

## INTRODUCTION

On the morning of February 1, 1995, my five-month-old son died.

Andrew was a sweet, gentle soul whose neuromuscular circuitry simply didn't develop properly *in utero*. His short life was a steady decline from birth as his mother and I watched helplessly, desperately seeking a solution the medical community wasn't able to provide.

I've been told that the loss of a child may be the most stressful and emotionally painful event in the human experience.

I believe this to be true.

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In recent years, I've been told by several knowledgeable people that the divorce rate for couples who lose a child is estimated to be eighty to ninety percent. Although many people might assume tragedy would bring a couple closer together, this statistic must measure something about human nature.

In the year following our son's death, my wife and I participated in intensive marital counseling. We also endured the second of two miscarriages. In March of 1996, my wife said she couldn't continue in the marriage. Perhaps I was only a few months away from saying those same words to her; we were both emotionally spent.

There is a point in a relationship when, for one or both parties, an emotional switch in the heart gets flipped to "off"; no recovery is pos-

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sible. Further cohabitation only results in increased anger, resentment, and hostility.

I've been told that divorce is also one of the most stressful events in the human experience.

I believe this to be true, too.

When my wife told me of her decision, we stood in the kitchen and quietly, sadly told each other that we were sorry for the loss of the marriage. We made agreements about sharing custody of our four-year-old daughter and the equitable division of finances. The three of us had experienced a lot of trauma during the previous two years, and it was important that the divorce be as easy as possible on all of us, especially on our daughter.

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Unfortunately, our shared-parenting agreement didn't hold, and, as happens in many divorces, the issue of joint child custody quickly became a point of high conflict.

I've been told that a child custody battle is also one of the most stressful and emotionally painful events in the human experience.

I believe this to be true as well.

A custody battle is about the potential loss of a child. However, there is the added pain of that loss being initiated by the other parent—it can be the ultimate betrayal.

The emotions of panic, fear, helplessness, and desperation I felt at the thought of losing regular and frequent contact with my daughter were strikingly similar to those I felt as I witnessed my son's slow decline and death.

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Fortunately, in my case, a full-blown child custody evaluation and court ruling was averted and a shared-parenting agreement regarding the care of our daughter was negotiated through attorneys after a few months. But the custody conflict had caused the attorneys to become heavily involved, and mistrust and anger permeated all aspects of the divorce. As a result, many other issues spiraled out of control, and the divorce became a nightmare.

The divorce cost my ex-wife and me more than \$250,000 plus three years of excruciating, nonstop, mind-numbing stress. It is a divorce that could have—and should have—cost only a few thousand dollars and taken a few months.

The irony is that the final custody arrangement, support payments, and division of assets set by the attorneys' negotiations and the judges' rulings ended up being exactly what my wife and I had verbally agreed upon in our kitchen conversation two years before.

This high-conflict, overlitigated divorce risked the financial security and emotional and physical health of my young daughter, the mother of my daughter, and me.

It has been a path of slash-and-burn destruction. In-law relationships are severed. Former mutual friends have either had to take sides or limit contact with both my ex-wife and me. My daughter's teachers, doctors, and schoolmates' parents are cautious around both of us. The level of parental conflict was such that it will probably always be a part of my daughter's life. It was not the legacy I had wished for her.

Tragically, my divorce experience is not unique.

I believe my experiences over the past few years qualify me to share life lessons of divorce, tragedy, grief, and recovery, so I am adding one more

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voice to the discussion about divorce with the hope that it will make a positive difference. I've had a firsthand look at a process that, under the best of circumstances, is painful. Under the worst of circumstances, it is destructive in ways I never imagined possible.

I'm not an attorney; nothing in this book should be taken as legal advice. Nor am I a mental health professional; the emotional and child-development advice in the text is what the experts generally agree will give you and your children the best chance for a positive, fulfilling life after divorce.

There are few absolutes in law or mental health; life is many shades of gray. Likewise, each divorce is different. However, recent research is clearly showing which behavior is most likely to have a positive result for divorcing spouses and their children. I urge you to play the odds and use the advice of the experts as a starting point for discussions, then make adjustments to suit your own family's situation. For instance, begin with an agreement in principle about a shared-parenting arrangement, then negotiate around work and school schedules so that each parent shall be with the child at least forty percent of the time. (Many family law professionals prefer the term "shared parenting" to "joint custody.")

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Keep in mind that, over the years, you and your divided family will likely go through many changes that result in periodic upheaval. The future may hold remarriage; new stepsiblings for your children; a parent's move to a different, perhaps distant, locale; severe illness. Such inevitable challenges are all the more reason why the beginning of a divorce is the time to set a constructive tone for communicating and negotiating with your ex-spouse.

Most people going through divorce occasionally make poor choices in behavior, express anger in inappropriate ways, are less-than-ideal parents. I hope this book will help you identify destructive behavior in

divorce and sensitize you to the impact your actions have on your children so you may minimize harmful choices.

If you are entering a divorce, this book is a personal plea to you—a plea to keep your moral integrity, to seek peace, to put your children first. Accomplishing these three goals while being tossed about in the emotional storm of divorce requires great effort.

When my divorce began, I drove to the bookstore to search for a few titles that I hoped would give me guidance for the unknown journey I was about to begin. Like most people going through bad times, I wanted to feel better quickly. I was depleted and didn't have the emotional resources left to filter through large volumes of text based on research studies or that dealt with only one component of divorce or that reflected the author's gender bias. I wanted to find a comprehensive but succinct overview of what was about to happen to my family. This is the book I wish I had found on the bookshelf that day. This is the book I wish all couples would read when they make the decision to separate.

This book includes very few details about my own divorce. It is a glimpse into the maw of the family law system, certainly based on my own experience to a degree, but largely based on hundreds of conversations and interviews with friends and acquaintances who have experienced divorce recently as adults or years ago as children of divorcing parents. These people were a treasure trove of guidance and wisdom for me. In many ways, this book is about their stories, for in listening to their divorce experiences, I have found most of them to have common patterns.

I do not discuss the extreme circumstances of divorce such as physical abuse, stalking, or kidnapping. This is a book for “normal” people caught

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up in emotionally volatile events, who, through thoughtful, conscious effort, are capable of limiting the number of poor choices they make.

This volume discusses divorce in general but is child-centered. When a child is conceived, a sacred covenant is made between two adults that the child will be best served by the balance and contrasting gifts offered by their feminine and masculine natures. Except in extreme circumstances, children need frequent and regular contact with both parents so they may learn from these differing styles.

It is most important that each parent pledge never to say anything derogatory about the other parent in the presence of a child, for doing so is emotionally damaging. Mother and father must selflessly put aside their own negative feelings about each other; we honor our children by making this commitment.

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This is also intended to be a book about healing. If divorce causes you confusion and emotional pain, you are normal. In most cases, healing from divorce is not easy. It involves painful self-examination, unpleasant choices, the giving up of former dreams and hopes, and their replacement with new ones. It requires patience to let the whole process take place. Grief, confusion, and emotional turmoil associated with events such as divorce can last a long time.

Healing is being able to discover—and embrace—the positive aspects of life after divorce.

There are no shortcuts in a grieving/healing process. It's common for people to seek emotional comfort in the abuse of alcohol, drugs, sex, eating, shopping—even the abuse of seemingly healthy activities such as exercise or religious practice. But true healing can only come by acknowledging the loss, experiencing the sadness and turmoil over

time, then slowly rebuilding your new life in a constructive way. It is not a neat, orderly process. It is often a faltering, stumbling, “two-steps-forward, one-step-back” kind of thing.

The most constructive—and healing—thing I did during my divorce and custody conflict was to seek information and guidance from friends and therapists, many of whom had experienced divorce in the past. I will always be grateful to them—they kept me on a good path, helped me find ways to avoid conflict and, when conflict was unavoidable, helped me cope with it.

While I’ve tried to minimize them, this book does contain some gender generalizations, many of which are based on societal conventions (for instance, the mom is usually the primary caretaker of the children, the dad is usually the primary wage-earner). Fortunately, gender roles are becoming more flexible.

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I have tried to remove gender identification from my descriptions of divorcing parents. As you read the true stories in this book, you may try to guess if it was a father or mother who did such and such. In fact, virtually every act I’ve described has been done by both.

Neither gender can claim a monopoly on moral behavior. For every “deadbeat dad” who financially abandons his family, it wouldn’t take much effort to find an equal number of moms who make false allegations of sexual or physical abuse against a father to gain sole custody of their children or strategic advantage in litigation (although these women have thus far evaded an equivalently catchy alliterative moniker, such as “malicious mom”).

Fortunately, governments are beginning to take steps to create accountability for these wrongs. Federal, city, and state governments are

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cooperating in tracking down spouses who are delinquent in paying child support; in the state of California, making a false allegation of child abuse in connection with custody proceedings is a felony.

In this book I am sometimes harsh with the professionals in the family law system. I must balance that by saying that I know of many heroes—ethical attorneys, therapists, mediators, judges—who, year after year, work within a divorce system that deals with an ugly and destructive side of human behavior. They exist in a world where there are no winners; it is a landscape of losses. At best, they witness torrents of “he said/she said” whining and blaming. At worst, they witness unimaginable spousal and child abuse.

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Unless your divorce is very amicable and your financial situation is very simple, I highly recommend some degree of involvement by an ethical family law professional. I have heard it said that it is possible to file your own divorce and also possible to cut your own hair, but doing either carries great potential for an unhappy result.

Even if you retain attorneys and accountants, it is crucial that you and your soon-to-be-ex-spouse communicate directly or through a mediator to keep the family law professionals from escalating the hostilities. Later in this book you will find guidance in helping you choose an ethical attorney.

Legal documents can be intimidating. For this reason, I have included several in the Appendix so you may know what to expect. For definitions of legal terms in family law, refer to books such as *Nolo's Pocket Guide to Family Law* (Nolo Press) or *The American Bar Association Guide to Family Law* (Times Books).

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In most cases, the divorce turmoil will eventually settle down. It will probably take two or three years after a divorce is finalized for most of the healing process to be completed. This is why finalizing the divorce as quickly as possible and setting up a cooperative shared-parenting relationship with your ex-spouse should be your main goals—and the goals of your attorney. An ethical attorney will promote this even though it may not be what you want to hear. (Throughout the divorce process, keep in mind that an ethical attorney will tell you the painful truth, but an unethical attorney will tell you what you want to hear; more about this later.)

I do not believe there is such a thing as winning in the family-court system. Perhaps it should be viewed more as minimizing your losses. In divorce there are many losses, both emotional and material. You will need to compromise on many issues, and it will probably be painful. Divorce is the dismantling of a union or partnership that took years of love and effort to create—it is the end of something that was dear to you at one time.

However, divorce can also bring hope. Hope is one of the most crucial elements in human existence, and, in a bad marriage, there is very little of it.

You now have a chance to build a new life.