



# FACING DIVORCE

Navigating The Road Ahead  
Is Easier When You  
Understand Your Options

LAURA M. D'ORSI, ESQ.

# **FACING DIVORCE**

**All Right Reserved**

Copyright 2016 - Law Offices of Laura M. D'Orsi, L.L.C.

You may not distribute this report in any way. You may not sell it, or reprint any part of it without written consent from the author, except for the inclusion of brief quotations in a review.

## **THIS REPORT IS NOT LEGAL ADVICE**

The information contained in this report is provided to you "AS IS", does not constitute legal advice, and we are not acting as your attorney. We make no claims, promises or guarantees about the accuracy, completeness, or adequacy of the information contained in or linked to this web site and its associated sites.

The law changes very rapidly and, accordingly, we do not guarantee that any information on this web site is accurate and up to date. Additionally, the law differs from jurisdiction to jurisdiction, and is subject to interpretation of courts located in each county. Legal advice must be tailored to the specific circumstances of each case and the tools and information provided to you may not be an appropriate fit in your case. Nothing that you read or is provided on our web site should be used as a substitute for the advice of competent legal counsel.

**Law Offices of Laura M. D'Orsi, L.L.C.**

189 East Bergen Place, Red Bank, NJ 07701

Phone: 732-741-3121

"Even though I knew it was coming, I don't think anything could have prepared me for the moment when he actually said it. "I want a divorce." Who could imagine that four little words could create such an emptiness and sinking feeling in my stomach. It felt like I'd been punched in the gut yet at the same time there was a sense of relief all at the same time. It was devastating, but knowing it was finally coming to a close brought a sense of closure and comfort."

It's been a while now since my friend wrote those words which have given me a greater gift than she probably could have ever imagined. Those words allowed me to come to a deeper understanding of what my clients are going through when they're facing divorce. I know that every person is different and I know that everyone experiences divorce in their own way. But after helping hundreds of couples end their marriages and move on with their lives I know that the majority of people who are going through a divorce experience a roller coaster of conflicting emotions that can be devastating and even disabling at times. It's not unusual to experience shifting emotions that go from hurt to anger to disbelief and sadness. Bitterness, a sense of betrayal and even shame are often experienced by those whose marriages are coming to an end. As a divorce and family law attorney I can't make it any easier and I can't lessen the pain.

**What I can do is take away some of the uncertainty and fear that can make the experience that much worse. I can help to put your fears in perspective.**

After the initial impact of realizing the time has actually come, whether it was your decision, that of your spouse or a mutual one, a sense of dread driven by fear of not knowing what to expect can set in. For those who've not gone through divorce it is a "great unknown" and it can be intimidating to most people.

There are many questions and "unknowns" that can contribute to this fear and anxiety.

- Will I be able to make it on my own financially?
- What will happen to the children? Will the divorce process scar them emotionally?
- Will I be able to afford a lawyer?
- What happens now?

Those are some of the most common questions. You may have others as well but for the most part they probably have to do with what comes next and how this will play out and what your life is going to be like after divorce.

The fears associated with the "unknown" road ahead would be enough on their own

but it can be made worse when compounded with cultural expectations of what and how divorce is supposed to happen. There is this "War of the Roses" mentality. There is a preconceived notion that a messy drawn out battle is inevitable. This picture of divorce is reinforced by movies and the media. How often have you seen the latest celebrity divorce being played out in the tabloids and on social media? It's everywhere. It's not hard to see why there is this cultural expectation that divorce is going to be like that.

The celebration of drama that we see in the media and in social media just plays into it and reinforces those fears. And it is those fears which are often a precipitating factor that creates the right conditions for a heated drawn out combative divorce. A coworker or well-meaning family member makes a comment about how your spouse is going to "take you for everything you have" or "drag your name through the mud" so they can get custody of the children and immediately you're forced to take an offensive adversarial position setting off a downward spiral of accusations and litigation. And the reality is it can be hard to come back once you have started down that road. What I want you to understand is that it doesn't always have to be that way.

**It doesn't have to be a knockdown, drag out fight that destroys relationships, embitters children and drains your bank accounts until there's nothing left but broken hearts and emotional scars that become lifetime reminders of what will turn out to be a very short bump in the road in the story of your life.**

When the dust settles you will not want to remember this transition. You will want to focus on your new life and where you're heading.

Before we go on I want to make it clear that I am not naive. Trust me, I've been doing this long enough and helped hundreds of families to know that there are times when you must fight to protect your interest. There are times when you must stand your ground against an unreasonable, controlling and demanding spouse. There are times when there is abuse or domestic violence. After serving as president of the Unity Group, an advocacy group for battered women from 1996 to 2002, I know that there are times when you must do what is necessary to protect yourself and your children. I do not have an unrealistic picture of divorce. But at the same time, I do want to help you put your fears in perspective by giving you a basic understanding of what to expect as you move forward in this process. In addition and at the same time I want to show you that you do have options. There isn't only one way to divorce. Depending on your circumstances and particular priorities you can control the process.

## **What You Need To Know About Divorce**

I want to give you a basic understanding of your options when it comes to getting a divorce but first I'd like to provide some general information to ensure that you have the right expectations and mindset regardless of how you decide to go about it.

### **Get Professional Advice**

When friends, family and/or coworkers learn of your impending divorce there will be no shortage of advice. This information will often be based on other peoples experiences and preconceived ideas about what could or should happen during divorce. The problem is that everyone's marriage and circumstances are different and likewise no divorce is going to play out the same way. Even when circumstances appear to be similar on the surface it can be a mistake to make decisions based on the outcome or experience of another. Not only can the advice from friends and family be misleading it can cause unnecessary stress. This is why it is so important to speak with a qualified New Jersey divorce attorney who can properly evaluate your situation and give appropriate advice and direction.

### **It's not about Winning or Losing**

Whether it's due to deeply ingrained cultural expectations or the anger, bitterness and fear that is often experienced by those going through the end of a marriage it is not uncommon for people to enter the divorce process with an attitude of wanting to beat their spouse in court. Well-meaning friends can be heard encouraging her to "take him for everything he's got." Parties immediately get defensive and begin posturing their case for the purpose of making the other look bad, assigning blame and attacking the credibility and reputation of the other even when unwarranted by the circumstances. This leads to a process that is increasingly adversarial and antagonistic which can even result in children being used as pawns in the bargaining process.

After many years helping clients navigate through divorce I can tell you that there are no winners and there are no losers. There is only resolving the issues and moving on with your new lives. If anyone loses when a divorce becomes a heated battle it is the children and extended family when they get put in the middle. That may be why a family law judge, Donald King, said "family law court is where they shoot the survivors." It's true. I've seen it too many times.

Those who make divorce about winning and losing are often allowing the pain and emotion of divorce to cloud their judgment. Instead focus on the future and where you want to be when it is all over.

## **Your Marriage Will End But Your Family Will Not**

As you go through the divorce process it is important to keep in mind that though you may be ending your marriage but your family will remain. It's going to be a stressful and confusing time for your children. They're likely going to be angry and have feelings of uncertainty. They may even feel like it is their fault. This is a normal response. Rest assured that they will get through this difficult time in your lives and with your help they can come out on the other side feeling loved, secure and whole. It will be difficult but children are resilient and typically adjust well over time. It has been said that it is not divorce itself that causes the emotional damage to children but the way we divorce. We will talk more about this in the section on collaborative divorce and how it can lessen the impact on children.

### **Focus On The Future**

When you're going through a divorce and you're sad and angry it can be easy to become obsessed with the past and what went wrong. It can be easy to zero in on assigning blame. Emotions can make it difficult to see the the road ahead and if you're not careful you can lose sight of what's really important. Bitter fighting over inconsequential matters and unimportant property can, not only drive up the costs of your divorce, but can also create additional stress on the children and extended family when they get caught in the middle. Fighting over the dishes or the music collection may not be worth it in the long run. By letting go of the past and focusing on your future and that of your family you'll be better able to keep things in perspective.

## **Alternatives To Traditional Divorce**

Traditional litigation is still the most common method for getting a divorce but it is important to understand that it is not your only option. There are alternatives to the traditional model that can allow you to *resolve your differences without relying on the court, while saving money and protecting your children, privacy and the dignity of your family.* What is best for you and your family will depend on your particular circumstances and the nature of the relationship with your spouse.

While the following will give you an idea of the various dispute resolution strategies available you will ultimately need to sit down with an experienced New Jersey divorce and family attorney who can help you determine what is best for you.

## **Collaborative Divorce**

Collaborative divorce is a new way of reaching a divorce settlement where you control the process. It is a voluntary process in which the parties agree to reach a mutually acceptable resolution of all issues without resorting to litigation. In the collaborative process the couple has the support and guidance of a team of collaboratively trained professionals that include attorneys, divorce coaches and financial consultants.

Divorce coaches are mental health professionals who are trained to help the couple communicate and address issues involving the children. They typically will help the couple deal with their emotions during the meetings as well as assist in creating a feasible shared parenting plan.

There are also a number of complex financial matters that must be addressed in a divorce. Financial consultants and accountants are available to assist with the division of assets, financial analysis, planning, budgeting and tax matters. Real estate and mortgage brokers are available to provide assistance with purchasing a home and mortgage qualification.

With the team approach the couple is able to utilize one expert in each area of specialty. This can result in significant cost savings over the traditional model where each party would hire their own expert. In the traditional litigated model the parties not only hire their own expert but the motivation is often different. It is typically done for the purpose of establishing their own case which results in ongoing disputed issues.

Each party is represented by their own attorney throughout the process. The attorneys are equally committed to staying out of court and agree to withdraw from the case if a settlement is not reached and the case becomes contested.

*In collaborative practice the experts are working together to find solutions that are in the best interest of all parties.*

# **The Benefits of Collaborative Divorce**

## **Reduced Conflict Now and in The Future**

Sets the tone for open communication, cooperation and reduced conflict in the future when disagreements and issues arise. As children grow and families change there will undoubtedly be changes that need to be made with respect to parenting schedules and other elements of the agreement. Couples who are able to effectively arrive at a mutually acceptable resolution through collaborative divorce are more likely to use the same strategies in the future when issues come up and are less likely to end up back in court.

## **Control Over The Process and The Outcome**

In the traditional model of divorce litigation it is ultimately the court who decides what is best for the family if the parties cannot agree. Collaborative practice puts the couple in control. With the help of the collaborative team, you will formulate agreements together. The uncertainty associated with the court process can add to the stress of an already difficult situation. No one knows the needs of your family like you do. You and your spouse can be creative in crafting solutions that work in the best interest of all parties. Reaching agreements together will serve to reduce stress now and conflict in the future over lingering hard feelings associated with the final judgment.

## **Takes Less Time**

Because you are in control of the timetable you will typically be able to reach a resolution in much less time than the traditional litigated process where you're forced to wait for court dates.

## **Cost Less**

In most cases, collaborative divorce tends to cost significantly less than divorce litigation for a number of reasons. Overall the entire process takes less time and thereby reduces legal fees. Working with a collaborative team as opposed to each spouse hiring their own experts also saves money. In addition, unnecessary cost associated with discovery are eliminated when all parties voluntarily provide information with full transparency.

## **Confidentiality**

For those couples who value their privacy during a divorce, collaborative law is the

best option. In a litigated divorce financial information, tax returns, business valuations, net worth, allegations of bad behavior and other private information can become part of the court record and thereby public record. In the near future, these documents will be available to be viewed on line. This will have an impact on identity theft. The impact both personally and professionally can be intense. In a day and age when information can be shared so easily with hundreds, if not thousands of people, protecting your privacy and that of your children has never been more important. In most collaborative divorces only the final divorce agreement will become part of the court record. All information regarding the process and negotiations will remain private and confidential.

### **Protects Children and Extended Family**

Unfortunately those often hurt the most by an antagonistic contested divorce are the children. At a time when they are already dealing with the sadness, confusion and stress of the situation, seeing and hearing mom and dad clashing over money, assets and parenting time can be a heavy burden to carry. Researchers have found that in many cases it was not that their parents got divorced that was the most troubling to children but rather the high levels of conflict experienced during and after the divorce.<sup>1</sup> It is the conflict that often emerges in a contested divorce that causes children to feel alone, at fault and as if their future is uncertain. The collaborative divorce process can make it easier for children by reducing conflict between the couple. Children can thrive after divorce feeling loved and as if their family is intact even though everyone may no longer live together.

The divorcing couple and their children are not the only people that are impacted adversely by a confrontational divorce. Extended family, grandparents and even common friends can often be forced to take sides creating alienation that they may never recover from. The collaborative process helps to ensure that these relationships remain a vital part of the new restructured family.

### **Is Collaborative Divorce Right For You?**

From my experience collaborative divorce is one of the most effective strategies for ending a marriage while reducing collateral damage. Whether it will be the right solution for you will depend on a number of factors. Only a collaboratively trained family attorney can help you decide if collaborative divorce would work for you. That being said, the following are some general guidelines to give you an idea if it might an option for you.

Those who have success with collaborate divorce tend to:

- ✓ Desire a respectful and civilized resolution of the issues

- ✓ Want to maintain the best possible relationship with their spouse allowing them to co-parent their children together
- ✓ Place a priority on protecting their children from the harm that can be caused from exposure to an adversarial divorce
- ✓ Consider it important to maintain the circle of friends and extended family which they share even after the divorce
- ✓ Take personal responsibility for handling conflict with dignity and integrity
- ✓ Value their privacy and wish to keep the details of their divorce confidential
- ✓ Desire to maintain control over the process and the outcome in the best interest of their family

If you can identify with the above priorities and values then collaborative law might be the right solution for you.

## **Divorce Mediation**

Mediation is another option for pursuing a divorce without going to court. In divorce mediation the couple meets with a mediator who helps them reach an agreement with regard to all aspects of their divorce. The mediator is a neutral party and cannot provide legal advice or advocate for either party. The mediator will assist the couple with identifying the issues that need to be resolved, gathering and sharing information and helping to ensure that communication makes progress toward an agreement.

After the couple has reached an agreement on all issues the mediator will prepare what is called a *Memorandum of Understanding* which the spouses can then take to their respective attorneys for review. Once this document is signed by both spouses it becomes a binding contract and part of their final divorce agreement. It is recommended that each spouse consult with their own individual attorney before, during and after the mediation and before signing the Memorandum of Understanding.

Mediation is informal, flexible, faster and less costly than a traditional divorce. Like collaborative divorce, the parties have complete control over the entire process. If mediation does not result in an agreement, the parties may decide to go to court or alternatively move to the collaborative process. There are times when mediation may not be the best choice but collaborative law may still be an option. For example, if one

party is intimidated by the other or one party is not aware of the other spouse's complete financial picture then collaborative divorce may be the better option.

## Benefits of Divorce Mediation

- ✓ Mediation tends to be less contentious than traditional divorce and therefore helps couples to maintain more cordial future relationships.
- ✓ Reduces conflict and makes the entire process easier on the children.
- ✓ Mediation tends to be faster and less expensive than traditional divorce. Most agreements can be reached within 2 to 5 sessions.
- ✓ Mediation puts the couple in control over the process and outcome. The uncertainty of how the court will rule is eliminated.
- ✓ Mediation also protects privacy of personal information.

## What's Next

I hope this information has given you a better understanding of the options available and some peace of mind to know that there isn't only one way to divorce. You do have options. You may find that collaborative divorce or divorce mediation will be the right strategy for you. On the other hand you may be in a situation where litigation is not only inevitable but necessary to protect your interests. In that case, I will stand with you and fight for you.

The next step is to contact my office and schedule a consultation. I will sit down with you and take the time to understand, not only your particular circumstances but your goals as well.

**Together we can determine the best way to take you from where you are to where you want to be because while your divorce marks the end of a marriage it is also a new beginning.**

Laura M. D'Orsi, Esq.

## About The Author

Laura M. D'Orsi is Certified as a Matrimonial Law Attorney by the Supreme Court of New Jersey



Laura M. D'Orsi has been licensed as an attorney in New Jersey for over 26 years and has over fifteen years of experience exclusively practicing divorce and family law in New Jersey. She practices in Monmouth, Middlesex, and Ocean counties and also handles cases throughout the State of New Jersey.

skill.

Ms. D'Orsi is Certified by the New Jersey Supreme Court as a Matrimonial Law Attorney. Only 2% of New Jersey Attorneys are Certified Attorneys. To become a Certified Attorney, one must establish eligibility and satisfy requirements regarding education, experience, knowledge and

### Other Facts about Laura M. D'Orsi, Esq.

Ms. D'Orsi is a Monmouth County family law attorney and has assisted hundreds of clients in divorce, alimony, custody, relocation, child support and post judgment matters.

Ms. D'Orsi is a Trained Collaborative Divorce Attorney and handles Collaborative Divorce cases and litigated divorce matters.

Ms. D'Orsi graduated from Lehigh University and Emory University School of Law.

Ms. D'Orsi is a member of the Bars of New York, New Jersey and the District of

Columbia.

Ms. D'Orsi is a member of the Monmouth Bar Association and the Family Law Section of the New Jersey State Bar Association. Currently, Ms. D'Orsi was previously co-chair of the Monmouth Bar Association Family Law Committee and was also a Trustee of the Monmouth Bar Association.

She is a Certified Mediator, a trained Collaborative Divorce attorney and is a member of the Jersey Shore Collaborative Law Group and the Collaborative Divorce Professionals of New Jersey.

Ms. D'Orsi has also been a special guest on New Jersey Divorce Talk Radio and was recently featured on the cover in the July/August 2015 edition of Monmouth County Woman magazine. She is featured regularly in Monmouth County Woman magazine.



She is also a member of the International Association of Collaborative Practitioners.

As the President of the Unity Group, an advocacy group for battered women, in Essex County from 1996 to 2002, Ms. D'Orsi was instrumental in the establishment and operation of a shelter for battered women and children. She donated hundreds of volunteer hours to help meet the needs of battered women and children.

Ms. D'Orsi served on the Work Life Balance Task Force of the New Jersey State Bar Association from 2008 to 2009.

Please contact Laura M. D'Orsi at 732-741-3121 for a legal consultation.

## Notes

1. Is Divorce Bad for Children?. Hal Arkowitz, Scott O. Lilienfeld. March 1, 2013.  
<http://www.scientificamerican.com/article/is-divorce-bad-for-children/>