

The Top 10 Mistakes Women Make in Divorce

By Gemma B. Allen

As a veteran divorce lawyer who, for better or for worse, has represented more than 2,000 women and men in divorces, I've become very aware of the many mistakes that are made when a couple decides to end their marriage.

Women, in particular, are culturally programmed to making errors that could hurt them in a variety of ways – financially and emotionally. The following are the most common mistakes I've witnessed.

1. Not facing the d-i-v-o-r-c-e reality.

Usually one partner will be further along in the emotional part of divorce than the other. It's hard to absorb, but ignoring the divorce reality can be very expensive. While many women are still reeling from the emotional betrayal, their soon-to-be former spouse is moving on to the next level of betrayal: the financial one.

Solution? Find a good therapist or shoulder to cry on. Compartmentalize the emotional aspects while you protect the marital assets.

2. Not finding a good team.

You'll be relying on whomever you hire to guide you through what will be one of the most significant stages of your life. If there are children, the right decisions, with an understanding of the entire range of options and expectations, are essential. If there are assets, investments or debts, you need guidance on taxes, classification (marital or not), valuations on assets and cash flows, and likely distributions to each of you. Predictably, the family legal and financial team follows the bigger breadwinner.

Solution? Get referrals from at least three people you trust, and interview and research your potential advisors.

3. Denying you may be sleeping with the enemy.

When you marry, you literally make a transfer of trust to your beloved. One partner often deals with finances while the other handles day-to-day life or the needs of the children. It's very seductive to hear "we can work this out," and "let's just sit down with a mediator/friend/religious advisor and settle this." The problem is that you now have adversarial interests in what used to be your common assets, and you may not be aware of your entire financial picture.

Solution? Prepare for the worst. Find an attorney to whom you can transfer some (but never all) of your reliance. While you can listen to what may or may not be a fair and equitable proposition for settlement from your spouse, always consult with your attorney before making any ultimate commitments.

4. Not learning the rules of the custody road.

The days of the automatic preference for Mother are long gone, and there are multiple options and variations on both custody and parenting provisions.

Solution? Do the same level of research and reading on this issue that you did on childrearing, and come to any negotiating table fully prepared.

5. Giving all for the house.

Our homes often can mean, literally and symbolically, security and stability for our children. Sometimes, though, the costs may be too high, especially now that the market is so unpredictable. If you sell the house while you're still married, or as part of the settlement, you can share the fix-up costs, carrying costs,



brokerage fees and any capital gains tax with your spouse.

Solution? Do the number crunching with your financial/legal team and analyze all the pros and cons of holding onto the bricks and mortar.

6. Underestimating retirement assets.

It's hard while you're still young and productive to appreciate the importance of tax-deferred assets in IRAs, 401(k)s and pensions. It's tempting to take offsetting cash or the house or even the car now, and worry about tomorrow later.

Solution? Carefully analyze long-term needs versus cash-in-hand.

7. Not facing our economic fears.

Every woman, without fail, has at least a fleeting fear of becoming a "bag lady." Suddenly, being the only breadwinner or the primary parent responsible for the children's every move is intimidating, indeed. Bills may be higher than you realized, and inflow is definitely slashed.

Solution? Look around and see that every divorced woman you know has faced down these fears, and most grew stronger in the process.

8. Not realizing that even 'permanent' alimony may not be 'permanent.'

If you've been married and out of the job market almost forever, and if your husband is a good earner, you will undoubtedly be awarded "permanent" alimony. However, if he becomes ill, loses his job, is demoted or just gets old enough to retire, he has the right to seek a reduction and/or termination of his monthly obligation to you. Even more commonly, you may be awarded support for a finite period of time and be entitled to try (but not necessarily succeed) in having it extended. Or, the court may decide you are hale and hearty and smart, and the marriage was short enough that you get no support whatsoever.

Solution? God bless the woman who has or pursues her own education, skills, ambition and self-confidence for when and if the maintenance runs out.

9. Not taking care of ourselves.

We nurturers forget to care for ourselves at a time when our energies and psyches are being drained. We monitor the litigation, look out for our children, worry about the finances and either lose or gain large amounts of weight.

Solution? Now is the time to get a medical check-up, reach out to friends, accept gifts of spa days or spa moments, and gather your strength for the next chapter to come.

10. Not having faith in our own future.

While many women find Mr. Right the second time around, many others find that they have "been there, done that" and choose instead to live as forever young Golden Girls. Almost everyone discovers talents and joys they never knew they had.

Solution? Remember that every divorced spouse has a Chapter Two, and the way it reads will be up to you. ■

Gemma B. Allen is a partner in Ladden & Allen, Chartered, a family law firm. Email Gemma at gemmaallen@laddenallen.com.