

GET THE SCOOP ON...

Deciding whether to split ■ Marital counseling,
separation, or postponement ■ Soul searching ■
Moving forward

Is This Really the End of the Marriage?

The foundation of any marriage is the human connection—the bond that is formed between two people who have chosen to share their love and their lives. You and your spouse may enjoy many of the same activities, may have brought children into the world together, may still laugh at the same jokes. But if you reach the point where you feel you're losing—or have lost—that deep human connection—nothing else may matter. That's when divorce may start to seem like the best option.

The breakdown of the human connection can happen for all sorts of reasons. In the heat of an argument or during a time of high stress—or perhaps right after bumping into an old flame in the supermarket—it is often easy to leap to the conclusion that divorce is the answer. And it may well be true—but before you start flipping through the Yellow Pages for a lawyer, it's important to look at the big picture, and to try to do so with an objective eye.

Have you really thought this out? Do all of your problems, all the things that have gotten on your

nerves over the years, all of your spouse's wrong-doings and alleged wrong-doings, warrant a divorce? Take the time to consider what you really want and need before you enter into that extremely grueling process. Consider, too, whether you are realistically evaluating a future relationship with someone else. Might you not be just trading in old baggage for new? And, of course, if there are children, you need to weigh the likely effects of a divorce on their lives.

In this chapter you'll learn about resources and options available to couples who want to make certain that they have exhausted all options before giving up on a marriage.

Deciding to decide

Only you can decide if divorce is your best, or only, option right now. Of course, you may wish to seek the input of counselors, friends, and family when making this decision. But remember that friends and family will often have an agenda of their own (they may adore your spouse, or they may think your spouse is the devil incarnate). Before you begin the divorce process, *you*, and you alone, need to be fully comfortable that this is the right decision for you

You may decide to see an attorney at that point. An attorney will help educate you on all the legal consequences of your divorce and will help guide you through the process. Some attorneys will also provide moral support. But don't ask your attorney if you *should* divorce. That is not a legal question. And if he or she answers it, find another lawyer.

Ditto for the court. Except in rare instances, it is relatively easy to *get* a divorce (not to be confused with settling financial



Watch Out!

Divorce isn't cheap. Even an amicable divorce is much more expensive than most people realize. Not only does one house become two, but you'll also have two heating bills, two water bills, and twice as many lawn mowings.



Bright Idea

When your marriage is in deep trouble, you need to focus on communication. Really work to discover the root of your problems and to understand why that fundamental connection between you and your spouse has been weakened or severed.

and custody issues, which are never easy). But it is not the court's place to decide whether you should seek a divorce. You are the one to decide that.

There *are* options to divorce

In the extreme cases of physical abuse or repeated and flagrant affairs, your best option is, of course, to simply *get out*. But these are special cases and need to be handled carefully—more on that in Chapter 14.

The vast majority of divorces are brought on by more subtle problems. You may have seemingly grown apart or lost sight of what once bound you together. What to do in that case? Work like there's no tomorrow to evaluate the problems and try to save the partnership. Marriage is too important to be dumped without a fight.

Some couples find that simply taking time out of their busy schedules to sit and talk, or perhaps to run away for a week to the islands without the children, can work wonders. Other couples decide to separate, which if done very wisely, may help create space enough to figure a few things out without having to actually divorce. Sometimes it helps to have a referee, an experienced negotiator, someone who can coach you through the stickier parts of communication. In short, it may be time to give marital counseling a try.

Marital counseling

The human connection between partners is the heart of a marriage. When that connection starts to crumble, you might need some help in reconstructing what once was.

**Watch Out!**

Whatever you do, don't even think about divorce if you've been married for 9 years and 11 months! That's because the law, in most cases, allows you to tap into your ex-spouse's Social Security only after you've been married for 10 years.

Counseling may be the answer. But you'll have to take the initiative yourself. Don't look for a therapist in the Yellow Pages. Ask family and friends, or work colleagues if you prefer to keep family and friends out of this, or perhaps your physician for a referral. Make a few calls. Always ask about credentials, experience, and cost.

Licensing of therapists differs from state to state. In some states, just about anyone can call himself a therapist, so be careful. If you choose a psychiatrist (an M.D. who specializes in psychology and emotional issues), ask if that psychiatrist is board certified. Be aware that many psychiatrists do not really provide counseling, but rather, their approach to psychological issues may be through use of drug therapy, which may not be what you need in the context of marital problems. By contrast, psychologists (who are not trained in medicine) generally focus on talk therapy. A psychologist should have a Ph.D. in psychology from a respected university, and should certainly be certified by the state. Don't be shy about asking anyone holding himself out to be a marriage counselor exactly what qualifies him to be so. If he or she resists or seems offended, find someone else.

Set up a first appointment to see if you and your spouse and the therapist "click." Determine if the therapist seems impartial, confident, and competent. If not, don't hesitate to hunt for another. If your spouse refuses to join you in therapy, consider going alone. (More on therapy in Part V.)

What's going on here?

If you've never gone to counseling or therapy, you may be curious to know what's in store. So here's the general flow of events ... On

your first visit, you will be asked some basic questions about your situation—after all, the therapist doesn't know you or the circumstances that led to your marital woes.

If on the strength of your first meeting your therapist can determine that you and your spouse are not at each other's throats, but agrees there are areas of strain and uncertainty in your marriage, that will suggest direction for the therapy. The counseling sessions are likely to be good-natured and without conflict. Hopefully you've come to the sessions as two people who care about each other, but who have discovered that they need a third-party opinion and a nudge in the right direction. That is exactly what the therapist is trained to do.

On the other hand, if you and your spouse walk into the session looking like a Hatfield and a McCoy, with big issues of anger and hurt and possibly even a lust for revenge, your therapist will no doubt have to adopt a different approach—more of a referee or negotiator.

Your therapist's questions may surprise you—some of them may seem to have little or nothing to do with your immediate problems. For example, you may be asked questions about how you and your spouse met: Did you have a whirlwind courtship? To the therapist, that might suggest you didn't know each other very well before you decided to get married. Did you marry because you had to, or because you wanted to? Your answer may disclose areas of hostility that you or your spouse didn't even know existed.

The counselor may also ask about how well the two of you communicated during the earlier stages of your marriage. Maybe some of today's issues were always present, but were ignored while you were in the first blush of romance. In addition, the counselor may want to know about your relationship with your in-laws. If this relationship is troubled, maybe it's setting up conflicts of loyalty for you or your spouse.

If yours is a second marriage, and especially if there are stepchildren in the picture, the therapist will likely ask many questions about the stepfamily dynamic.



Moneysaver

Since your therapist is charging you by the hour, the easier you make the job, the less you'll be forking out. Preparing a short written biography of your relationship—how long you've been together, a list of your major problems, some information about your family backgrounds—may help shave a few hours off the time the therapist will need to get up to speed.

Many people become frustrated with these kinds of questions. They want to get right to the heart of their present problems, so to speak, and they don't see the point in talking about their first date. Indeed, it's hard for a couple to stick with it while the therapist gathers this important background information. But your therapist knows that the couple you are now has evolved from the couple you were back then.

Identifying old patterns

Early in her marital counseling sessions, Linda was surprised when the therapist asked about one of her old boyfriends, Pete. She'd been with him for six years before they broke up, after which time she eventually met and married her current husband. When Linda talked about the relationship with her old boyfriend, the therapist discovered that Linda had been very dependent on Pete, which led Pete to feel smothered and, in turn, caused Linda and Pete to break up. It's no surprise, then, that Linda's current husband was complaining of feeling smothered as well. This revelation gave the therapist a starting point—an issue that Linda and her husband could now begin to address.

We all develop our styles of relating from the patterns we've seen or followed in the past. This fact, which a good therapist well knows, is something that counseling helps us to discover for ourselves. For example, your notions of what marriage should be like are very much colored by the example of marriage you grew up with. If your parents had an unhappy marriage and you grew up with fighting and verbal abuse in your home, you might be likely

to repeat those patterns within your own marriage. Those patterns may not even seem unhealthy or strange to you. Just as likely, you may be unwilling to have a healthy argument with your spouse because you never saw an argument between your parents turn out constructively. Or perhaps you never saw dear old Dad fight with Mom at all, and you are trying to mirror your parents' "perfect" marriage. Understanding the role models that shaped your individual expectations of marriage can help your counselor either debunk or support the lessons you've learned through the examples within your life.

You will also be asked personal questions—questions about how you perceive yourself and your place in the world as an individual. At the very core of counseling is the notion that two people come into a marriage with their own individual identities. These identities may be fairly well adjusted or they may be insecure. By helping you deal with the pasts, beliefs, personal fears, and values held by you and your spouse, the counselor can work with you to see how the pieces fit together now, and how you can make them fit together better in the future.

It may take a few sessions, but once the necessary background information has been gathered, you and your spouse will work with the counselor to identify what is and isn't working in your marriage. This work may be done in one or more of several different ways. You may be asked to fill out detailed questionnaires. You may be given essays to write, or you might be asked to write letters to your partner. You may be given specific topics to discuss, or you may be given the floor to bring up whatever topics are most important to you at the moment. You might even be given exercises to do at home—scripts you can use to foster better communication within your home environment.

The techniques your therapist gives you may take a little time before they start to work. Or they may take a lot of time. Emotional knots that have been tightening for years won't suddenly unravel. Don't get discouraged, however. Remember your



Moneysaver

Every time you consider terminating therapy because it's "too expensive," remember this: The financial expense of therapy is nothing compared to the expense of divorce. Don't quit because of money. If necessary, talk about the financial impact with your therapist, and work with her to find alternatives.

counselor is not a magician. And, since we all generally try to be on our best behavior in front of strangers, you may not be presenting your counselor a clear view of your communication and fighting styles—at least, not at the beginning. So your therapist may not hit on the most effective techniques to recommend right away. Be prepared for the fact that it is probably going to take some time for you and your spouse to become comfortable enough in therapy to open up naturally. The time invested is worth it, however—after awhile you'll begin to find it easier to communicate with your spouse, and thus to constructively address your problems.

When only one will go

What happens when you want counseling, but your spouse refuses to go? This happens often, but before you give up on the counseling option, find out why your spouse is refusing. Here are some of the most common reasons for lack of cooperation:

- **Denial:** Your spouse thinks the problems aren't that major.
- **Defeatism:** Your spouse thinks it's too late to fix the problems.
- **Avoidance:** Your spouse is afraid to face up to what he or she is doing wrong, or is afraid that an honest discussion of problems will cause you pain.
- **Threat:** Your spouse is afraid that talking about the problems will lead to, not away from, divorce.
- **Control issues:** Your spouse doesn't want an outside authority figure to tell him or her what to do. This attitude may

also spring from a lack of respect for the mental health industry.

- **Financial issues:** Your spouse may be reluctant to pay for counseling.

You can't force someone to go into counseling if that person doesn't want to—it just defeats the whole purpose. But you can be careful not to overanalyze your spouse's decision. You can stay open to other means of working on your marriage. And even if your partner won't go, you might choose to enter into counseling alone. If you do, you might at least be able to figure out what can be done on your end to help solve your marital problems. There is a danger in this, however—for while individual counseling can give you insights into your own behavior and feelings, it can't address the problems of the entire “machine.” After all, the counselor is only getting your side of the story, and can't, therefore, directly help you to work on how you and your spouse interact. If your partner won't agree to work with you in counseling, it might be time to look at your other options.

Separation

Sometimes two people get too close to their problems or begin to take one another for granted. In such cases, a little distance and time spent apart might be all the two of you need to cool off and gain perspective. Well, that's what the common wisdom says. In truth, separations rarely work. They tend to only make matters more complicated. Once the two of you are living in separate houses, paying separate bills, reconciliation becomes a lot of extra work.

Of course, you could look at separation as a kind of “trial” divorce. During a separation, both parties have an opportunity to see what life without the other would be like. For many people, a separation comes as a relief; for others it's extremely unsettling. They miss being at home, being with their children—maybe they even miss their spouse. The old saying “Be careful what you wish

for, you just might get it” sometimes comes back to haunt people during a separation, making them realize that the initial decision to live apart may have been ill advised.

On the other hand, some people use separation as a convenient escape from the responsibilities of marriage, one that even gives them permission to have relationships with other people.

“In many cases that I’ve seen, a suggestion to separate is merely one spouse’s idea of softening the blow of divorce.”

—Michael Dolan, Psy.D.,
psychologist and
marriage counselor

In such cases, separation no longer becomes a means of cooling down and getting better prepared to work on the marriage. It becomes an excuse to party.

Clearly, separation can mean different things to different people. It’s even common for some couples to shuttle back and forth

between living apart and getting back together again, never really making a full commitment one way or another. For such couples, separation and reconciliation become a way of life.

In terms of the law, an informal agreement to separate is very different from a “legal separation.” In an informal separation, one party in the marriage may simply pack up and move out on his or her own. A legal separation involves legal action. But no matter what your reason to separate—whether it’s because you and your spouse simply want a time to cool off and gain perspective or because you see this as a first step toward making a more final split—you must still deal with all the practical issues that will arise once you decide to live apart. You have to make decisions about visitation with your children, payment of support and/or monthly expenses, division of assets (such as bank accounts and automobiles), payment of debt, covering the mortgage, and the division of future income. To protect your interests, you have to know where you stand not only for the time you’re separated, but also in the event that you ultimately *do* get divorced.

**Bright Idea**

If you feel you must separate, consider doing so under the same roof: you in one room, your spouse in another. It makes reconciliation a *lot* easier than if you are living in two homes. (Of course, older children may question this new arrangement.)

The separation agreement

Regardless of the legal status of your separation (“separation” means different things in different states), all resolutions or agreements arrived at by you and your spouse should be in writing and signed by both of you. This agreement, typically known as a settlement or separation agreement, will serve as the law of your separation and may eventually be used as the basis for a final divorce agreement. Until the two of you are able to agree on terms, a written and signed agreement may be impossible, but in this case, try to record any interim agreements in a written document. Perhaps it has been agreed that one spouse will move out of the family home, but that fact is not to be held against him or her later in the proceedings. Or perhaps there is an interim agreement that the husband will pay a certain sum to his wife for temporary “support,” although not court-ordered. Anything along these lines should somehow be documented. If one spouse refuses to sign anything, the other should at least write a self-serving letter or note to the other that sets forth what is happening.

A written agreement protects you, because unless you can prove to the court that your spouse did not meet his or her agreed-upon obligations, such as paying half of the mortgage, your agreements cannot be enforced. No matter how amicable you and your spouse may be at the time you separate, this may change. Without a written and signed agreement, the two of you may find yourself fighting over issues that could have been resolved as part of a fair and equitable contract.

The wording of a separation agreement, like other official documents, can be a little formal, but don't let the legalese frighten you—your lawyer can take you step by step through the document. Also, there is a trend in the law to put documents in plainer English. When you first talk with your lawyer, tell him you want “plain English” documents. Instead of “Husband,” the document should refer to the man by name. Ditto for “Wife.” Believe it or not, the term “issue of the marriage” refers to children! Ask for the children to be identified by their names. You'll be surprised to find out how much more readable a legal document can be when written in this manner.

Although you and your spouse no longer live together, you generally cannot (and should not) financially abandon each other. For example, where alimony or child support would be applicable in the event of a divorce, this type of support should also be paid during a separation.

Similarly, the spouse who moves out still has an obligation to share in the household expenses, and each of you typically shares in the financial obligations incurred by the other. Before you separate, it's important to understand how you and your spouse plan to divide your income, expenses, assets, and liabilities—including those that arise after your separation. For example, your spouse may incur substantial credit card bills or enjoy an increase in income after you separate. The two of you should address these types of issues, if possible, prior to or in conjunction with the separation.

If you have concerns about your spouse's spending habits (and many separated people do), contact the credit card companies and notify them of the separation and that you will not be responsible for any charges incurred after the date of separation. You should apply for new credit, in your name alone, before you separate, or, if that hasn't happened, as soon as possible after the separation.

**Watch Out!**

Separation shouldn't become a way of life; some action has to be taken to either save or end the marriage. Living in limbo is not wise or healthy for either of you or for your children. Look at separation as a tool that should be used for a limited time. There may also be important financial, legal, and tax reasons to finalize your status.

You've got work to do

You'll need to lay some ground rules so that the terms of your separation are consistent with both your needs and the needs of your spouse. By all means, get legal advice (turn to Chapter 5 for information on how to find and hire an attorney), and draw up an official agreement on the following issues:

- Who gets custody of the children, and how will visitation be handled?
- Who gets which personal belongings?
- How will you handle paying the mortgage, household expenses, and debts—and especially, meeting the kids' financial needs?
- What about insurance?
- What about contact between the two of you, post-separation?
- What'll you do with the mail?

This last one may strike many people as being a bit trivial, but it often becomes a real hot spot for separated couples. What happens to mail that comes in both your names? How about bills addressed to both of you? The post office may not forward third-class mail (including magazines or journals)—what should you do with those? You will want to make arrangements with your partner to have important items set aside for some sort of regularly scheduled pickup.

Reality check

Separation isn't easy. In some cases, it may prove to be a constructive tool in deciding where your marriage is going to go in the future. The time you spend apart can show how much you really want to be together. On the other hand, as happens in the majority of cases, separation will pave the road to divorce.

Either way, we suppose, the separation has served a useful purpose.

Is this the end?

So, you've tried counseling, and maybe even tried a separation, and things still aren't working out. If all efforts to re-connect

with your partner have been unsuccessful, it's probably time to consider the option of divorce. This is a highly emotional decision, a huge life change (probably bigger than you can even imagine) that will affect everyone in your lives. Take it one step at a time. It may be best to begin with exploring the issue thoroughly—both privately and with your spouse.

“ It took me a long time to get over the feeling that I had failed. The divorce was especially hard for me because I was the first in my family to get a divorce. Now, I can look back and see that I had made a bad decision to marry, true; but that's nothing I should beat myself up for. ”

—Cindy, divorced 13 years ago

The list of questions coming up will help you determine whether divorce is the right choice for you. The questions are intended to get you thinking about what you truly want. Remember, however, that you are not the only one who may have questions about the state of your marriage. And your spouse may answer these questions differently than you. Be prepared to probe deeply and honestly, and recognize that this is something that the two of you (and your children) have a stake in.

**Watch Out!**

It's only natural to feel a little bitter right about now. But nothing is ever just black and white. While you may be angry at your spouse, remember he or she does have some good qualities. After all, you agreed to marry, remember? Be willing to see the gray areas, and try to stay objective while assessing your marriage.

The truthful answers to these questions—asked of yourself and of your spouse—will help clarify whether divorce is truly the best route to take. If nothing else, they will help bring you to a deeper understanding of yourself and your needs. But again, keep in mind that only you can make the ultimate decision that divorce is the best thing for your situation. And there are other considerations to keep in mind. Divorce will have an effect on many aspects of your life.

Because marriage—and divorce—is a two-way street, you really should check with your spouse. How does he or she feel about the issues raised by these questions? Communication, difficult as it may be, is important, even in divorce. But before you bound in on your spouse with a list of soul-searching questions in hand, consider the following ground rules to keep the discussion amicable:

- Watch your timing. Don't approach your spouse when he or she is tired or stressed.
- Make an appointment with your spouse to talk. It may be as simple as "Can we talk after dinner? I have some important things to discuss with you."
- Minimize distractions. Wait until the kids go to bed, or better yet, are out of the house. Turn off the television and unplug the phone.
- Really listen to what your partner says; keep an open mind and don't interrupt.

Twelve Personal Questions to Ask Yourself and Your Spouse

1. How am I doing in my life? Am I content within myself?
2. What are the roles and tasks that I consider important in my life? How does my marriage affect those roles, and how would divorce affect them?
3. What gives me satisfaction? Marriage? Job? Caring for kids? Friendships?
4. Where do I want to be right now? In one year? In five years?
5. Are the conditions and needs of my marriage holding me back from what I need? Would divorce move me closer to or further away from fulfilling those needs?
6. Are the problems in the marriage fixable or are they beyond my control?
7. Is there an outside influence that is affecting our marriage that can be eliminated?
8. Can I openly share my frustrations with my partner? If not, why not?
9. Can I forgive my partner for what I perceive as some awful wrong-doings?
10. Do I find my spouse physically attractive?
11. Do I respect my spouse as a person?
12. Is this someone I want to grow old with?

Because this conversation may be the first time you or your spouse have openly admitted to dissatisfaction in your marriage, there is an inherent risk that the responses you receive may come as a shock. But it's generally better to be completely honest now

than to let resentment and anger simmer below the surface. By beginning the discussion of divorce in this way, you minimize the possibility of resentment and confrontation further down the road.

Changing your mind

Yes, it's sometimes possible to put the brakes on, even after you've begun the process of a separation or divorce. If necessary, you may have the option of postponement.

Maybe you need a bit of time and reflection to make the right choice. Or, if you or your partner are going through some rough life events (a family member might be ill, or there's been a death in the family, or one of you has just lost a job), maybe the stress arising from these outside events is central to your current marital distress. If such ups and downs of life coincide with a time of marital discord, the resulting turmoil can be all-consuming. If this is true, dealing with your marriage may just have to wait until you're a little more coherent,

“With divorce as easy as it is, and its consequences so hard, people with children need to ask themselves whether they have given a marriage their best shot and what more they can do to make it work before they call it quits.”

—Hillary R. Clinton,
It Takes a Village

ent, a little less emotional, and a little better able to think clearly.

The decision to end your marriage should never be made in the midst of a larger tragedy or upheaval in the family. Couples with larger problems in their lives often transfer their emotions, fears, and frustrations onto their partner. If you're dealing with a family crisis, put off decisions about your marriage until the smoke has cleared.

If you're putting off making a final decision right now, you'll still have to deal with the underlying issues of unhappiness in your marriage. Since you'll be getting back together, you'll need to find a way to coexist. Here are some tips to make this possible:

- Don't pretend there are no problems. Deal with issues in a constructive and communicative way.
- Have a definite length of time for the postponement. Don't leave things hanging indefinitely.
- Notify your counselor or lawyer of the postponement so she knows what your status is.
- Notify your friends and family that you're postponing your decision. Even well-meaning friends and relatives, if uninformed, can escalate tensions between the two of you and push you out of postponement into finalization.
- Notify your children of the postponement. They have a right to know what's going on.
- Use this time to think, to measure the depth of your problems, or to see the good in your spouse and in your marriage. This thinking, of course, may deepen your commitment to divorce, but it is honest consideration, a mature handling of the realities of your partnership.

Even if the divorce process has already begun, if it doesn't feel right, you still have choices. Don't despair. People do cancel their divorce proceedings. The gravity of the process is sometimes enough to convince them that their problems are not insurmountable. If your case has reached the filing stage, your lawyers will contact the judge and inform the court of the new situation. No big deal.

Depending on where you live, you may have to fill out forms stating your reconciliation for the record, but otherwise you'll be free to go home and work on your marriage.



Watch Out!

Keep in mind that although you can change your mind after filing divorce papers—especially if you did it as a threat or an impulsive act—your spouse may not have a similar change of heart. If you find yourself in this situation, talk to your spouse and perhaps suggest counseling for the two of you.

Of course, counseling can help repair the damage that may have occurred during the aborted divorce—perhaps your lawyers can recommend a good marital counselor. What’s important to know is that the process can be stopped, if necessary, right up until the final court date.

Looking ahead

Sometimes, no matter how hard a couple tries, they still find that they can’t work things out and a divorce becomes the apparent best answer to their problems. That was the answer for us. And it may be the answer for you.

We hope that this book will help you to see that a divorce does not have to be destructive—in fact, it can be the beginning of a new and better life for yourself, your spouse, and even your children.

In the next chapter you’ll learn just what it takes to set up a “successful” divorce—one in which you can avoid behaviors and confrontations that will only lead to misery. Then you’ll learn what you need to do to get your affairs in order so that you can protect your interests, what to look for in an attorney, and how to effectively participate in your own divorce.

“ I would never have asked for divorce. Never. But it happened. That’s no reason that I should feel ashamed or belittled. No reason to mope. I’m going to live life to its fullest! ”

—Yvonne, divorced after
12 years of marriage

Just the facts

- The decision to divorce is one that will affect all aspects of your life. It should never be taken lightly.
- Consider marital counseling if you’re not yet certain that divorce is the answer.
- A separation may be an act of last resort.

- At every stage of the divorce process you have the option to slow down or change your mind—divorces can be postponed or even canceled.
- The end of a marriage is not the end of your life, and even more important, it should not mark the end of your children's happy childhood(s).