

7 Helpful Guideposts to a Good Dissolution of Marriage (Divorce) or Domestic Partnership

Whether to dissolve your partnership/marriage or not? It is a tough decision. But the next biggest decision is the type of dissolution you want. Read further if you want a “good divorce” — one that is amicable and fair and based on mutual cooperation. We outline the secrets to a good dissolution here and explain why mediation is often the best alternative.

“Bad divorces” have become adversarial and toxic, resulting in a series of battles that are costly on many levels, and leave lasting scars on yourselves and others. The most important thing to realize is that you have choices regarding your dissolution, and can achieve a good result.

1. What sort of post-dissolution relationship do you want? If you want to part ways on good terms, commit yourself to that. (Otherwise, it is easy for fear and mistrust to take hold, leading to hostile exchanges that quickly escalate.) The sooner couples commit themselves to cooperation, the better. Start out cooperating with your partner and continue cooperating as long as the cooperation is reciprocated.

Even If things have already derailed, with the help of a skilled and experienced mediator, many couples are able to transition to a more cooperative track.

2. Think forward, to the distant future. A good dissolution lays the foundation for your own future happiness, and the well-being of any children. Where do you want to be in one year? Five years? What will you need to enable you to get there? After dissolution many couples enjoy a life-long friendship. Other couples choose to sever ties, but have achieved peace and closure and are truly able to move on.

3. Be prepared. Think about the future. Before making any agreements, be sure you have a clear understanding of your joint and separate finances, as well as a basic familiarity with the relevant law. Consult with legal, financial and tax professionals as needed.

4. Don’t take out your emotions on your ex, or your offspring. Strong emotions are normal and expected in dissolution, including grief, and anger. Unaddressed or uncontrolled emotions can have disastrous consequences.

Allowing yourself time to feel and address your emotions will help in the long run. It enables you to be more objective and make better financial decisions. Conversely, if you have not dealt with your emotions, it is likely that they will be played out in the dissolution process. For example, people with built-up anger frequently use the legal system as a way to hurt each other and take revenge, including seeking restraining orders and making false allegations. This guarantees a protracted process — one that is far more costly, and difficult than it needed to be.

Ask for referrals to therapists, marital coaches and support groups.

5. Overcome the urge to blame. This can be one of the hardest things in a divorce. Blame can give us a sense of being “right.” It also keeps us focused on the other person, and can leave us feeling powerless. Regardless of the circumstances, you can empower yourself by focusing on you and taking responsibility for your life and your choices. It can be challenging, but it is the preferred choice for health and happiness.

6. Which process best supports your goals? If you hire traditional lawyers and engage in adversarial court processes, you will often see more conflict and embitterment. If you want to foster a cooperative post-divorce relationship, it is best to use a non-adversarial process, such as mediation, that supports a cooperative approach and can actually transform your relationship.

7. **Cost.** The traditional court system is expensive. Family attorneys usually require large retainers to get started. Even for cases that settle, it is common for each party to pay 5 digit attorney fees or more.

“Collaborative law” also offers a non-adversarial approach. But collaborative law can be equally or even more expensive than court due to the expense of the four-way meetings between the couple and each of their attorneys. Mediation is probably the least costly approach.

CONCLUSION:

Many couples, for whom maintaining an amicable relationship was a priority, have achieved this with mediation. At the start, they often weren't sure how to go about a “good dissolution” or whether this was even possible, but they knew a good relationship and a non-harmful process was what they wanted. They also knew they didn't want to go to court, work with adversarial lawyers and pay exorbitant legal fees.

There can be distrust in mediation at the beginning; however, the success rate of mediation is very high for couples who are able to commit to the process.

Best of luck to you in your new chapter of life!