marin  
LCS 19175

## Save \$10

with this coupon on any of the summer workshops or on a personalized Contemplating Divorce workshop (this coupon may NOT be used for the Post Part Him Divorce Recovery Salon).

This offer may not be combined with any other discount offer and is non-transferable. This offer is only good toward workshops and does not apply to group or individual sessions.

**Offer Expires: July 1, 2009**

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