

Divorcing? Preserve Your Assets and Relationships with Cooler Heads

Divorce often comes at the end of a bitter relationship struggle where the parties have hammered each other mercilessly.

As each hammers the other, both seek retribution to redress their view of the other's wrongdoing. Into the fray is thrown all the belongings, the home and other assets, and then the kids. The battle is all-consuming and consumes all involved. Many lawyers continue to litigate the case until the assets are exhausted, when anything left to fight over has evaporated. The parties, unable to meet their retainer obligations, next lose their lawyers and are left fighting the fight on their own. The children are often circling the drain at this point, failing miserably at school and have found solace in the arms of friends and sometimes drugs and alcohol. Relationships between children and parents are in tatters.

Parents are cautioned that in the throws of a divorce, they are emotionally vulnerable, and often the predominant emotion is anger. It is easy for an unscrupulous lawyer to intimate that you have a righteous position and then suggest he or she is more than willing to fight your battle and the injustice therein.

Step away from the cliff. Pause and consider. Whose needs are met and addressed if your conflict escalates? While there may be a reasonable need to litigate some disputes, many can settle outside of litigation, particularly when cooler heads prevail and the persons purportedly helping you do not inflame your situation.

Before taking the plunge to litigation or even the threat thereof, consider the multitude of other solutions to reaching a settlement. These include counselling, mediation and collaborative law. All of these strategies take place outside of court and

persons who practice these approaches are generally trained to reduce conflict as opposed to inflame it either intentionally or unintentionally.

You may not know who to ask to facilitate a referral to counsellors, mediators or collaborative lawyers in your area. Apart from the phone book and Internet, consider asking those persons with whom you already have a trusting relationship. These may include your clergy, physician, accountant or financial adviser. In fact, it may be your financial adviser who is in one of the best positions to advise on who may help you settle things amicably as it is in your financial advisor's interests that you preserve your assets.

Reading through this very article, you may feel the tone of the words easing. If you do, this experience mirrors the difference you can expect between seeking to resolve matters with a hostile versus conciliatory approach. If you seek vengeance over a settlement, expect the process to be far more expensive acrimonious. This remains your choice, but at the end of the day, the best revenge is clean living and getting on with your life.

If you let cooler heads prevail, you will likely preserve more of your assets and you children will be spared the scars of parental battles. The marriage may have ended badly. The divorce doesn't have to.

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