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12 critical mistakes to avoid when considering a separation or divorce

mistake #1: using your divorce proceedings to get back at your spouse

When someone hurts us, we have an almost instinctive urge to hurt them back. In a divorce, it is easy to play the blame game and hold on to our anger and resentment. We can refuse to cooperate and extend the negotiations trying to get as much as we can from the other spouse. **We can spend large amounts of money trying to get revenge and/or some sense of satisfaction, but in the end, what are we actually left with?**

Don't hold on to past anger and resentment because it really only hurts the person who is doing the holding on. You may feel that you failed at your marriage and still be angry at your spouse, but once you have accepted the idea of Legal Separation, try to be constructive and make positive decisions for the future. A positive outlook will serve you so much better than a negative one.

If you are having a problem dealing with the past, it may be helpful to seek professional help either together or separately. This process could also help you gain a better understanding as to why things did not work out with your spouse, and hopefully help you to handle future relationships in a better way.

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mistake #2: confusing material needs with emotional needs

I have a friend whose brothers and sisters would artfully pile their Christmas gifts to see who had the most. The number of gifts didn't matter; the winner would be the one who could construct the highest pile. Sometimes when working out division of property, our first reaction is to put dollar values on the different properties and then try to divide them in a way that would be financially equitable but also come out the winner with the "highest pile."

While thinking about division of property, each party should also try to identify what they each need and why they need it.

Aside from adding up the dollar numbers of one's assets, one person may want something which is worth more to him or her than its dollar value, and in return be willing to give up something else whose cost in dollars may be higher but has more value to the other person.

Take, for example, this situation of a couple who did a lot of vacationing in exotic countries, and brought back inexpensive mementos from the different places they visited. One spouse chose to hold on to the memories of those trips by keeping all those objects acquired, while the other spouse who did not care about any of them, chose to take instead the very expensive electronic equipment that they had in their home while living together.

mistake #3: letting other people define and prioritize your needs

People around us, though well intentioned, often try to give advice, but sometimes this advice and information may not be accurate, may not be what is best for your personal situation, or may just muddy the waters in general.

For example, one of the frequently heard comments from these well-meaning people is:

> "*You should not move out until you have worked everything out or signed your Separation Agreement.*"

The reason for this advice is so that you do not weaken your position with regard to finances, the children and the home. However there are ways to safeguard those positions without continuing to live under extreme stress.

If you and your spouse agree on the physical separation and both feel that this will not impact your future decisions, a written and "interim" agreement can spell out the decision to start living separately, and describe how expenses will be met to cover living costs. In the case of a family with children, this agreement can include a preliminary parenting schedule and child support calculations. In some cases, the interim parenting schedule ends up as the permanent parenting schedule and is incorporated into the Divorce Agreement.

I have worked with several couples who had agreed to get a divorce though they were not "on speaking terms", even while living under the same roof. As they talked to me, it became very clear that they could no longer tolerate the situation, and that one party had to move out so that they could move forward with the negotiations for their divorce. The interim agreement may take some effort, but in the end is well worth it. Doing this, parties can separate without necessarily jeopardizing their positions.

mistake #4: embarking on an adversarial process without considering mediation first

I often meet people who believe that in order to get divorce, they "need" to hire a lawyer and embark on a war. I always wonder why people think that way. They did not hire lawyers to get married but because they can no longer live as a couple, they feel that they need to hire lawyers to get "unmarried"?

Many people also feel that because they cannot have a calm conversation with their spouse, mediation won't work for them. They

come into my office saying “I don’t know how we can do this, we can’t speak to each other without fighting.”

What most of them find is that mediation gives them the space to express their individual needs and concerns. With the help of the mediator they are able to navigate the road to separation and negotiate an agreement that they can both live with. At times, they may choose to have a consultation with a lawyer or a financial advisor to better understand the implications of their decisions, but it is not required.

The adversarial process puts other people in control of your life and your family. Mediation puts YOU in control.

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mistake #5: not thinking about the family’s finances as a whole

When separating, it is natural to start thinking about your own financial situation, not that of your soon-to-be ex-spouse from whom you are moving away. **But it is important to look at the family’s finances as a whole and to work out a plan that each of you, and if you have them, your children, can realistically live on**. To this end, it is my practice to help you make projected budgets for each new household before making any other financial decisions.

For example, a young couple with children had purchased a house, thinking as most of us do that it would be “forever after.” During their divorce negotiations, they agreed to Joint Custody (Legal) and joint parenting time. The husband, whose income was higher than the wife’s, feeling very bad about losing the house and depriving the children of their home, decided that he would buy out his wife’s share and still help her with the expenses for the apartment where she would be living with the children as well. The plan sounded good, but in preparing budgets, projecting the figures for two separate households, and the cash available to each of them, the husband came to the realization that he could not afford such a plan. Reluctantly they sold the house and created two separate homes that they could afford without putting themselves and their children in financially jeopardy.

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mistake #6: making financial commitments before your agreement with your spouse is worked out

There is an age old proverb that says “*Don’t count your chickens before they hatch*.” **Making commitments before knowing exactly what your financial picture will look like is fraught with scary pitfalls.**

Take the case of Paula, a professional woman living in a big house in the suburbs and negotiating with her husband the terms of their divorce. Her children were already living independently so she felt that she could easily move the practice that she ran 3 days/ week from her house and 2 days/week in Manhattan to a full time practice in Manhattan. She was also intending to live full time in the city in a rental apartment and find a separate office for her practice.

Paula was looking forward to her new life. She didn’t know when the house would sell but had a vague idea of the amount of money that she would be collecting from her share. With that in mind, she signed a lease for a rental apartment, and another lease for a full time office space - before she finished negotiating the terms of her divorce.

In an early mediation session, before we started working out the financials between Paula and her husband and looking at present vs future expenses, I encouraged both parties to prepare budgets. In doing so, it showed very clearly that Paula had overextended herself, and would not be able to afford both rentals and living expenses in Manhattan before developing a full time practice. It was a rude awakening and a great disappointment to her. She experienced a lot of anguish at the realization that she would not be able to immediately afford the life that she dreamed of, not to mention facing the financial losses associated with deposits made on the rental properties and office furniture if she could not go through with those plans.

Paula and her husband agreed in mediation that he would help her financially for a limited amount of time and phase out his contribution as the income from her practice grew**. Working through this in mediation helped both parties look more closely at their projected incomes and expenses, and gave them a clearer picture of what they would have to face as they were separating**.

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mistake #7: ignoring your own physical and emotional health

Dealing with a highly emotional event such as a separation or divorce takes its toll in many ways. When we are under such emotional stress, our immune systems are often weakened and we become more prone to getting sick. We feel tired, overwhelmed and sometimes not able to cope. At this highly stressful time, it is important that we take care of ourselves in order to maintain a high quality of life during and after a divorce or separation.

Here are several things that you can do to combat the stress and improve your well being:

- **exercise**

Find a form of exercise that you can enjoy alone or with a buddy, such as going to an exercise club, playing sports, walking or running outdoors. You will be amazed at how 4 or 5 hours of activity a week will make you feel better, both physically and emotionally.

- **nutrition**

As hard as it may be, try to maintain healthy eating. It takes a little effort not to run for the fast food, but you will find the effort well worth it. Try to always have healthy snacks available, and as often as you can, choose fresh foods over prepackaged. Not only will you be helping yourself, but you will also be setting a great example for your children.

- **join a support group**

Support groups are great places to meet other people who are also going through difficult times and share your anger, sadness and frustrations. And you will find that having a place to share these emotions, will help you avoid taking them out on family and friends.

- **spend time with friends**

Take a break from the divorce and use the time with friends to laugh and have fun. See a movie, go bowling, play games, talk about everything and anything except the divorce. Laughter can truly be the best medicine.

- **work with a therapist**

Reaching out to someone who can help you understand and deal with your situation may be very beneficial. Seeking therapy is not a sign of weakness, but an indication that you care about yourself and want to emerge from this process feeling stronger emotionally.

Taking care of yourself is even more important If you have children, because you have to take care of yourself in order to take care of them. It's similar to the steward's recommendation when boarding an airplane, "put on your own oxygen mask first and then put the mask on your child." Keeping yourself healthy, will allow you to better able take care of your children.

mistake #8: looking at divorce like the end of your life

Even though we are going through a hard time and feeling the stress and anxiety about all the consequences of divorce, **a new day will dawn and new doors and opportunities will open up**. Of course going through the roller coaster of divorce is excessively hard and sometimes we feel that we will never want to be in a relationship and risk this happening again.

It is too soon to make these decisions while you are still dealing with the tumult of the separation. **Take it one step at a time, one decision at a time**. Decide on your new living arrangements, as well as the financial aspects of your divorce. If you need to find a new job, it may be a good time to start networking. If you have children, work on a well planned parenting schedule that creates a structure for them that everyone can live with and adjust to.

Once you are more settled, and things calm down, you may have a totally different outlook on your life.

Here is a link to a true story that I wrote; There is a second chance for love post divorce which you may enjoy (names have been changed but parties were happy to tell their story).

mistake # 9: involving your children in your disputes with each other

Although you and your spouse may not have any conscious intention of harming or emotionally scaring your children, the fact is that whatever the age of your children, they can be negatively affected when privy to your arguments with one another. Here is an example of a college freshman's response to his parents when they copied him on their heated email exchanges about sharing payments for his college tuition:

"Since my education and well-being are the central theme of your bitter back and forth emails I think it is fair and necessary that my voice is heard and respected."

1. These undeniably long emails that cite sections from the divorce agreement are at this point ridiculous. If parent A wants to press legal action against parent B, then both sides lose, the reverse is true as well. Nothing will be solved from this. These matters can be solved in house because as you both know lawyer involvement creates unnecessary stress and will not help pay for my college.

2. I would rather attend a State school and pay for it all myself than to have to be the messenger/ mediator between you two. School is very expensive and I understand how difficult it will be to pay tuition once the money that was put aside for me is out. It is because of this that I am willing to A. Change schools B. Take loans C. Earn money through a Work Study program that will help pay for tuition. I would rather do any of those three options than to read another email in which you chastise each other about ME. I can handle things myself. Both of your inabilities to find a reasonable solution creates nothing but stress and anger for

everyone involved especially me because I am left with two parents arguing about MY education and I am left helpless except to try and mediate. This is why i am offering to sacrifice the school where I am now(despite loving it here), my time, and my future income because it is annoying and frustrating to be utterly dependent about matters that pertain to me.

I am a genuinely very happy kid, largely because I have a great family and a great group of friends who would take a bullet for me. Because of that, the arguments regarding my finances need to stop. My family is the thing I am most proud of and it is unneeded to have contentious disagreements within it. I do not know of any reasonable solution but there is no need to chastise each other. A solution could be found in a more civil manner. I am not complaining that I have it tough because i know i do not. Many kids would die to be in my position. Yet, because we are all smart and well-rounded people I see no need for childish hostility."

In this situation, this adult child is so upset that he is willing to sacrifice the private college he is attending for other alternatives just to bring an end to his parent's bitter email wrangling over him. **How sad when a child displays more maturity than his parents and feels pressure to intervene for his own sanity.**

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mistake # 10: losing track of your children

As parents, it's not always easy to be constantly vigilant of our children's well being and to protect them, especially when going through such a trying and turbulent time. Of course this does not mean that we need to lie to our children and make up false situations.

- *Instead of using our children as messengers*, we should **try to deliver our own messages to the other parent, if not in person, by phone, email or text**.
- *So as not to fight in front of our children* if we need to work something out with the other parent, we should **plan to talk about the issue when the children are not present**.

- *Best not to quiz our children about the other parent's life*. This can make them feel very uncomfortable and protective of the other parent. **They don't want to be used as a source of information**.
- *Trying to show a united front*, at least concerning decisions about the children. Children can be told that if an important decision has to be made, they will get an answer after you check with the other parent.

Some children tend to blame themselves for the divorce of their parents. They think their misbehavior caused problems between their parents and that is why they are getting divorced. You need to reassure them that:

- *This has nothing to do with them*
- *That as parents, you can no longer stay together due to adult problems between yourselves*
- *That their mother and father will always be their mother and father, and that will never change*
- *That their parents will never leave them: children may think that if one parent leaves the other, they can leave them as well. It is important to make it clear to them that they will not be left if they misbehave, or if one has a disagreement with them. Children need to be reassured that they are and will always be loved by both parents*

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mistake # 11: criticizing your spouse to or in front of your child

A child knows that he is 50% of his mother and 50% of his father. **When we criticize the other parent, our children feel like part of them is being criticized, which can be very hurtful.** The children may end up resenting the parent for that.

Even if you don't criticize directly, you should avoid saying things like "I don't understand why Mommy/Daddy did it this way". Indirect statements about the other parent may leave the children feeling stuck in the middle. They don't want to be pushed to take sides or choose between their parents. In fact, **children benefit from seeing that their parents are at least civil and respectful of each other**.

Children really just want to love and be loved by both parents. Hearing these loaded comments can be very hurtful to them. Younger children often experience a great deal of distress and older children simply shut down because they don't want to be privy to your disputes.

A friend once told me about a couple she knew who went to their child's high school graduation, did not sit next to each other, but were exchanging angry looks throughout the ceremony. When the graduation ended, they both walked up to congratulate their daughter but could not resist mumbling curse words to each other. **Can you imagine how that girl must have felt? The embarrassment she endured? And on a day that should have been a celebration of her achievement**!

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mistake# 12: using your children as a trading commodity because you are angry at your spouse

Unfortunately I too often see a spouse who, as revenge for past actions, wants to punish the other spouse by preventing him/her from spending time with the children. In point of fact, it is the children that end up being punished and suffering from their parent's bad behavior. **The children usually do not want their parents to separate and certainly they do not want to be separated from their parents, and why should they be? They are not responsible for their parent's lives and problems**.

I worked with a family in which the mother was more involved with the day to day responsibility of the children while the father had a very demanding job requiring much travel and, therefore, spent many nights away from his family. At the time of the divorce, the father was considering a job change which would keep him in town most of the time, allowing him to share parenting time with the mother.

During the mediation, the mother voiced her discontent saying that it was truly unfair that while they were married, the husband was so frequently absent but now that they were separating, he wanted to be more involved and have the children for several overnights each week. It took some time and multiple conversations, but in the end the mother realized that it would benefit the children to finally get the additional time with their father that they had missed out on for so long. That time with Dad was much more important for them than her trying to get some sort of retribution against him for waiting until the end of the marriage to realize how important it was to be a dad to his kids.

She also accepted that she had to put her children's needs ahead of her own. And that if it took a divorce for him to realize how necessary it was for him to become a more involved father, at least her children would get some benefit from this major disruption in their lives.