

Deciding on Divorce  
Irwin M. Pollack  
Massachusetts Family Law Group  
(800) 331-IRWIN

Have you ever wondered “Should I stay married or should I get divorced?” You are not alone. Trouble in a marriage many times prompts these kinds of questions.

Making the decision to get divorced is not an easy one. It is common for husbands and wives to go through periods of ambivalence while deciding whether or not to save a marriage. Contradictory emotions of fear, relief, guilt, shock, betrayal and insecurity vary with every day, and the ultimate decision to get divorced may be based on a mix of these feelings, combined with logic, intuition and a gut reaction to what feels like an intolerable situation. The decision to get divorced essentially boils down to a simple question: “Am I better off with my spouse or without my spouse?” The answer to this question requires some genuine soul-searching and consideration of a wide variety of factors.

As attorneys, when someone approaches us and says he or she wants a divorce, our first reaction is to say, “Are you sure?” Decisions made in haste can take on lives of their own, and before you know it, there may be no turning back to save your marriage. Deep down we all know when we are at peace with the decisions we’ve made – large and small. Sometimes we listen to our gut and sometimes we don’t.

When you’re facing the choice to get divorced, forget all about the idea of the romantic fairy tale. It’s time to take a good look at marriage and understand what it really takes to make this type of partnership work. Depending on how realistic and honest you are when evaluating your situation, when it comes to a divorce, you may find that the grass may not always be greener on the other side. For a good dose of reality, sit down and write out a list of pros and cons for staying married versus the realities of getting divorced and being single.

Consider the following: children, your career status and ability to make money, finances, lifestyle changes, the cost of divorce, being single again and the threat of, once again, entering the world of dating. (You might be thinking, “I never want to date again,” but trust me, you will.)

If your life starts to feel like *The War of the Roses* and you cannot bear another moment in the home, put off making your decision until you consider these three things:

*Timing:* Is it the right time to go?

*Records:* Do you have a document checklist of all the legal, financial and business records you'll need to pursue a divorce settlement?

*Information:* Do you know the laws of Massachusetts that could determine the wisdom or folly of leaving right now? For example:

1. The court may consider your current standard of living when determining spousal support or child support. Let's say you decide to move out of your house and into a small apartment or inexpensive housing situation. Your spouse could argue that the court should consider only your current, much lower standard of living when it determines the level of support you will receive.
2. Is your spouse expecting a large bonus or commission from their job? The actual date of separation could have an impact on whether you are entitled to receive a portion of that money.
3. You are better able to keep track of what is going on financially if you're still living in the house where the bills and other statements are coming. Once you leave, you lose easy access to this information.

*Also consider the following as you continue to ponder whether you should get divorced:*

- Do my spouse and I have the same commitment to our relationship?
- Does my partner make me feel happy, secure, loved and valued?
- Why are we staying together?
- Do we fight constantly?
- How will I feel if I am alone?
- How will a break up affect our children?
- Can I survive financially on my own?
- Do I feel resentment and contempt?
- Do we avoid spending time together?
- Am I happy right now?
- Where do I want to be in five years?
- Has our physical relationship changed?
- Has one of us broken our promise of sexual fidelity?
- Do one or both of us want to see other people?
- Do we have a lack of respect for each other?

Writing out the answers to these questions will help guide you in making an educated, rational decision. Divorce is difficult but, depending on your unique circumstances, it may be your best option and worth the temporary discomfort of

transitioning into a new life. The process of honest evaluation will help you experience more peace and have fewer doubts regardless of your decision.

If you do move forward, here are 5 things to do before you begin to think about pursuing a legal divorce:

1. Talk to a marriage counselor or therapist who may be able to help you save your marriage.
2. Hire an attorney before you do anything.
3. Do not move out of the marital home without talking to an attorney first.
4. If you have been involved in any extramarital affairs, talk to a lawyer before you discuss it with your spouse or anyone else.
5. Take concrete steps to safeguard your assets before you and your spouse begin discussing divorce.

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