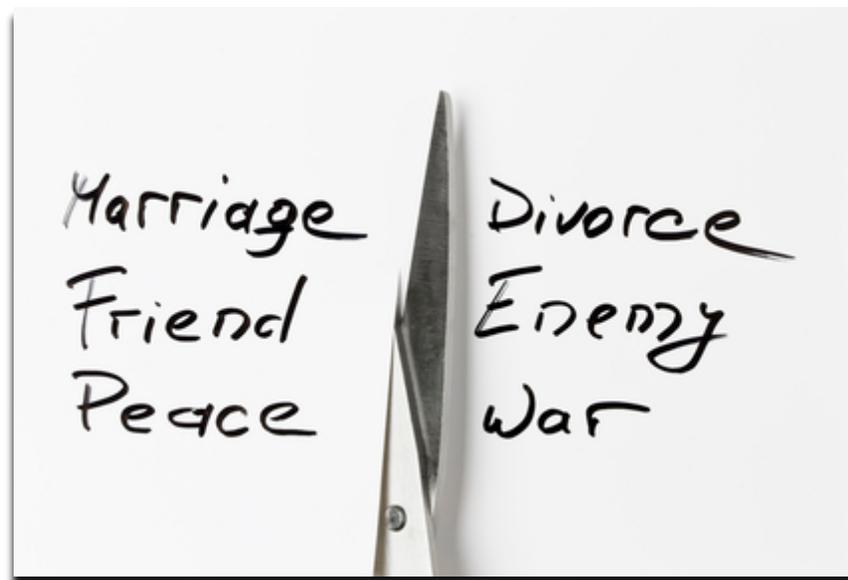


# Divorce From A to Z <sup>©</sup>



Cosenza Law Firm

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# Introduction

You've probably read an alphabet book to a child or helped a child put together an alphabet puzzle. The alphabet book like the alphabet puzzle taught the child the letters he or she would use to write words and read them. The purpose of this alphabet book is different. It cannot teach you what you need to divorce your spouse, obtain custody of your children, or divide the property that you own with another. For that, you must go to law school, graduate, pass the bar examination, and practice family law. Even after years of practice, variations in human behavior, infinite combinations of facts, and changes in the law keep practice from making perfection. What then is the purpose of this book?

The purpose of this book is to help prepare you for the struggle in which you are about to engage. Have no doubt about it. Even if you are saying to yourself "we've worked everything out" or "this is an uncontested divorce", the odds are against your painless departure from what was or may still be a very personal relationship. Most of the advice in this book is practical, not legal. For your legal advice, you should sit down with your lawyer and ask your legal questions. This is your practical guide to how to leave your lover.



# A is for Acrimony

Most couples have stockpiles of resentment. While they are together, grudges lie dormant beneath the rock of their relationship. Separation turns that rock over.

A few issues that may crawl out are:

- Old Affairs
- Unwashed Laundry
- Unwise Purchases
- Excess Weight Gain
- Unmet Sexual Needs

Controlling yourself is key to making sound decisions...

Whether you are leaving or are left behind, expect your need to assign blame for the separation to be so powerful that you can barely suppress it. You may feel fine right now. You may be sure you can handle any dragon breath that may blow your way without firing back. That is now. Acrimony is the future.

Be prepared for your “other’s” anger and for your own. Your ability to ignore theirs and control yours is key to making sound decisions based on your lawyer’s objective advice.



# B is for Baby



...women obtain more than 50% of the custodial time when infants and young children are involved...”

Culture changes at a glacial rate. Women still do most of the tasks associated with the care and feeding of infants and young children. This often leads to custody arrangements in which women obtain more than 50% of the custodial time where infants and young children are involved.

If you are a man with an infant or young child and you have not been as active as your partner in the care of that child, start now. Take a parenting class. Feed the baby, bathe the baby, change the baby.

Don't let your mother or your new girlfriend do it. Not only will you develop a closer bond with your child, your prospects of equal time after separation will improve.

# C is for Child Support

Avoid these common misconceptions:

- Why should I pay for a child she won't let me see?
- If I don't ask for it, maybe he'll leave me and the baby alone.

Do not let your mother raise your child so you can decrease your child support obligation. Do not encourage your baby's father to abandon it financially or emotionally so you can get on with your life with some other man.

This is not about you. This is about your children. Your children need money to be clothed, fed, and educated. Your children also need both of you in order to grow into a well adjusted member of our larger society.



Insist on your children's rights – the right to each parent's personal care and each parent's financial support.

# D is for Divorce

Marriage is a legal relationship. It confers on its members both rights and duties. Divorce terminates most, but not necessarily all, of those rights and duties.

Some rights and some duties may linger unpleasantly even after you are no longer married. *See, Baby and Child Support.*

Divorce is not a stake in the heart of the blood sucking "other". It is a frustratingly slow and often expensive procedure that rarely, if ever, returns you to that wonderful pre-marital single status that you remember so nostalgically now.

Think carefully and get good advice before you begin. Sometimes the evil that we know is better than the evil we know not.



# E is for Evaluation

What can you do if Baby comes home to you from the other parent with bruises or complaints of emotional abuse? What if Baby's other parent decides to live with a drug dealer or becomes an alcoholic or stops taking his medicine?

1

Immediately consult with your lawyer. In extreme situations, courts have the power to take custody away from someone who already has it.

2

In these cases, courts often order evaluations of Baby and parents by experts in psychology, medicine, and addiction.

You will be asked to help pay for the evaluations. Do so. They are important tools used by courts when deciding whether to change custody.

The safety of your child is always top priority. Immediately consult your lawyer if you suspect abuse or an unsafe living environment.

# F is for Finances

You should prepare for divorce as if it were one of the most important financial decisions of your life. It is. Divorce splits a self-sufficient economic unit into two parts neither of which is as self-sufficient as the former single unit.

Payments that could previously be made with ease on a house, car, boat, and credit cards may become impossible (even for the higher wage earner) if child support and spousal support eat too far into his or her net income.



**Before you rent that luxury apartment, draft a budget that takes child and spousal support and the need for a second household (yours) into consideration. Your lawyer can help you estimate support payments.”**



# G is for Girlfriend

Should you have one?

Before you file for divorce, this is a no brainer. The answer is **NO**. Girlfriends during marriage expose you to charges of adultery and adultery can create unpleasant lingering consequences. See, Divorce. But what about after your divorce petition (or her divorce petition) is filed? Strictly speaking, at that point you may have a girlfriend or a boyfriend with impunity.

However, emotionally speaking, being publicly happy in a new relationship when your “other” is alone and devastated by your departure is not a good strategy. This is particularly true if your new happiness follows immediately upon your departure. A person who would have been content to work things out on an amicable basis with a minimum of legal expense may not be so willing if she sees you making out in a booth at a local pub with your new love.

**Try to wait until all your ties are severed. Before then, if you must, be discreet.**



# H is for Help

You will need plenty of it. Dividing the emotional capital of your marriage is difficult. Less difficult but still challenging is dividing your personal and real property. You will need the physical and emotional assistance of family and friends to do things like carry out a television, a bedroom set, clothing, and your share of pots, pans, glasses, and silverware and to help you establish yourself in a new residence.

You may need the help from of:

- Your local police or sheriff's department.
- You may need counseling.
- You will need your lawyer.

Like the Boy Scouts, you should “be prepared” and have the help you need in place or easily at hand before you act.



# I is for Ignorance

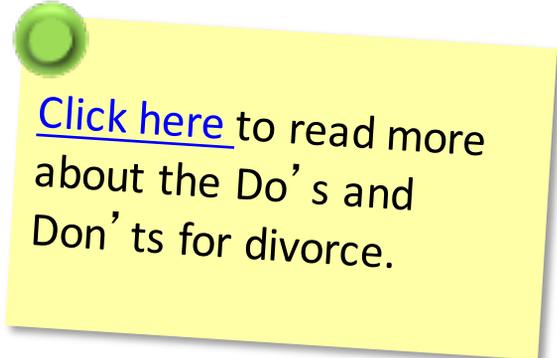
Sometimes ignorance is bliss, but not in divorce. When one partner begins to plan, *see Help*, important things can disappear or be obscured.

Don't let your partner be in charge of all of the finances while you are the handyman around the house or the chief cook and bottle washer.

Insist on participating in banking, investing, and bill paying. If your partner suddenly has a post office box or a statement appears for an account unfamiliar to you, be on your guard.

**Knowledge is power.**

When one spouse has all the knowledge about a couple's assets and liabilities, that power can be abused.



[Click here](#) to read more about the Do's and Don'ts for divorce.

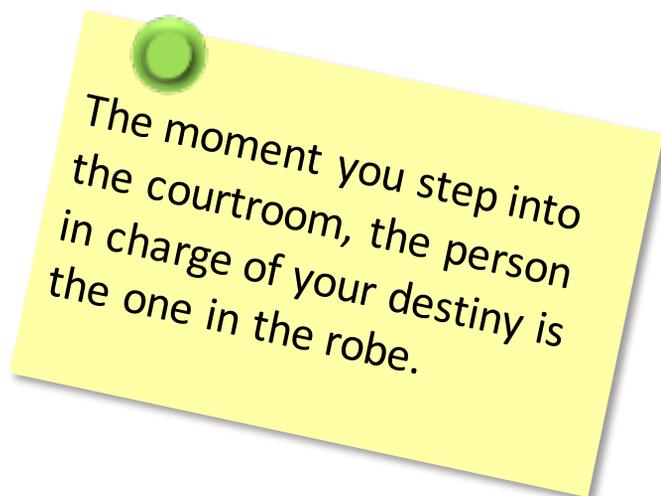
# J is for Judge

Having your day in court sounds like the ticket, doesn't it? If only you could just tell the Judge exactly what is going on in your marriage, all would be well, right? Wrong. As long as you are negotiating with your former "other" you remain at least partially in control of your destiny.

The moment you step into the courtroom, the person in charge of your destiny is the one wearing the robe. In the time available, a Judge can no more absorb the subtle history of your marriage and the rights and wrongs that you have done to each other than a sponge can absorb the Gulf of Mexico. Do your best to craft a reasonable resolution to your disputes before you get to the courthouse steps. You may miss the thrill of victory but you will avoid the agony of defeat.



**Do your best to craft a reasonable resolution to your disputes before you get to the courthouse steps."**



# K is for Kindness

Be kind to the person you loved enough to marry (or live with or have children with). Yes, he may have metamorphosed into an evil slaving monster, but unless he has been bitten by a mad dog or gone insane, your spouse is likely to be substantially the same person at the end of your marriage that he was at the beginning. Remember that once you loved that person.

You will act more rationally if you act without Acrimony. A rational litigant is more likely to achieve her objectives than one who is herself a slaving monster.

“A rational litigant is more likely to achieve her objectives than one who is herself a slaving monster”



# L is for Love

*Where did it go?  
Is it on Lonely Street?*

*Perhaps it has checked into the YMCA  
for a shower and a good meal.*

*Is it staying at the Hotel California?*

## Don't look too hard for it!

In Divorce the last thing you need is Love. What you need is a rest from all of the emotional turmoil surrounding you from your:

- spouse
- children
- parents
- sibling
- friends



Learn to be alone for a while. In solitude, undisturbed by strong passions, you are more likely to make rational decisions about your future.

# M is for Martyr

You're at fault, eh?

You found someone new and you are leaving your someone old who is sobbing and clinging to you.

Perhaps you can shake her off and make amends by giving up more than half your 401K or paying more child support than you must?

This may make *you* feel better but it won't satisfy her. You can give her more than half your kingdom or even all of your kingdom but you'll never get away clean. *See, Acrimony, Girlfriend, and Love.* Don't bother. Just be fair. *See also, Kindness.* In the end, she will appreciate that more than a big bone thrown her way out of pity.

Giving everything away won't make you feel better.



# N is for Nosy

Two people can keep a secret as long as one of them is dead. This means that everything you say about your spouse, your property, or your Girlfriend to anyone alive might as well be pasted on a billboard on an interstate highway.

In Divorce, when it comes to sharing information, trust no one except your lawyer and the consultants and experts that your lawyer hires for you.

# O is for Obligations

Couples with children have many obligations: feeding, clothing, transporting, educating, and advising them, among others. Resentment about an unfair division of those obligations often leads to divorce.

Ironically, although divorce may force each spouse to bear no less than half of them, each half is heavier. A couple can be in two places at one time. One person cannot be in the bathroom bathing Baby and also in the kitchen cooking dinner. One person cannot be at the plant making a living and also at the pediatrician with feverish Baby. Be prepared for the extra weight. *See, Help.*

# P is for Parents

If you are divorcing it is good to have Parents who live nearby, especially if you have Baby. *See, Help and Obligations.*

Parents love Baby. Regrettably, some Parents would rather eat dirt than be kind to your “other”. Divorce is not the time for Parents to take sides.

Divorce is your fight, not theirs. Parents who hate your “other” hurt your Baby. As with all good things, Parents should be used in moderation.



# Q is for Quiet

The greatest temptation during hard times in marriage is to tell everyone how much you are suffering and why. Confessing your spouse's sins to your Parents and nosy neighbors, friends, and relatives is a mistake.

Those sins will appear on a billboard someday. *See, Nosy.* Like elephants, your Parents and all those who love you will never forget the evil she has done to you. Their memories of her misdeeds will poison the air you and your "ex" breathe for the rest of your lives.

That is not good for either of you and it is not good for Baby. Be quiet, keep your agony to yourself. If you cannot, go see a therapist.

Confessing your spouses sins to your Parents, and nosy neighbors, friends and relatives is a mistake!

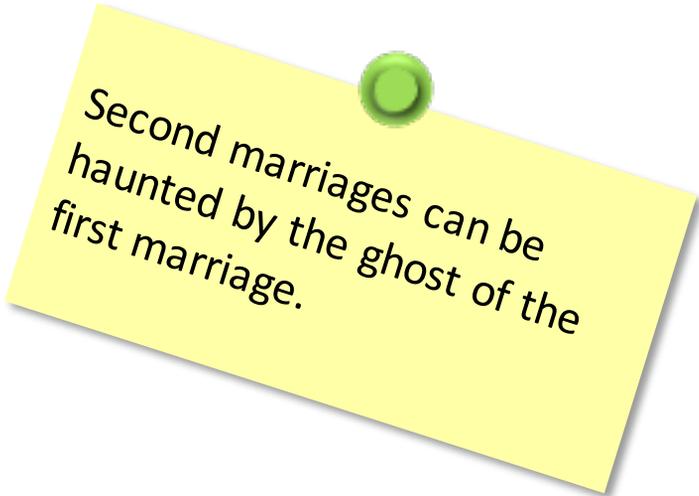


# R is for Remarriage

Second marriages are haunted by the ghost of the first marriage. A remarriage often has the same effect on a former spouse as a Girlfriend.

Regardless of the happy state your “ex” is in and even if she herself is remarried, Remarriage is betrayal. An “ex” who had been content in her next world may return to haunt you. Worse, she may haunt your second spouse.

Be Kind but firm. If your Remarriage is to survive, it must be preserved from the ghost of Marriage Past.

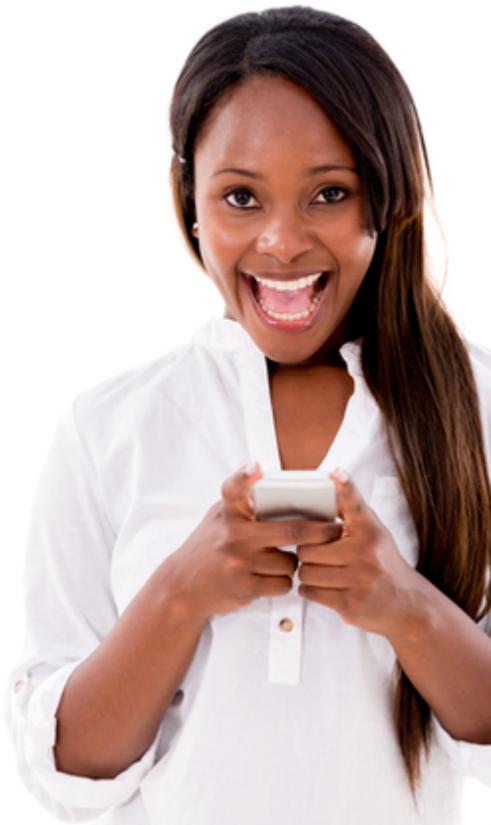


Second marriages can be haunted by the ghost of the first marriage.

# S is for Social Media

It's fun to post things about yourself online. It's fun to text and even easier now that you can talk into your phone instead of typing on those little hard to see letters.

Social Media is wonderful but it's dangerous. *See, Nosy and Quiet.* Not only can your spouse pilfer your cell phone and break into your embarrassing photographs and texts, your spouse's lawyer can demand that you give up your PC, your Mac, and the passwords to Twitter, Facebook and your email so that he can trawl for information about secret bank accounts and secret relationships.



**Remember that Social Media is just like talking except that speech fades away and is often forgotten.**

**What is recorded, electronically or otherwise, is subject to retrieval.**

**Be careful!**

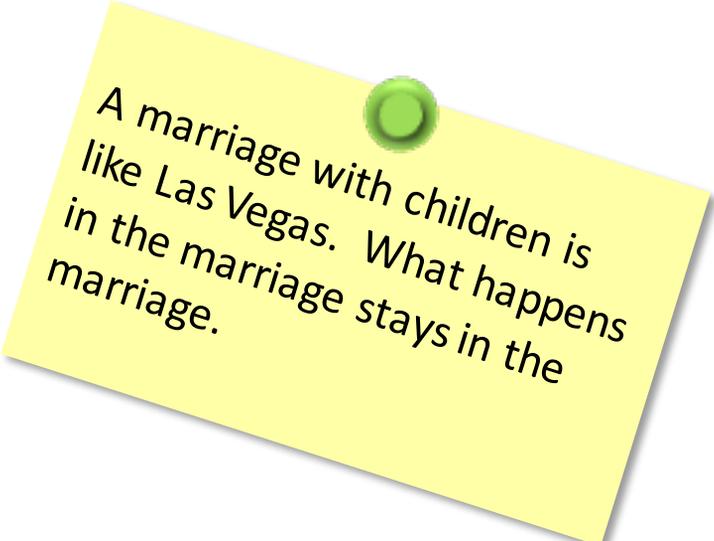
# T is for Trouble

## Stay out of it!

Married parents routinely look away when faced with their spouse's adultery, honky tonking, bad words, and the occasional push and shove.

They know that except in extreme circumstances the benefits that marriage confers on children outweigh the personal costs to them to keep it together.

Once separated or divorced, however, all bets are off. Don't be surprised if the same things you've been doing for years are now the reason that your custody or visitation should be limited or supervised. You're not in Vegas anymore, you're in Kansas.



A marriage with children is like Las Vegas. What happens in the marriage stays in the marriage.

# U is for Understanding

Divorce should be a collaboration in which you work with your lawyer and with your spouse's lawyer to resolve disputes in a rational, equitable way.

To accomplish that, you must Understand the basic legal principles that govern your marriage and its termination. In order to do this, you must clear your head of street law and television law and my friend said this was what happened in his case.

You must also put aside Acrimony. In the struggle that is Divorce the last thing you want is to have your judgment clouded by your emotions.

Your Understanding of the basic principles that apply to marital status, property, custody, and support obligations will help your lawyer obtain the best outcome possible under your particular circumstances. Listen and learn.



# V is for Variation

Your Obligation to support Baby has been determined and you have a judgment that tells you what to pay and when. You heave a sigh of relief or of resignation.

## **Time passes.**

You are served with a motion to increase your child support payment! You feel like a field of wheat upon which the locusts have descended.

## **What happened?**

Perhaps your success in your job or profession has led to a Variation in your income. As your income rises, so does your obligation to contribute to the support of Baby. The truth is that Baby's support is never fixed once and for all. It Varies with your and your "ex"'s earnings and sometimes with Baby's needs. Remember that after Divorce, what's yours may not be entirely yours.

## **Be prepared to give up some to Baby.**



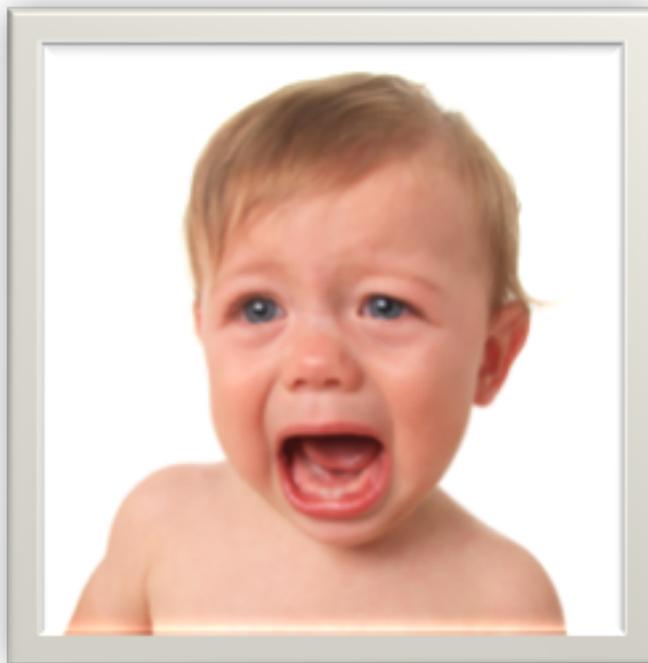
**As your income rises, so does your obligation to contribute to the support of Baby. The truth is that Baby's support is never fixed once and for all."**

# W is for Whining

When you are suffering it is hard not to Whine. The suffering caused by Divorce is impossible to ease.

Only time can begin to heal it. As a result, Divorcing couples Whine a lot and they Whine a long time. Try not to Whine too much. Too much Whining will make you a pariah among your family, friends, and co-workers.

They will not want to Help you. Do not think that Love will help you resist the temptation to Whine. If anything, it will only give you someone new to Whine to and more to Whine about. When you feel the urge, leave the room and listen to sad Divorce songs. You may even wish to sing along.





# X is for X-Ray Vision

You may have x-ray Vision but you are not an MRI. This means that although you think you know your spouse you have only a faint idea of what is going on inside of him or her at any time.

Your ability to use the x-ray Vision that you do have is reduced during Divorce because you cannot see clearly. Do not make decisions about your Divorce case based on your X-Ray Vision.

**Your spouse may already be wearing her lead hat and coat.**

# Y is for Young

**Do not mistake the liberating feeling of moving away from emotional turmoil with youth.**

**Separation and Divorce do not make you Young again.  
The Young are immortal.**

The young have few Obligations. They are beautiful and powerful and free to Love.

Not so Divorcing couples. Divorcing couples are mortals in a wrestling match with high stakes. Like a mirage, feeling Young can lead you into a desert where gigolos and gold diggers can pick your bones. Your spouse may be watching with a pair of binoculars.

**Take a deep breath and remember your age.**



# Z is for Zodiac

We all like to read our fortunes in the stars, especially in times of trouble. The Zodiac, however, cannot predict your Divorce experience.

You should not consult an astrologist or a Tarot card reader for advice on how to divide your community property or calculate your child support.

While asking family and friends to help you make important decisions is acceptable, remember that their judgment, like yours, is clouded by their emotions. It is your lawyer's duty to give you objective advice. Your lawyer is your best advisor on these subjects.



# Conclusion

There are two parts to leaving your lover. One is the departure. For that, you need a plan and an escape velocity. The second part is just as important. What you leave behind is a person you once loved and who loved you. The condition in which you leave that person will mark you for life. Leave carefully.



# About Louis Cosenza

Louis J. Cosenza is a skilled litigator with experience in diverse areas including tort law, medical malpractice, lawyer disciplinary proceedings, and criminal defense and prosecution in state and federal courts and military Courts Martial. His current practice is devoted exclusively to family law. He has been married for 39 years, has 4 children, is an avid Yankees fan, and a good cook. Someday, he hopes to get back on the golf course.

[Click Here to Schedule a Consultation](#)

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