

Five Myths About the Divorce Process

There are lots of erroneous ideas about divorce in America. Here are five of the most common myths:

Myth No. 1. A Courtroom is a Good Place to Resolve a Divorce.

No no no. A judge who doesn't know you, and doesn't know your children, will hear only the evidence presented on that day in court. That judge will make a decision that will affect you and your children forever. A courtroom should be a place of LAST resort, and almost never first resort. You proceed to court only if every other reasonable alternative has been exhausted. Notice that "reasonable" is underlined. (Submitted by Jim Korman.)

Myth No. 2. A Divorce is Usually Bad for the Children.

There are some real risks for children whose parents divorce. But those risks vary greatly depending upon how the parents handle the divorce and their post-divorce relationship. The separation itself may actually be a relief to the children in a highly conflicted household. In other households it may come as a shock to them. By the time the divorce comes, however, the children will often have come to terms with the new arrangements. The risks to children depend far more upon how their parents interact as parents, and not on the actual fact of the divorce.

Myth No. 3. Lawyers are Generally the Cause of "Bad" Divorces.

There are "firestoker" family law attorneys who build their practices around keeping the conflict going. Most family law attorneys, however handle divorce cases in a professional manner. What makes divorces expensive, stressful and time-consuming is the emotions of the conflict, often encouraged by family and friends. Anger, vengeance, insecurity, unrealistic expectations, and bad advice are among the elements that drive the worst divorce conflicts.

Myth No. 4. The Most Common Cause of a Divorce is One Spouse's Fault.

Prior to the late 1960's, most divorces were based on one spouse's wrongdoing – adultery, cruelty, or desertion. The great majority of divorces are now "no fault," even where conventional marital fault exists. There are many pressures on marriages in contemporary society. Couples grow apart and fail to adjust to the changes in their lives. The real causes of a given divorce may be complex and may have little to do with the old formal fault grounds. Even adultery may just be the precipitating event, not the cause.

Myth No. 5. A "Do it Yourself" Divorce Saves Money.

It may. But it can often be more expensive. An agreement that contains unfair or unworkable elements, or leaves out important elements, can easily cost more than one done with a lawyer's advice. Divorcing spouses may need professional help, such as counseling or financial planning, as they go through the divorce. Even the bureaucratic process of the divorce itself may require a lawyer to go more quickly. Saving money may not be a good idea if it means not getting the proper professional help.