Dear Client

A Complete Handbook for Understanding and Surviving Your Legal Divorce Process

Ellen D. Ostman, Esq.
Dedicated to the Thirteenth Judicial Circuit in and for Hillsborough County Florida Judges, Lawyers, Judicial Assistants, Court Reporters, Bailiffs and Clerks

Special thanks to Chief Judge Dennis F. Alvarez and, of course, to my clients who, when all is said and done, taught me everything.
TABLE OF CONTENTS

How *DEAR CLIENT* Will Help in Your Divorce, vii
   Hazel’s Story, vii

Genesis, xvii

Marriage and Divorce Rates in the United States, 1920 - 1991, xix

*DEAR CLIENT*, xxi

Foreword by Helen Gordon Davis, The Florida Senate, xxix

Chapter 1 What is Divorce Litigation?, 3

Chapter 2 Historic Perspective of Romantic Love and Divorce, 7
   Primitive Tribal Man, 7
   Ancient Greece, 8
   Ancient Rome, 10
   Early Christianity, 14
   Middle Ages, The Rise of Courtly Love, 16
   Eighteenth Century, 18
   Nineteenth Century, 28
   Divorce in America—Late Nineteenth Century, The Good Old Days, 32

Chapter 3 Emotions and Divorce Litigation, 35
   Daniel’s Story, 36
   Emotions and the Mind, 43
      Our Left and Right Brains, 46
      Balancing the Left and Right Brains During a Divorce, 55

Chapter 4 Two Right Brain Detours, 73
   Denial, 76
   Overcoming Denial, 79

Chapter 5 Finding the Best Divorce Lawyer for You, 83

Chapter 6 Different Stages of Contested and Uncontested Divorce, 89

Chapter 7 Stage I. Identifying the Legal Issues, 97

Chapter 8 The Children of Divorce, 135
   Custody in the Courts, 137
   Questionnaire, 139
   Psychological Evaluation, 152
   Joshua, 155
   Marriages End But Parental Responsibilities Remain, 163

iv
Divorced Parents' Responsibilities, 167
How Divorce Affects Children of Different Ages, 168

Chapter 9 Your Divorce Story, 173
Mary's Story, 174
Estelle's Story, 182
Terri's Story, 198

Chapter 10 Stage 2. Temporary Relief, 209
Transcript of Proceedings, 212
Understanding Domestic Violence: The Dynamics of Power and Control, 343
Why Battered Women Stay with Their Abusers, 351
Temporary Injunctions for Protection, 355
Sample Temporary Injunction, 358
Sorry, by Ntozake Shange, 361

Chapter 11 Stage 3. Discovery, 365
Production of Documents, 366
Interrogatories, 375
Depositions, 384

Chapter 12 Stage 4. Mediation and Negotiation, 389
Prejudgment Family mediation in the Thirteenth Judicial Circuit, 390
Alimony, 395
COBRA—What Is It?, 399
Internal Revenue Code Sections Pertaining to Divorce, 401
Qualified Domestic Relations Order, 404
Child Support, 408
Division of Assets and Liabilities, 409
Attorneys' Fees, 412
Custody, 412

Chapter 13 Stage 5. Pretrial Preparation, 413
Witnesses, 414
Retaining Experts, 415
Exhibits, 417
Pretrial memorandum, 419
Subpoena Duces Tecum for Trial, 423

Chapter 14 Stage 6. Trial, 425
Instructions for Trial preparation, 426

Appendix, 449
Glossary, 499
Suggested Reading, 515
Bibliography, 517
Index, 519
HOW DEAR CLIENT WILL HELP IN YOUR DIVORCE

Dear Client explains the process by which information is gathered and presented to resolve the legal issues involved in obtaining a divorce. Throughout the book, I have provided some of my clients’ case histories as examples of what might be encountered in your own divorce situation. The following story of Hazel is one such example.

HAZEL’S STORY

HAZEL DeBUSSEE HAS BEEN SITTING IN MY OFFICE WAITING FOR ME TO RETURN FROM COURT FOR HER FIRST DIVORCE CONSULTATION. SHE IS 32 YEARS OLD AND ATTRACTIVE YET RAIL THIN WITH CLOSE-CROPPED BLONDE HAIR. IMPECCABLY DRESSED IN AN EXPENSIVE BLACK PANT SUIT, SHE EXUDES CHARM AND HAS A QUICK WIT AND SLIGHTLY CHALLENGING PERSONALITY BUT STUTTERS WHEN SHE GETS NERVOUS, TAKING PERHAPS 30 SECONDS TO TELL ME HER NAME. I AM ALWAYS UNCOMFORTABLE AND EMBARRASSED WHEN SOMEONE STUTTERS AND FIND MYSELF TALKING FAR MORE THAN I WOULD OTHERWISE.

HAZEL TELLS ME THAT SHE WANTS A DIVORCE FROM HER HUSBAND OF EIGHT YEARS. HE TOLD HER THAT HE LOVES ANOTHER WOMAN AND MOVED OUT OF THEIR

To really know someone is to have loved and hated him in turn.
Marcel Jouhandeau, 1935
HOUSE ON CHRISTMAS EVE. THEY HAVE AN 11-MONTH-OLD SON WHO WAS BORN PREMATURELY AND SUFFERS MANY HEALTH PROBLEMS. SHE IS DEEPLY HURT OVER THE SEPARATION AND HAS BEEN SEEING A PSYCHOLOGIST TO HELP HER ADJUST. SHE RECENTLY HAS BEEN UNABLE TO CONCENTRATE AND TOOK AN EXTENDED LEAVE OF ABSENCE FROM HER WORK AS A MEDICAL TRANSCRIBER.

A YEAR BEFORE HER MARRIAGE, HAZEL WAS INVOLVED IN A HIT-AND-RUN-ACCIDENT THAT RESULTED IN HER HEAD BEING INJURED, FROM WHICH SHE STILL SUFFERS SEVERE HEADACHES. SHE SUED AND SETTLED OUT OF COURT FOR $450,000, WHICH WAS PUT IN AN IRREVOCABLE TRUST WHEREBY SHE RECEIVES INTEREST PAYMENTS ON AN ANNUAL BASIS.

HER HUSBAND, PETER, AGE 34, WORKS FOR TRI-COUNTY ELECTRIC AS A LINEMAN. HIS INCOME IS APPROXIMATELY $40,000 PER YEAR, INCLUDING OVER-TIME. HE ALSO HAS SEVERAL EMPLOYMENT BENEFITS, SUCH AS PROFIT SHARING, SAVINGS, STOCK OPTIONS, A RETIREMENT FUND, AND LIFE, HEALTH, AND DISABILITY INSURANCE. PETER AND HAZEL JUST BUILT A FOUR-BEDROOM HOME ON THREE ACRES IN THE COUNTRY. SHE IS CONCERNED THAT THE $1200 MORTGAGE PAYMENT HASN'T BEEN PAID IN TWO MONTHS. HER HUSBAND NORMALLY TAKES CARE OF

By Nature all men are alike, but by education widely different. Chinese proverb
THE BILLS, AND SHE IS NOT SURE WHAT IS OWED. SHE SAYS THAT HER TRUST OWNS THE $112,000 MORTGAGE ON THE HOUSE AS NO BANK WOULD LEND MONEY TO HER HUSBAND BECAUSE HIS CREDIT RATING IS TERRIBLE. HE HAS MANY CREDIT CARDS, WHICH HE PRIMARILY USES. THE TAXES ON THE HOME HAVE NOT BEEN PAID FOR TWO YEARS.

HAZEL LOVES HER HUSBAND DESPERATELY AND WANTS HIM TO GO TO A MARRIAGE COUNSELOR. SHE BELIEVES THAT HE HAS A DRINKING PROBLEM. PETER, HOWEVER, TOLD HER THAT HE DOES NOT FEEL THE PROBLEM IS ALCOHOL; HIS ONLY PROBLEM IS HER. SHE IS AFRAID TO LEAVE THEIR SON ALONE WITH HIM; HE DOES NOT KNOW HOW TO CHANGE OR FEED HIM. HE ALSO DRIVES TOO FAST WHEN HE IS DRINKING.

EVEN THOUGH HAZEL DOES NOT WANT A DIVORCE, SHE IS FORCED TO MAKE AN APPOINTMENT WITH ME BECAUSE HER HUSBAND HAS NOT GIVEN HER MONEY IN THREE MONTHS. HE SAID THAT SHE HAS PLENTY OF MONEY IN HER TRUST ACCOUNT. HE ALSO TOLD HER THAT IF SHE DOES NOT ALLOW HIM TO SEE THEIR SON, HE WILL JUST TAKE HIM. THEIR LAST CONVERSATION ENDED IN A FIGHT; PETER PUSHED HAZEL DOWN WHILE SHE WAS HOLDING THEIR SON, AND BOTH OF THEM FELL TO THE TILE FLOOR. HE HAD BEEN DRINKING AND THEN DROVE OFF, WRECK-

The mere attempt to examine my own confusion would consume volumes.
James Agee with Walker Evans, 1941
ix
ING THEIR CAR. NO ONE WAS HURT IN THE ACCIDENT, BUT HE WAS ARRESTED FOR
DWI. HAZEL TELLS ME THAT HER HUSBAND GAVE HER GENITAL HERPES. SHE IS
OBSESSED WITH HER HUSBAND’S RELATIONSHIP AND HIRED A PRIVATE INVESTIGA-
TOR TO FOLLOW HIM AND RECORD HIM ON VIDEO.

HAZEL WANTS ALIMONY, CHILD SUPPORT, AND HALF OF ALL HER HUSBAND’S
EMPLOYMENT BENEFITS. HER HUSBAND TOLD HER THAT HE WILL NEVER AGREE TO
PAY HER ALIMONY AND WILL FIGHT HER TO THE BITTER END. HE SAID THAT SHE
DOES NOT DESERVE IT, DOES NOT NEED IT, AND IS SELFISH TO EVEN WANT IT. IF SHE
FIGHTS HIM ON THIS SHE WILL LIVE TO REGRET IT. HE WILL MAKE HER LIFE MISER-
ABLE BY INVOLVING HER FAMILY AND TELLING THE JUDGE WHAT A DREADFUL
WOMAN SHE IS.

HAZEL ASKS WHETHER IT IS WORTH OPPOSING HER HUSBAND. WILL THE
JUDGE AWARD HER EVERYTHING SHE ASKS FOR? WILL IT MATTER WHAT HER HUSBAND
THINKS OF HER AS A WIFE AND MOTHER? HOW MUCH PROPERTY WILL SHE
RECEIVE IF SHE GOES TO COURT? HOW WILL THE DIVORCE AFFECT HER CHILD?
WILL SHE BE PROTECTED FROM HER HUSBAND’S ABUSIVE OUTBURSTS?

I TELL HER IT IS IMPOSSIBLE TO GIVE HER PRECISE ANSWERS NOW. A DIVORCE

A man always remembers his first love with special tenderness, but after that he
begins to bunch them. H.L. Mencken, 1955

x
IS A SEQUENCE OF EVENTS, NOT A STATIC ONE; AS IT UNFOLDS, SOLUTIONS BECOME APPARENT. FIRST, HOWEVER, SHE MUST DO SOME HOMEWORK. HIRING ME DOES NOT END HER INVOLVEMENT IN HER CASE. SHE AND I MAKE UP A TEAM. IF SHE IS UNPREPARED AND HER INFORMATION INCOMPLETE, I AM HANDICAPPED AS HER LAWYER. MY PERFORMANCE IN HER DIVORCE IS DIRECTLY RELATED TO HER PARTICIPATION IN THE CASE.

HAZEL IS NOT TOO HAPPY TO DISCOVER THAT HER ROLE HAS NOT ENDED BY HIRING ME AS HER LAWYER. SHE DOES NOT WANT TO WORK—SHE DOES NOT WANT A DIVORCE. IT HAS TAKEN ALL OF HER COURAGE JUST TO SEE A LAWYER. SHE IS CRUSHED TO LEARN THAT IT IS ONLY JUST BEGINNING.

I cannot blame Hazel, nor the host of others who have preceded her, for feeling overwhelmed and bewildered by the legal process for divorce. It is a devastating time full of derangement, anger, and panic. Divorce, the cancer of the psyche, is reaching epidemic proportions. Since 1975, over 20 million divorces have been filed in this country. For each divorce there are two litigants, an average of 1.2 children, probably four in-laws, numerous siblings, and scores of illicit lovers, all of whom are affected. Although an average of 3,000 divorces are filed each

Every lover is a warrior and Cupid has his camps. Ovid, A.D. 18
day in this country, most people are unprepared for the legal and emotional stages they will confront in obtaining their divorce decree. Over the years, I have represented countless clients in obtaining divorces. Their experience and inexperience inspired this book. Their anxiety, strength, and courage spurred me on to gather articles, statistics, transcripts, questionnaires, and other material to assist them in enduring and prevailing during this distressing time.

Later in Dear Client, you will see the divorce process through Hazel’s eyes, for this book is not a legal treatise; it will not state the law in your jurisdiction. Even if it did, some information would be obsolete before it went to press. It is to be used primarily as a divorce litigation guide. The exercises and information will be invaluable for anyone going through a divorce, because if you are prepared for litigation, you will be prepared for any contingency. This book will help you to give your lawyer the most valuable ingredient for successful trial preparation—information about you and your spouse, children, assets, income, and expenses. In addition, it includes:

• The history of how our courts came to govern the aftermath of romantic love.

• The use of your right and left brain during divorce litigation.

There is nothing which we receive with so much reluctance as advice. 
Joseph Addison, 1711

xii
• Open Secret Questionnaire (95% of all information needed by lawyers and judges to try a divorce case).

• Six legal stages of divorce litigation, applicable in all 50 states.

• Sample divorce stories, such as Hazel's.

• Instructions about depositions, interrogatories, and documents used in divorce litigation.

• Information on the judge’s and lawyer’s power in divorce court.

• Suggestions on how to take charge of your case and save money on litigation.

• Actual trial transcripts.

• Statutes that are commonly used in family law.

Understanding why this information will help you during a divorce requires your knowing more about our legal structure. Our American judicial system is derived from English common law. Common law solves legal problems through the application of legislation (law) and case precedents (cases previously decided). Trial courts decide a dispute by reviewing the facts of the case and then applying the appropriate law and case precedents. The law is always in a state of flux. In family law, new issues are constantly emerging and being resolved because society’s needs are perpetually developing. For example, in the 19th century it was almost

Action is the antidote to despair. Joan Baez, 1983

xiii
unheard of for fathers to seek or be awarded the custody of their children. The mother, traditionally the child's caregiver, was presumed to be the better custodial parent. The father, the financial provider, was rarely awarded custody. Today, however, for economic and other reasons, most families require both parents to work, and sometimes mothers are not the better custodial parent. Consequently, fathers seek and occasionally are awarded custody of their minor children. Certain legal terms and concepts such as joint custody, special equity, and lump sum alimony, were virtually unknown in previous years. These legal concepts have evolved to meet the changing needs of family members.

The judge's role in a divorce proceeding is to apply the law of the jurisdiction to the facts of the case. A lawyer's role is to ferret out those facts and present them in the best possible light to the court. The litigant has access to the one asset that is indispensable to this process—facts. Without facts, a divorce court is like a surgeon who operates without reviewing the patient's x-rays, blood test, and vital signs.

Although the law changes, the procedure remains constant and can be readily understood. The steps to obtaining a Final Judgment of Dissolution of That Trial is not fair where affection is judge. Thomas Fuller, M.D., 1732
Marriage Decree are outlined in this book in sequence. They are more effective if taken in order of appearance. For example, if you do not successfully complete identifying the legal issues in your case before you begin negotiating, you may overlook important areas during your divorce. The law is filled with critical time-tables. An issue that is not decided at the trial often is waived forever. 

The journey to divorce is complicated enough. Knowing the system helps you to work effectively with your lawyer and ultimately assist you or the court in resolving family disputes. You can leave this power with the judge and respective attorneys, and possibly your spouse, but you suffer the consequences in relinquishing your influence. Most people going through this process do not even know what to ask for; they are not sure what their legal quarrel is; they confuse embroiled emotions with legal maneuvering. There is no clear-cut formula for a successful divorce. However, not knowing what issues are in dispute and not developing a plan to reconcile those issues is certain to cause you unnecessary anxiety, time, and money. With a little direction you can help to remedy this.

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Everyone loves justice in the affairs of another. Italian proverb

xv
And the Lord God caused a deep sleep to fall upon Adam, and he slept; and He took one of his ribs and closed up the flesh instead thereof; and the rib, which the Lord God had taken from man, made he a woman, and brought her unto the man. And Adam said, “This is now bone of my bones, and flesh of my flesh; she shall be called Woman, because she was taken out of Man.” Therefore shall a man leave his father and mother, and shall cleave unto his wife, and they shall be one flesh.

Genesis
### MARRIAGE AND DIVORCE RATES IN THE UNITED STATES, 1920-1991*

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* U.S. Department of Health and Human Services, National Center for Health Statistics

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All the world is queer save me and thee; and sometimes I think thee is a little Queer. Quaker speaking to his wife

xix
DEAR CLIENT,

A divorce trial is war. A war between two spouses is not very different from a war between two nations. There are attacks and counterattacks. There are victories, defeats, casualties, and spies. Litigants and their lawyers use weapons of words and evidence. They plot, negotiate, and attack. Either they reach an agreement or the court decides their fate at trial.

Trial lawyers are advocates. They are trained to be adversarial and combative. Their rules of contest are intricate laws of evidence and procedure. They are taught laws, historical case precedents, and trial techniques. Their maxims are caution, cunning, and preparation. Their education is vast but does not include any curriculum on human nature. Lawyers analyze, persuade, and present legal cases. They do not learn how to promote harmony among families and cannot avenge a troubled spirit. They are legal surgeons who carve up the marital estate and champion parental rights. They are crucial if the parties cannot resolve their legal issues without going to court.

You, as the client, play an important role in this process. Your lawyer is but a warrior; you are the chief. You decide the nature and direction of the battle.

People are always blaming their circumstances for what they are. I don’t believe in circumstances. The people who get on in this world are the people who get up and look for the circumstances they want, and, if they can’t find them, make them.
George Bernard Shaw, 1893
Before you blame lawyers and judges for many of your frustrations and circumstances, know that your performance influences every facet of your divorce. It is irrational to say that our judicial system is the cause of our families’ legal predicament, just as it is unreasonable to blame horrible news on the newscaster or disease on the physician. Unmistakably, divorce laws could and should be improved, but the average person has very little control in that regard. However, your ability to impact your future is frequently ignored, and the results can be disastrous. Decisions by the courts often are made because of a client’s meager contribution.

Pioneer medical research may hold the key to how you should approach your divorce. Recently, I had a low-grade cancer that only required surgery and not chemotherapy or radiation. Still, it was very traumatic. I was bewildered by the illness and its origin and cure. Most of the medical staff whom I encountered did not make my experience any easier. I was probed, x-rayed, examined with ultrasound, and poked with needles. I was not, however, consoled, educated, or reassured. I remember the way my surgeon told me that the tumor was malignant. I was on the recovery table, having just been aroused from the anesthesia, and I asked, “Was it malignant?” He said, “Yes,” and then turned away and walked out of the room. “I’ll see you next Wednesday,” he called back. That was it, no other

Most affections are habits or duties we lack the courage to end.
Henry de Montherlant, 1941

xxii
explanation. The nurse held my hand while I silently wept.

During my recovery, I explored everything I could about my particular cancer. I learned about nutrition and its relationship to the immune system. I listened to audiotapes by Norman Cousins, Bernie Siegal, and Bill Moyers. All of these tapes had one thing in common: they concentrated on the patients’ adjustment to their disease as being significantly improved by their involvement in the healing process. Rather than rejecting the importance of emotions and healing, mind power was recognized as essential to a patient’s recovery.

For the first time, I was struck by the parallel between my brush with cancer and the medical community and my clients’ experience with divorce and the legal community. Until then, even though I had practiced divorce law for 15 years and achieved the highly respected right to specialize under the Supreme Court of Florida, I never really appreciated the feelings my clients had until I experienced them. When I crossed that bridge, I never viewed my own island from the same perspective. Dear Client is about crossing bridges and learning new perspectives.

In both cases, uncertainty, ignorance, and helplessness prevail. Information is not readily available to advise the client/patient about the crisis. The hospital, like the courtroom, is cold, impersonal, and intimidating. Because the patients/

Ah, les bons vieux temps où nous étions si malheureux! Oh the good old times when we were so unhappy. French proverb

xxiii
clients have to go there, they are already frightened and in pain. Doctors, like lawyers, concentrate more on the disease/legal issue than the person experiencing it. Compassion is not part of their professional training and, in fact, is discouraged as interfering with objectivity and therefore treatment/representation.

Medical studies now show that the mind is intricately involved in the body’s healing. Research indicates that a patient’s emotional state has a direct impact on the immune system. Educating patients to confront their illness has been shown to improve their recovery markedly. Doctors can no longer afford to ignore their patients’ feelings. Fear, anger, and distress actually have been found to have a chemical impact on pain control. Analgesics, it was discovered, are not as effective when a patient is in emotional turmoil. Until recently, it was believed that intangible states of the mind, such as depression, sadness, and futility, were independent and distinct from disease or healing.

Even though Sigmund Freud, the father of psychoanalysis, understood the fragile but unmistakable relationship between the mind and body in describing psychosomatic illness, it took the medical community almost another century before it recognized the fallacy that the body was separate and distinct from the mind and spirit. Yet Hippocrates, the father of medicine, knew this in 400 B.C. when he

Quien bien te quiere te hara llorar. Whoever really loves you will make you cry.
Spanish proverb

xxiv
said, "Healing the soul is as important as healing the body."

The implications of these recent medical breakthroughs are astonishing. In *Head First: The Biology of Hope*, Norman Cousins tells us of a 1987 UCLA study called the "Society of Challengers." Two groups of 43 malignant melanoma patients were treated identically with necessary chemotherapy and radiation. One group had the additional benefit of psychological support and medical education. The research group, unlike the control group, was exposed to support circles and encouraged to learn about and participate in their own treatment. The results were accumulated for 12 months by periodically testing the patients' blood count, emotional adjustment, and other medical indicators. Even before the year was up, the researchers determined that positive emotions (such as love, hope, faith, humor, determination, and enthusiasm) enhanced the patients' ability to heal. This in turn both prolonged and increased the quality of their lives; the average patient in the research group lived 18 months longer than the average patient in the control group.

Those activities that inspire control in the patient encourage the patient to heal. Isolating the mind, body, and spirit is no longer therapeutic. The mind and what it concentrates on can affect the body. It was discovered, for example, that 10 minutes of a hearty belly laugh actually releases chemicals in the brain.

*Thousands upon thousands have studied disease. Almost no one has studied health.*
Adelle Davis, 1954

xxv
called endorphines—the body’s own pain killers.

Unlike a person suffering a medical ailment, however, society treats a person going through a divorce as a social outcast. We readily offer sympathy to a widow but not to a displaced homemaker. We give emotional support to a person suffering cancer but shy away from someone enduring a family breakup. When a flood or hurricane causes thousands of families to lose their homes, charities such as the Red Cross rush in to give aid. Yet each year over one million men and women are forced to leave their homes because of a divorce, but there are no organized charities of the heart. Religious organizations, medical affiliations, governments, and even the media all but ignore the plight of divorced people as if disowning the problem will make it go away. Not using the contributions of these disciplines excludes a great wealth of aid to people going through this transition. Removing shame alleviates isolation. Unlike some afflictions, people can and do recover from divorce.

Clients going through a divorce have just as much painful chaos in their lives as people suffering a serious disease. The uncertainty of their and their children’s economic and emotional well-being causes as much torment as any

The secret of motivation is hope. Author unknown
xxvi
body malfunction. Desolation, low self-esteem, and panic are emotions that divorce lawyers deal with daily from their clients. The power behind these negative forces penetrates the entire course of the litigation, which usually takes several months and sometimes several years.

Just as medical studies show that the welfare of patients directly impacts on the welfare of family members, the welfare of divorce clients directly impacts on the welfare of their family members and, ultimately, all of us. Healing should no longer distinguish between physical and emotional ailments. That which enables healing in divorce clients would undoubtedly result in beneficial effects on our community. Over the years, I have discovered that an involved and educated client adjusts more rapidly and more successfully than a client who remains helpless. Viewing divorce from this perspective—that clients have tremendous resources of their own to confront their plight—can revolutionize the divorce practice by unleashing a positive force that, until this time, has been barely tapped.

May you realize hope in your heart.

Very truly yours,

Ellen D. Ostman

I appeal to your own eyes as my witness and judge. William Harvey, 1651
FOREWORD

My tenure of almost two decades in the Florida Legislature gives me a unique perspective on the fundamental changes in family law that have taken place during this period. Partly as the result of social shifts that have reshaped the family, changes in the laws governing divorce have made the system more equitable for both men and women.

Today, most women work outside the home and far fewer of them rely solely on their husbands either for financial support or to supply their identities in the world. Men less frequently bear the responsibility of being the family's sole breadwinner, and alimony is less of an issue than it once was. Our society, and the system of laws that support it, continues to move toward greater equity in marriage and in divorce, but there's still a long way to go.

Even when equity is not an issue, however, the traumatic fallout of a bitter divorce can be a heavy burden, one that unfortunately must be borne by children as well as adults.

For those who have experienced divorce, as well as their friends, families and co-workers who have been through it, divorce still often resembles a battle-field, strewn with emotional and financial land mines. The adversarial nature of

Thou art to me a delicious torment. Ralph Waldo Emerson, c. 1870

xxix
divorce, frequently experienced in tandem with powerful emotions such as fear, disappointment, anger, and hurt, makes this process an object of dread and loathing. It could as easily have been divorce court, and not Hell, of which Dante wrote, "Abandon hope, all ye who enter here."

But there is hope and help, and that is the purpose of this book. In the pages to come, you will find expert advice, and wisdom, that the author has gleaned from her experience with thousands of divorces and the people who pursued them.

Thankfully, less adversarial means of achieving divorce, such as mediation, are gaining greater acceptance and wider use in American courts and communities. Even mediation, however, requires the completion of many of the steps explained in these pages.

Ms. Ostman's skillful guidance will help you see that all divorces have common elements. Through her telling of the personal stories of some of her clients who have been where you are now, along with her clear and explicit instructions on how to proceed, you will come to understand that divorce is an experience that people have to deal with step by step. The more you understand what is happening to you, the more empowered you will be to deal with this critical life event.

You may even, as I have, come to marvel at the courage of those who work

Marriage is like life in this—that it is a field of battle, and not a bed of roses.
Robert Louis Stevenson, c. 1880

xxx
their way through the process, the many who do not take marriage lightly and endure so much before they even consider divorce. You may even, as I have, find yourself admiring the person who has been battered by love and yet still exemplifies the wonderful endurance of the human spirit.

Helen Gordon Davis
Florida Senate
Florida House of Representatives
1974-1992

Is not marriage an open question, when it is alleged from the beginning of the world, that such as are in the institution wish to get out, and such as are out wish to get in? Ralph Waldo Emerson, c. 1868

xxxi
Dear Client

A Complete Handbook for Understanding and Surviving Your Legal Divorce Process
CHAPTER 1
WHAT IS DIVORCE LITIGATION?

HAZEL wants to know how much a divorce costs, how long it takes, and whether she can avoid court altogether. When I tell her the amount of attorney’s fees in a contested case and that it can last several months to a year, she asks whether there is another way she can handle it. “Yes,” I tell her. “You and your husband can reach an agreement regarding all of the issues in your case, including your receiving half of his employment benefits, alimony, and child support.”

“Oh, that will never happen,” she says. “But I don’t know if I can afford all of those attorney’s fees and go through a year of litigation.” I tell her the alternative is to agree to what her husband dictates.

“Oh, I could never do that either,” she vehemently states. “What is litigation anyway?”

Litigation is the process by which people resolve their disputes in court. In a divorce, the parties (husband and wife) resort to litigation to solve their problems for what may appear to be numerous reasons, but essentially there is only one:

We should not let our fears hold us back from pursuing our hopes.
John F. Kennedy, 1959
the parties are unable to negotiate a complete and fair settlement.

Hazel asks how she can tell whether litigation will be necessary in her case. I tell her that if she and her husband can agree on answers to all of the following questions, she can avoid fighting in court:

1. Who will have primary care of their child?
2. What holiday and other visitation schedule will be followed?
3. What child support will be paid?
4. Who will reside in the marital home?
5. Who will claim the child as a tax exemption?
6. What alimony will be paid for how long and under what circumstances, if any?
7. Who will maintain the medical insurance and pay the unreimbursed expenses, including the deductible?
8. Who will carry life insurance naming the child/wife as beneficiary, and what will be the face amount of that coverage?
9. Will there be a restriction on where the child will reside? (Moving away from the noncustodial parent can interfere with visitation.)
10. What special provisions need to be addressed, such as private schools, camp, college expenses, and extracurricular expenses need to be addressed.

All's fair in love and war. Francis Edward Smedly, 1850
11. Who will pay the existing financial obligations, such as automobiles, mortgage, and credit cards?

12. Who will pay the attorney's fees associated with the divorce?

13. After identifying and valuing all assets, how will they be divided (including, but not limited to pension plans, furniture, savings accounts, antiques, heirlooms, pictures, and jewelry.)

14. What other matters personal to their situation need to be considered? (Completing the Dear Client questionnaire will help to identify these personal matters.)

HAZEL CHALLENGES: "WHY DOES THE JUDGE DECIDE THESE ISSUES? Why not a psychologist or a priest? A judge does not know me, my husband, or my child. Just how is it that the court became involved in affairs of the heart?"

HAZEL'S QUESTIONS ARE VERY COMMON. PEOPLE RESENT JUDICIAL INVOLVEMENT IN THEIR PERSONAL LIVES. DIVORCE LITIGATION IS A UNIQUE AND CURIOUS BLEND OF LEGAL PRINCIPLES AND THE LITIGANT'S RAW EMOTIONS. THE PARTIES NOT ONLY EXPERIENCE THE AGONY OF A SEVERED RELATIONSHIP BUT ALSO MUST DO SO IN THE STERILE ATMOSPHERE OF A COURTROOM.

The life of the law has not been logic; it has been experience. Oliver Wendell Holmes, Jr., 1881
CHAPTER 2
HISTORIC PERSPECTIVE OF ROMANTIC LOVE AND DIVORCE

We take for granted the court's involvement in almost every aspect of our lives. Judges did not always govern divorce, just as romantic love was not always the reason for marriage. Understanding how these two forces became intertwined necessitates that we go back in history.

**Primitive Tribal Man**

In ancient times, survival, not love, was the motivating force in a union between a man and a woman. People banded together to meet their most basic needs—food, shelter, and continuation of the species. Human consciousness had not yet developed to embrace emotional intimacy. Today, some tribal cultures still do not recognize a special bond between individual men and women. Monogamy is highly discouraged because it threatens the well-being of the clan.


> To be ignorant of what occurred before you were born is to remain always a child. For what is the worst of human life, unless it is woven into the life of our ancestors by the records of history. Marcus Tullius Cicero, 46 B.C.
‘By and large, the clanship structure and social life of most primitive societies provides wholesale intimacy and a broad distribution of affection; . . . most primitive people fail to see any great difference between individuals, and hence do not become involved in unique connections in the Western fashion; any number of trained observers have commented on the ease of their detachment from love objects, and their candid belief in the interchangeability of loves. Dr. Audrey Richards, an anthropologist who lived among the Bemba of Northern Rhodesia in the 1930’s, once related to a group of them an English Folk-fable about a young prince who climbed grass mountains, crossed chasms, and fought dragons, all to obtain the hand of a maiden he loved. The Bemba were plainly bewildered, but remained silent. Finally an old chief spoke up, voicing the feelings of all present in the simplest of questions: “Why not take another girl?” he asked.’

Ancient Greece

(490-322 B.C.)

No history of romantic love and its regulation in Western civilization would be complete without a discussion of the ancient Greeks. They deserve our attention because of their significant contribution to Western culture’s art, literature, and philosophy, especially concerning the union of a man and a woman.

The purpose of a marriage contract was to sustain society. Parents were expected to find a suitable husband for their daughter upon her reaching womanhood, usually around age 15. Romance was a concept unknown to young women.

The bride’s intended spouse was twice her age, and she probably would not see

Marriage is the only evil that men pray for. Greek proverb
him until the wedding day. A dowry, that is, assets and monies the bride brought to her husband, was her insurance in case of divorce. By Greek law, if a husband divorced his wife the dowry was to be repaid to the bride's parents or guardians with interest at 18 percent. Although divorce did not require court proceedings, a dowry was protected by the ancient courts.

Women could not own property in their own name. In fact, outside their home, women exerted very little influence. They and their children were accorded the same status under the law. Perhaps the insignificant status of women also accounted for their murder as infants, an ancient Greek practice used to reduce their population. Accordingly, the poet Sophocles sorrowfully expresses in *Tereus*:

> We women are nothing;—happy indeed is our childhood, for then we are thoughtless; but when we attain maidenhood, lo! we are driven away from our homes, sold as merchandise, and compelled to marry and say 'all's well.'

The Greeks' perception of love was often portrayed through their gods. One such illustration was the adulterous union of the god of war and aggression (Ares) and the goddess of love (Aphrodite). Legend has it that when Ares and Aphrodite coupled, their offspring were Eros (life), Harmonia (peace), and Anteros

_We (Greeks) are lovers of the beautiful, yet simple in our taste, and we cultivate the mind without loss of manliness._ Thucydides, c. 400 BC.
Although Greek gods often had romantic liaisons, mere mortals believed that women were inferior to men in both body and spirit and therefore not worthy of passionate love.

Nathaniel Branden recounts in *The Psychology of Romantic Love*:

The Greeks idolized the spiritual, not the carnal, relationship between lovers, and for the Greeks, this profound, spiritually significant love was possible only in the context of homosexual relationships, usually between older men and younger boys. . . . Although there is some dispute concerning the prevalence of homosexuality in Greece, it was clearly much more prevalent than in our own culture and among many intellectuals came to be regarded as “the expression of the highest type of human emotion.” (Hunt, 1960) While sexual desire apart from deeper feeling was often regarded as effeminate and unhealthy, a passionate love relationship between two men was idealized as a relationship in which the older lover inspired the younger to nobility and virtue, and the love between them elevated the mind and the emotions of both.

Ancient Rome

(235 B.C. TO 100 A.D.)

If we owe our intellectual vigor to the ancient Greeks, we are indebted to the ancient Romans for our law and marshaling of human affairs. In ancient Rome, get married, in any case. If you happen to get a good mate, you will be happy; if a bad one, you will become philosophical, which is a fine thing in itself. 

Socrates, 399 B.C.
women were still excluded from voting, holding public office, serving in the military, and even sitting as a juror. Indeed, they never achieved a position higher than a minor and were always subject to the legal control of a father, guardian, or husband. Still, historians agree that their freedom far surpassed that of women in ancient Greece.

Rather than romance being the foundation of marriage, boys considered it an obligation and their public duty. Conversely, girls considered it the key to their liberty. Marriage was avoided by so many Roman men that Emperor Augustus enacted stiff legislation to decrease the significant number of bachelors. The majority of Romans did marry, however, including slaves whose wedlock was known as contuberinum, which could be dissolved by their master only under certain severe circumstances.

Girls were betrothed as early as 10; boys starting around 14. Their marriages were arranged by their parents with a careful eye to status, wealth, and public scrutiny. Once married, girls enjoyed freedom they had never known. Their responsibility was to their husband’s good name and the management of his family and slaves.

No man worth having is true to his wife, or can be true to his wife, or ever was, or ever will be so. Sir John Vanbrugh, 1679
Roman law, the precursor of English common law, first instituted complicated statutes governing marriage. Their purpose was to create an ability to transfer property from one generation to another. Branden relates that:

The cultural and political importance of the family gave a new importance to the relationship between husbands and wives. Cultural mythology supported a religious devotion to the Roman family, extolling in particular the virtues of virginity in unmarried, and fidelity in married, women. Certain moralists—and even, at times, lawgivers—required fidelity even of husbands.

Uncommonly known is the pervasiveness of divorce in early Roman culture. Divorce was first mentioned in Roman history in the second century B.C. Ruga divorced his wife because she bore him no children; Cicero divorced his because his marriage seemed weary; and Cato the Younger cast his wife aside because she was unpopular with his friend but remarried her after his friend’s demise.

Divorce was so frequent in ancient Rome that lawmakers, such as Augustus, unsuccessfully attempted to curb its rate by enacting strict laws to make them less effortless. Divorces in the upper echelons were widespread, without stigma, and often considered a mark of some distinction. Like the Greeks, it was not necessary

Man’s love is of man’s life a thing apart, ‘Tis a Woman’s whole existence.
Lord George Gordon Byron, 1819
for Romans to go to court to obtain a divorce; saying "Take away your property!"
before witnesses was sufficient to break the bond.

Many students of ancient history believe the high divorce rate was caused by promiscuity. Branden states:

At the height of the Roman Empire, adultery on the part of both sexes was widespread and virtually taken for granted as a sport necessary to relieve the tedium of existence; the aristocrats of Rome indulged in the jaded, frenetic sensuality that we associate with Roman decadence: a vicious mixture of love and hatred, attraction and revulsion, desire and hostility. The most famous Roman literature of romantic passion, Ovid's description of "the art of love" and Catullus's love poems to "Lesbia," portray lovers as immersed in sensuality, tormenting each other with infidelities and elaborate games of power. There is in particular a considerable literature of hostile complaint against the tyrannical sensuality of newly powerful women, as exhibited in Juvenal's Sixth Satire:

A wife is a tyrant—the more so if her husband is fond of loving. Cruelty is natural to women: they torment their husbands, whip the housekeeper, and enjoy having slaves flogged almost to death. Their sexual lusts are disgusting—they prefer slaves, actors, and gladiators; their efforts to sing and play musical instruments are a bore; and their gluttonous eating and drinking are enough to make a man sick.

Not all marriages were plagued with infidelity. Turia, the devoted wife of Nobleman Vespillo, was so revered by her husband that at her death he inscribed a

One may smile, and smile, and be a villain. William Shakespeare, Hamlet, I, 5
memorial that in part read:

You were a faithful and obedient wife; you were kind and gracious, sociable and friendly; you were assiduous in your spinning; you followed our family and national religious rites and admitted no foreign superstitions; you did not dress conspicuously, not make any kind of household display. Your management of our house was exemplary; you tended my mother as carefully as if she had been your own. You had innumerable other excellencies, common to the best type of matrons, but these I mention are peculiarly your own.*

*Social Life at Rome, Fowler quoted in W.S. Davis, A Day in Old Rome (1972).

Even with all of his praise, note that romantic love is not even mentioned.

**Early Christianity**

Christianity flourished in what we now know as Europe in the second and third centuries A.D. Unlike the decadent Romans, the teachings of the church discouraged any ardent sexual pleasures. We credit the early Christians with first developing our inner self or soul. Christian theology raised certain emotions, such as love, to divine significance. Love was categorized as erotic (eros), brotherly (filia), and spiritual (agape). Philosophers such as St. Augustine worshiped the significance of something other than self-gratification, which became representative of the age. This was a radical departure from the Greeks and Romans and necessarily

We are never so defenseless against suffering as when we love, never so helplessly unhappy as when we have lost our loved object or its love. Sigmund Freud, 1916
a precursor to romantic love.

Marriage was elevated to a sacrament by the sixth century. Its purpose was economic and spiritual in nature. The church, not the state, dominated the laws of marriage. Acting as a patriarch, the church would arrange, sanction, and in rare instances dissolve them.

Christianity's influence is cited in Branden's *The Psychology of Romantic Love*:

The Medieval Church was obsessed with sex to a quite painful degree. Sexual issues dominated its thinking in a manner which we should regard as entirely pathological. It is hardly too much to say that the ideal which it held out to Christians was primarily a sexual ideal. This ideal was a highly consistent one and was embodied in a most elaborate code of regulations. The Christian code was based, quite simply, on the conviction that the sexual act was to be avoided like the plague, except for the bare minimum necessary to keep the race in existence. Even when performed for this purpose it remained a regrettable necessity. Those who could were exhorted to avoid it entirely, even if married. For those incapable of such heroic self-denial there was a great spider's web of regulations whose overriding purpose was to make the sexual act as joyless as possible and to restrict its performance to the minimum—that is, to restrict it exclusively to the function of procreation. It was not actually the sexual act which was damnable, but the pleasure derived from it—and this pleasure remained damnable even when the act was performed for the purpose of procreation. (Taylor, 1973)

Not only the pleasure of the sexual act was held sinful, but also the sensation of desire for a person of the opposite sex, even when

*Oh, I have loved him too much to feel no hate for him. Jean Baptiste Racine, 1667*
unconsummated. Since the love of a man for a woman was held to be simply desire, this led to the incontrovertible proposition that no man should love his wife. That woman should be entirely subordinate to man was justified, in part, on the ground that Eve had been the cause of Adam’s downfall and therefore the cause of all the suffering men had to endure thereafter.

Later in the middle ages, a second view of woman emerged and co-existed with the first. On the one hand, woman was symbolized by Eve, the sexual temptress, the cause of man’s spiritual downfall. On the other hand, she existed in the image of Mary, the Virgin Mother, the symbol of purity who transforms and lifts man’s soul upward. The whore and the virgin—or the whore and the mother—have dominated the concept of woman in Western culture ever since.

**Middle Ages**

**The Rise of Courtly Love**

Widespread romance first emerged in France during the 11th century. The era of courtly love was a time of troubadours and fair ladies. Although Christianity was still a pervasive force, the strength of the monarchy became more imposing. Now disenchanted with the concept of comfort from spiritual oneness, sexual gratification resurfaced as being quite desirable. But it was not primitive sex that was glorified, it was romance twisted by cunning otherwise known as courtly love. Courtly love gave substance to the notion that erotic love was good in and of itself.

_We are never so easily deceived as when we imagine we are deceiving others._

La Rochefoucauld, 1665

16
The nobles, some of whom engaged in the Crusades, often left behind wives, who entertained themselves at court with sexual intrigue. Passion between a man and a woman was exalted, especially if they were not married to each other.

A “code of love” proclaimed by the Countess of Champagne in 1174 expresses in literary form the various tenets of courtly love:

Marriage is no good excuse against loving [that is, loving someone other than one’s spouse].
No one can bind himself to two loves at once.
No one, without abundant reason, ought to be deprived of his own love.
No one can love unless urged thereto by the hope of being loved.
Love that is known publicly rarely lasts.
An easy conquest renders love despised, a difficult one makes it desired.
A new love makes one quit the old.
If love lessens, it dies speedily and rarely regains health.
The man prone to love is always prone to fear.
Real jealousy always increases the worth of love.
Suspicion and the jealousy it kindles increases love’s worth.
The true lover thinks naught good but what he believes pleases the co-lover.
Love can deny love nothing.
The least presumption compels the lover to suspect evil of the co-lover. (Langdon-Davies, 1927, *Psychology of Romantic Love*)

It seems that very little has changed over the centuries.

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*Misery acquaints a man with strange bedfellows.* William Shakespeare, 1611
Eighteenth Century

The zenith of the courtly era is splendidly described in the book *Dangerous Liaisons*. By this time, romance in the French court had been elevated to an art form. A traditional break from piety took place in the 18th century after Louis XIV's death. During this regency period, affairs of the state succumbed to affairs of the heart. Many a woman rose to power on her amorous abilities. The term mistress had a far different connotation than it does today. Such women could enjoy the confidences of their lover, a high rank in court, and uncommon power; whereas the wife was relegated to hearth and home. Women were conquered by rakes, and men were mastered by manipulative madams. Whose heart could one win? Whose heart could one break?

In *Dangerous Liaisons*, a series of letters were exchanged just before the French Revolution. The four main composers were all aristocrats: Vicomte de Valmont, Marquise de Merteuil, Madame de Tourvel, and Madame de Rosemonde.

Vicomte de Valmont, a roué, and Marquise de Merteuil, a femme fatale, were once lovers. Still friends, they are colleagues and scandalmongers in the heady business of love. Vicomte de Valmont’s vocation in life is to conquer his

*Every maiden’s weak and willin’ when she meets the proper villain.*
Clarence Day, 1928

18
love object, devour her sexually, and then discard her to find a new challenge. Marquise de Merteuil is an opportunist who sees her sexual appeal as an asset that can be exploited for profit and power. She toys with love, manipulates by passion, and spares no one hard feelings.

Madame de Tourvel is a virtuous woman married to a military officer who is away at the front. Madame de Tourvel is beautiful, spiritual, and graceful. Having no children, she devotes her time to prayer, art, and the companionship of the elderly nobles, one of whom is Madame de Rosemonde, the wealthy aunt of Vicomte de Valmont.

Madame de Rosemonde is very wise in the ways of love. She adores her self-indulgent nephew but is not blind to his many weaknesses. Although fond of his company, she fears that he will seek an illicit relationship with Madame de Tourvel.

During this period of nobility in the court of France, one pastime was writing letters. Letter writing, an art that has become virtually extinct in the 20th century, was a means of socializing, gossiping, plotting, and planning. The rake would spend hours corresponding with lovers, mentors, and acquaintances. A

It's not enough to conquer; one must know how to seduce. Voltaire, 1743
response to a letter, of course, was a joyful acknowledgment. *Dangerous Liaisons* consists of letters flowing back and forth between these four characters. It gives us two very diametrically opposed sentiments of love: one spiritual, the other cynical.

Marquise de Merteuil prevails upon Vicomte de Valmont to seduce her former lover's bride-to-be so that she may retaliate for his betrayal of her. The innocent fiancee, who has just graduated from a convent school, is all of 15 years old, and despoiling her would injure the Marquise's former lover at court, a devastating blow. The Marquise promises Vicomte de Valmont sexual favors if he complies with her request. At first, the Vicomte is not enthusiastic and does not want to help the Marquise get even with her former lover, who is very powerful. He tells her that this girl is not enough of a challenge; although quite beautiful and naive, there would be no thrill of the chase.

Marquise de Merteuil plays on his male vanity by throwing down a challenge. She reminds the Vicomte that the girl is the daughter of one of his former lovers who persistently spreads malicious gossip about his sexual exploits. By rendering her unchaste, the Vicomte could settle his score with her mother.

Meanwhile, the Vicomte de Valmont is captivated by Madame de Tourvel,

*The most violent passions sometimes leave us at rest, but vanity agitates us constantly.*

La Rochefoucauld, 1665
whom he meets at his aunt's country estate. As it happens, the innocent girl and her mother are also visiting the estate for the summer. The Marquise, seeing her opportunity to convince the Vicomte, fans the fire of his male pride and he finally agrees. He is to have a twofold amusement; he will seduce the innocent girl and Madame de Tourvel, thereby proving to the Marquise the philanderer he truly is. Afterwards he will enjoy his erotic remuneration from her.

Madame de Tourvel, however, is not an easy conquest. As she resists the Vicomte, his agitation is heightened and his arousal will not be satisfied until she is his. She steadfastly refuses to think she is anything but pure and fears she will be condemned to hell if she gives in to temptation. She seeks counsel with Madame de Rosemonde, the Vicomte's wise aunt, who writes her:

O my friend! It is with pain I say it, but you are far too worthy of being loved for love ever to make you happy. Ah! What really delicate and sensitive woman has not found misfortune in the very sentiment which promised her so much happiness! Do men know how to appreciate the women they possess?

Many of them are honorable in this behavior and constant in their affection, but even among those, how few are able to place themselves in unison with our hearts! Do not think, my dear child, that their love is like ours. They feel indeed the same ecstasy; they often

Heaven has no rage like love to hatred turned, nor hell a fury like a woman scorned.
William Congreve, 1697
put more vehement emotion into it; but they do not know that anxious eagerness, that delicate solicitude, which in us produce those tender and continuous attentions whose sole end is always the beloved person. Man enjoys the happiness he feels, woman the happiness she gives. This difference, so essential and so rarely noticed, has a very perceptible influence on the whole of their respective behavior. The leisure of one is the satisfaction of desires; the pleasure of the other is above all to create them. To please is for him only a method of success; but for her it is success itself. And coquetry, for which women are so often blamed, is nothing but the excess of this way of feeling, and by that very fact proves its reality. Finally, that exclusive desire which particularly characterizes love is, in man, only a preference which at most serves to increase a pleasure which another object would perhaps weaken but not destroy; while with women it is a profound sentiment which not only annihilates every other desire but, being stronger than nature itself and out of its control, makes them feel nothing but repugnance and disgust even where it seems pleasure should be created.

And do not think that the more or less numerous objections which may be quoted can be successfully opposed to these general truths! They are supported by public opinion which in men alone distinguishes infidelity from inconstancy—a distinction which they are proud of when they ought to feel humiliated; for our sex this distinction has only been adopted by those depraved women who are its shame, women to whom any way seems good if they can hope by it to be saved from the painful feeling of their baseness.

I thought, my dear beauty, it might be useful for you to have these reflections to oppose to the deceitful ideas of perfect happiness with which love never fails to abuse our imagination; a fallacious hope to which we will still cling even when forced to abandon it, the loss of which irritates and multiplies the griefs, already but too real, inseparable from a strong passion! This occupation of softening your

We right enough darling if we go wrong together! George Santayana, 1951

22
troubles or diminishing their number is the only one I can and will
fulfil at this moment. In ills without remedy, advice can only be
directed to the regimen. All I ask of you is to remember that to pity
an invalid is not to blame him. Ah! What are we, to blame one
another? Let us leave the right of judging to Him who reads in our
hearts; and I even dare to think that in his paternal eyes a host of
virtues can atone for one weakness.

But, I beg you, dear friend, avoid especially these violent resolutions
which are less a sign of strength than of complete discouragement;
do not forget that, by rendering another the possessor of your exist­
ence (to use your own expression), you cannot have frustrated your
friends of what they possessed before, which they will continue to
claim.

Madame de Tourvel, taking the wise woman’s advice, writes to rebuff the
Vicomte and is considerate but firm.

In offering you my friendship, Monsieur, I give you all I have, all
that I can bestow. What more can you desire? To yield to this gentle
sentiment, so well suited to my heart, I await only your consent and
the promise I exact from you that this friendship shall suffice for
your happiness. I shall forget everything which may have been said
to me; I shall rely on you to justify my choice.

You see my frankness; it should prove to you my confidence; it de­
pends entirely on you to increase it further; but I warn you that the
first word of love destroys it forever and brings back all my fears,
above all that it will become for me the signal for an eternal silence
towards you.

By now Vicomte de Valmont is uncontrollably in love with Madame de

Marriage, if one will face the truth, is an evil, but a necessary evil.
Menander, 300 B.C.
Tourvel. He responds to her letter in anger:

It is not that amiable frankness, soft confidence, tender friendship are valueless in my eyes. . . but love, true love, the love you inspire, uniting all these feelings, giving them more energy, could not lend itself like them to that tranquility, to that coldness of soul which allows comparisons, which even endures preferences. No, Madame, I shall not be your friend; I shall love you with the tenderest, the most ardent and yet the most respectful love; you may bring it to despair, but you cannot destroy it.

By what right do you presume to dispose of a heart whose homage you refuse? From what refinement of cruelty is it that you envy me even the happiness of loving you. This is mine; it is independent of you. I shall take care to defend it. Though it is the source of my woes, it is also their remedy.

It is uncertain whether the Vicomte’s persistence or Madame de Tourvel’s romantic nature, or both, causes her finally to succumb. However, she does so and afterwards writes to Madame de Rosemonde of her great joy:

And how could I not believe in perfect happiness when I feel it at this very moment? Yes, if men are as you say, they must be avoided, they are hateful; but how far is Valmont from resembling them! If, like them, he has that violence of passion, which you call vehement emotion, is it not exceeded in him by his delicacy! O, my friend! You speak of sharing my troubles, rejoicing at my happiness; I owe it to love and how much more to the object of that love who increases its value! You love your nephew, you say, perhaps to the point of weakness? Ah! If you knew him as I do! I love him with

It's gude to be merry and wise, It's gude to be honest and true; It's gude to be off with the old love, Before you are on with the new. Quoted as an old song by Anthony Trollope, 1857
idolatry, and even then much less than he deserves. No doubt he has been carried away into a few errors—he admits it himself—but who has ever known real love as he does? What more can I say to you? He feels it as he inspires it.

I had been given of him. But since he has been able to yield unconstrainedly to the emotions of his heart he seems to guess all the desires of mine. Who knows whether we were not born of each other! If this happiness were not reserved for me—to be necessary to his! Ah! If it is an illusion, may I die before it ends. But no; I want to live to cherish him, to adore him. Why should he cease to love me? What other woman could make him happier than I do? And I feel it myself; this happiness one creates is the strongest bond, the only one which really binds. Yes, it is this delicious feeling which ennobles love, which, in a way purifies it and makes it really worthy of a tender and generous soul like Valmont’s.

Vicomte de Valmont professes his undying love of Madame de Tourvel to the Marquise who, in turn, taunts him about losing rank among the top seducers of court. Actually, she is jealous that the Vicomte has found happiness in love as she has never felt anything but contempt. The Vicomte, feeling his philandering reputation is being sullied, breaks off the affair with Madame de Tourvel, even though he loves her dearly. He writes her a most obnoxious letter that was suggested by the Marquise:

One grows weary of everything, my angel, it is a law of Nature; it is not my fault.

History, with all her volumes vast, Hath but one page. Lord George Gordon Byron, 1812
If therefore I am weary to-day of an adventure which has wholly preoccupied me for four mortal months, it is not my fault.

From this it follows that for some time I have been deceiving you; but then your pitiless affection forced me, as it were, to do so! It is not my fault.

To-day, a woman I love madly insists that I sacrifice you to her. It is not my fault.

I realize that this is a fine opportunity of crying out upon perjury; but if Nature has only given men assurance, while she gave women obstinacy, it is not my fault.

Take my advice—choose another lover as I have chosen another mistress. This is good advice, very good; if you think it bad, it is not my fault.

Farewell, my angel, I took to you with pleasure, I abandon you without regret; perhaps I shall come back to you. So goes the world. It is not my fault.

The Vicomte then writes Marquise de Merteuil of his defying love’s possession, boasting of his conquest, and tells her he is ready for his compensation for seducing the convent girl. The Marquise sends a stinging reply:

Seriously, Vicomte, you have deserted Madame de Tourvel? You sent her the letter I composed for her! Really, you are charming, and you have surpassed my expectations! I admit freely that this triumph flatters me more than all those I have obtained up till now. You will perhaps think I value this woman very highly after having formerly rated her so low; not at all; I have not obtained this advantage over her but over you; that is the amusing thing and it is really delicious.

Yes, Vicomte, you loved Madame de Tourvel very much and you

There is one thing certain, namely, that we can have nothing certain; therefore it is not certain that we can have nothing certain. Samuel Butler, 1912

26
still love her; you love her like a madman; but because I amused myself by making you ashamed of it, you have bravely sacrificed her. You would have sacrificed a thousand rather than endure one jest. Where vanity will take us! The wise man is indeed right when he says that it is the enemy of happiness.

Meanwhile, Madame de Tourvel, having been rebuffed and now completely shamed, goes to a convent to seclude herself. She refuses to eat and eventually dies, but before she does, she writes:

Cruel and malevolent being, will you never grow weary of persecuting me? Is it not enough for you that you have tormented me, degraded me, debased me, that you wish to ravish from me even the peace of the grave? What! In this dwelling place of darkness in which I have been forced by ignominy to bury myself, is pain without cessation, is hope unknown? I do not implore a mercy I do not deserve; I will suffer without complaint if my sufferings do not exceed my strength. But do not make my tortures unendurable. Leave me my grief, but take from me the cruel memory of the treasures I have lost. When it is you who ravished them from me, do not again draw their agonizing image before my eyes. I was innocent and at peace; it is because I saw you that I have lost my peace of mind; it is my listening to you that I became criminal. You are the author of my sins; what right have you to punish them? . . .

Pitiless in its vengeance, it has delivered me up to him who ruined me. It is at once through him and by him that I suffer. I try to fly from him, in vain; he follows me; he is there; he besets me continually. But how different he is from himself! His eyes only express hatred and scorn. His mouth only utters insult and blame. His arms embrace me only to rend me. Who will save me from his barbarous fury? . . .

We must be our own before we can be another's. Ralph Waldo Emerson, 1841
Leave me, cruel one! What new frenzy animates you? Are you afraid some gentle sentiment might pierce to my soul? You redouble my tortures; you force me to hate you. Oh! How painful hate is! How it corrodes the heart which distills it! Why do you persecute me? What more can you have to say to me? Have you not made it impossible for me to listen to you, impossible to reply to you? Expect nothing more of me. Farewell, Monsieur.

In the end, the Vicomte dies in a duel with the convent girl’s lover, who should not be confused with her fiancee; and the Marquise suffers an even worse fate, a disfigured face. The message is clear: love without virtue results in cynicism, disfigurement, and death.

**Nineteenth Century**

By the 19th century, marriage and divorce were secular and revocable by a civil contract governed by the state. Where once it was considered a perpetual union, the law provided the conscience of the nation. Simultaneously, romantic love became the universal basis for marriage. Love between a man and a woman was glorified as a “single point of security and support in a chaotic and unpredictable world, the only value to which men and women could cling with some hope of permanence” Nathaniel Branden, *The Psychology of Romantic Love*.

*He who knows only his own side of the case, knows little of that.*
John Stuart Mill, 1859
In America, the separation of church and state fragmented the religious dominance and direction of love and marriage. Our ancestors founded this country on the basic principle that each person has a right to the freedom of religion and pursuit of happiness. No governing force could dictate to what religion its members must belong. This was a dramatic change from Europe, where government and church were inextricably intertwined. Society did not become less religious, but no religious sect was pervasive enough to rival the government. At this juncture the torch was passed: marriage, which had for centuries been regulated by the church, was now administered by the state and federal authorities.

Religious influence obviously was not inconsequential, but in the domain of the heart, the state’s power was inviolate. The state granted marriage licenses and legislated laws concerning family, support, and property, and the courts enforced these laws. Some sociologists argue that the reduction of the church’s influence in this regard was the beginning of the downfall of families:

Finally, these Christians stress that, at least in modern society, there is no basis for permanent commitment in marriage apart from Christian faith itself. Larry Beckett, the evangelical minister, puts the case most strongly: the only thing that is unchangeable and can be “the foundation” of life is “the spiritual life,” because “God doesn’t change. Jesus Christ doesn’t change.” The other values on which

Part of kindness is loving people more than they deserve. Joseph Joubert, 1810
people try to build marriage are fragile: “Whether it’s career, or family, or romanticism as the center, I believe that those things are innately limited, and they are degenerative. Some time they are going to change, or get boring, or die down. If God is the center and He is unchanging, He’s eternal. He is in fact our source and our maker, then by definition of who He is, He is not going to change. So what that does, it gives stability to a family. This is, the family can say, O.K., we’re bored with our family life right now, but that in and of itself is not enough reason to say that I don’t love you anymore. That’s not enough reason to throw in the towel.” Faith can tide people over when their ordinary human involvements and their changeable feelings are not enough to sustain a relationship.

Habits of the Heart, 1985

Personal happiness is not always in sync with performing one’s social duty.

Nathaniel Branden states:

The fact that two human beings love each other does not guarantee they will be able to create a joyful and rewarding relationship. Their love does not ensure their maturity and wisdom; yet without these qualities their love is in jeopardy. Their love does not automatically teach them communication skills or effective methods of conflict resolution, or the art of integrating their love into the rest of their existence; yet the absence of such knowledge can lead to the death of love. Their love does not produce self-esteem; it may reinforce it but it cannot create it; still without self-esteem love cannot survive.


Our longevity also has affected our romantic love and, therefore, our family stability. Life expectancy is now three or four times that of our ancestors. As our emotional needs evolve, our desires shift and our romantic partner’s compatibility

Love is the triumph of imagination over intelligence. H.L. Mencken, 1940
may be undermined. In earlier times, a marriage that ended because a spouse died was far more common than a spouse outgrowing a relationship because it no longer served his or her desires and emotional needs.

Since the mid-20th century, the number of people who outgrew their relationships skyrocketed. Where once the courts were concerned with there being moral reasons for a divorce, grounds such as adultery, extreme cruelty, or abandonment, the phenomenal increase in divorce stretched judicial resources to the limit. State legislatures began enacting no-fault divorce to free the courts to address more practical concerns, such as distribution of marital property, child custody, and the allocation of alimony and child support. With no-fault being required to obtain a divorce, the courts were no longer concerned with punishing an errant spouse. Thus millions became disillusioned with the court process as they discovered that they would not be vindicated for their spouse’s breach of their sacred marriage vows.

You cannot shake hands with a clenched fist. Indira Gandhi
Divorce in America — Late Nineteenth Century
The Good Old Days

The following cases, taken from the *American Digest*, show how difficult it was to obtain a divorce in contrast to today's no-fault divorce laws.

Michigan 1868

Courts cannot lawfully divorce parties merely because, from unruly tempers and mutual wrangling, they cannot live happily together. They are bound to submit to the ordinary consequences of human infirmity and unwise selection, and the misconduct which will authorize a divorce must be very serious, and such as amounts to extreme cruelty, entirely subverting the family relations by rendering the association intolerable. Cooper v. Cooper, 17 Mich. 205, 97 AM. Dec. 182.

Indiana 1894

No divorce can be granted except in the manner provided by law, and there must be an injured party and a guilty party. Alexander v. Alexander, 38 N.E. 855, 140 Ind. 555.

California 1897

A finding that defendant was chargeable with extreme cruelty to his wife (plaintiff) is sustained by evidence that without sufficient provocation, and without reasonable grounds, he called her a whore, a hog and a hypocrite; charged her with infidelity; and accused her, when she was ill, of having contracted her disease by illicit intercourse, though such illness was not of a character indicating such origin. Smith v. Smith, 48 P730, 119 Cal. 183.

Texas 1899

Evidence in a suit for divorce that the wife interfered with the exercise of the husband's authority over their child, and, in an ensuing quarrel, struck the husband

Id quod circumveniat. What goes around, comes around. E.D.O.
with a stick, and that in a struggle over a gun he struck her upon the head with it, knocking her down and injuring her head, is not sufficient to justify granting the wife a divorce upon the ground of treatment by the husband rendering living with him insupportable. Cunningham v. Cunningham, 53 S.W. 75, 22 Tex. Civ. App. 6.

Arkansas 1904

Evidence showing that, after living together for some time, defendant’s wife became disagreeable to and abusive of plaintiff, demeaned him, and applied to him various abusive and opprobrious epithets, and accused him of too much intimacy with other women and with his own daughter, and refused to cook for him or do any housework, although she was a stout, healthy woman, and would partake heartily of the meals which plaintiff was compelled to cook, and then abuse him about the way they were cooked, was sufficient to show defendant guilty of persistent abuse and contempt, rendering plaintiff’s condition intolerable, and to entitle plaintiff to a divorce. McGee v. McGee 80 S.W. 579, 72, Ark. 355.

Colorado 1905

The acts of a wife in objecting to her husband’s building a new house, find fault with him for losing a hitching post, scolding him for coming home late at night, objecting to the kind of work he did and the places where he worked, and insisting on having her own way, the result of which conduct was to deprive the husband of some sleep and cause him worry did not constitute extreme or repeated acts of cruelty, within the meaning of Sess. Laws 1893, p. 236, c.80, making such acts ground of divorce and providing that they may consist as well of the infliction of mental suffering as bodily harm. Geisseman v. Geisseman, 83 P. 635, 34 Colo. 481.


Same old slippers, Same old rice, Same old glimpse of Paradise.
William James Lampton, c. 1900
I was angry with my friend;
I told my wrath, my wrath did end.
I was angry with my foe;
I told it not, my wrath did grow. William Blake, 1794
CHAPTER 3
EMOTIONS AND DIVORCE LITIGATION

HAZEL STARES AT ME INCREDULOUSLY. ANGER SHINES STEADILY THROUGH HER EYES, YET HER SPEECH IS FRAUGHT WITH STAMMERING. SHE IS FURIOUS THAT THE JUDGE WILL NOT PUNISH HER HUSBAND FINANCIALLY FOR WHAT HE HAS PUT HER THROUGH. "WHAT KIND OF JUDICIAL SYSTEM TREATS AN UNFAITHFUL AND ABUSIVE SPOUSE THE SAME AS A FAITHFUL AND LOVING ONE?" HAZEL ASKS.

"IT IS VERY TEMPTING TO CONFUSE DIVORCE LAW WITH THE LAW OF NEGLIGENCE," I TELL HER. "IN THE LATTER, IF SOMEONE CAUSES AN INJURY THEY ARE REQUIRED TO PAY FOR IT. JURY AWARDS COMPENSATE THE VICTIM FOR PAIN AND SUFFERING. NOT SO IN FAMILY LAW. THE COURTS DO NOT IMPOSE A MORAL STANDARD ON LITIGANTS."

"WHY?" HAZEL WONDERS.

"WELL, ONE REASON IS THAT JUDGES CAN NEVER BE SURE THAT THEY INDEED ARE PUNISHING THE MISCREANT SPOUSE. AFTER ALL, WHO IS TO SAY THAT SOMEONE'S BAD BEHAVIOR IS NOT IN RETALIATION TO THEIR SPOUSE'S ILL CONDUCT THAT IS NOT AT ALL APPARENT. FOR EXAMPLE, A WOMAN MIGHT COMMIT ADULTERY

The emotions may be endless. The more we express them the more we may have to express. E.M. Forster, 1936
BECAUSE HER HUSBAND SHUNS HER FOR MONTHS OR EVEN YEARS. WHERE DOES
THE BLAME REALLY LAY? JUDGES ARE NOT EQUIPPED TO FERRET OUT THE TRUE
CAUSE OF A DISINTEGRATED MARRIAGE.”

“ARE YOU TELLING ME THAT THE JUDGE DOESN'T CARE HOW I FEEL?”

“I CAN'T SAY WITH CERTAINTY WHETHER A JUDGE WILL CARE HOW YOU
FEEL, BUT IT IS CERTAIN THAT HE IS CONCERNED WITH KNOWING EVERYTHING THERE
IS TO KNOW ABOUT YOUR INCOME, ASSETS, AND FINANCIAL NEEDS. AND TO THE
EXTENT THAT YOU DIRECT YOUR ENERGIES TO FACTS AS OPPOSED TO PROVING
THAT YOUR SPOUSE HAS WRONGED YOU, YOU WILL BETTER DIRECT THE COURSE
OF YOUR LITIGATION.”

TO BETTER EDUCATE HAZEL AS TO A NEW PERSPECTIVE ON DIVORCE AND
EMOTIONS, I TELL HER ABOUT ANOTHER CLIENT, DANIEL, AND WHAT I TOLD HIM:

DANIEL'S STORY

It was December 22nd when I walked into the Hillsborough County Courthouse
for my last hearing before hopping a plane to Philadelphia, Pennsylvania, to visit
my family for Christmas. The courthouse was still, except for several people wait-

One may understand the cosmos, but never the ego; the self is more distant than any
star. G.K. Chesterton, 1908

36
ing for a judge to decide whether they would see their kids on Christmas. I went into the snack bar run by the Division of Blind Services. Many court personnel teased me about it being my office. In fact, I probably spent more time there than in my office since there was nowhere else close I could comfortably meet my clients ahead of time to prepare them for their hearing.

Daniel, my client, a 38-year-old industrial supplier, sat with his new wife staring at his coffee cup. He was a kind man who looked decidedly like the actor Harrison Ford: light brown hair, 5'10". 180 pounds, with an endearing crooked smile. His wife was petite, beautiful, and also engaging. They were both very religious and were accompanied by her parents, her aunt, and their minister. Daniel was suing his former wife for change of custody of his seven-year-old daughter, Holly. Holly had been in the custody of Mary, Daniel’s ex-wife, since their divorce when she was only 13 months old. Mary was not a very good mother, according to Daniel. By the time Holly was four years of age, she had moved five times, attended six different daycare centers, and lived with her mother and several of her boyfriends. Holly began stuttering and would complain emphatically to her father that she did not want to return to her mother’s home. Daniel had taken her to

What other dungeon is so dark as one's own heart! What jailer so inexorable as one's self! Nathaniel Hawthorne, 1822

37
see a child psychiatrist who believed that Holly did not have enough stability in her life and said that even then, at the tender age of four and one-half, she voiced a strong preference for living with her father.

Mary was outraged that Daniel would take her daughter to a psychiatrist and took Holly to see a psychiatrist of her own. She then refused to allow Daniel to see Holly unless it was specified in their divorce decree, even though it said that visitation was not limited to every other weekend and every other major holiday. In addition, Mary refused to allow Holly telephone calls from her father and would not allow Daniel to take her to sports activities such as T-ball or her swimming lessons.

Daniel finally filed the lawsuit when Mary moved for the sixth time without telling him her new address and telephone number. By the time Christmas arrived, Daniel and Mary had been embroiled in litigation for over 11 months, almost one quarter of Holly’s life. The trial was set for mid-March of the following year. Mary told Daniel that he would not be able to see Holly until December 27th. She claimed that Daniel had Holly last Christmas, but Daniel knew that he had not had Christmas with his daughter for four years. He brought witnesses to the hearing to

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My thought is me; that is why I can’t stop. I exist by what I think. . . and I can’t stop thinking. Jean-Paul Sartre, 1938
persuade the court to award him some time with his daughter during the holiday.

When I approached Daniel and his entourage, he was just beginning to pray. Daniel grabbed my hand, his wife took my other hand, and the six of us in a circle bowed our heads. "Heavenly father," Daniel intoned, "we ask that you give courage to Attorney Ostman and wisdom to Judge Blakeshee in the hearing we are about to attend. Little Holly is desperate to spend time with us this Christmas. If we can't persuade the judge to allow Holly to spend Christmas Eve with us I know Mary won't let her sing in the Christmas choir at our church. Whatever your will, we will abide by it but please find it in your heart to give some relief to the aching need of my daughter to be with me this Christmas season. Amen."

Before the prayer was over, I glanced up and saw several attorneys staring at us. Daniel walked me over to the corner and asked, "How are you going to get all of these witnesses on the stand in just a 15-minute hearing?" I told him that I probably would not be able to but that sometimes the judge would go over the set amount of time if he believed it was warranted. When Daniel and Mary swore that each of them did not spend Christmas last year with their daughter, I thought the judge would want to find out who was telling the truth, especially when he would

When you are right no one remembers. When you are wrong no one forgets.
Anonymous
have to decide later whether he was going to change custody.

"Yeah, but you know she's going to lie. She always lies and she always gets away with it. How are you going to prove to the judge that she's lying?" Daniel demanded.

I paused before explaining, "Daniel, the only thing I can do is present testimony from you and your witnesses. The judge will have to decide who is lying. I doubt that anyone could, in the time allotted, make a strong judgment one way or another. I told you before that I anticipate this case lasting a week in trial and that only after all of the witnesses have been heard, would this judge be able to get a clear picture of who's telling the truth."

"That's not acceptable," Daniel angrily retorted. "My daughter shouldn't have to wait that long. Do you know how much it hurts me to see her going through this? I don't know what I expected when I filed for custody, but I sure didn't expect our judicial system to be so slow and complicated. You have to do something about it. Don't let the other side talk too much. You have to make this judge understand! If you don't do something soon, I might just snatch Holly from school and no one will ever see us again."

Let's not forget that the little emotions are the great captains of our lives and we obey them without realizing it. Vincent Van Gough, 1889
Before I could respond, Daniel’s wife and in-laws and the minister gathered around us and started talking angrily to me. They did not understand why they had to testify and were nervous about what they were going to say. My head was darting back and forth trying to absorb everything. Finally I said sternly, “Stop, listen to me for a minute. You have to control yourselves before we go upstairs. I realize that you are confused and upset, but the judge’s docket cannot accommodate your feelings. We have to go in there and present a solid position, and that position is that you want Christmas with Holly. In the little time we have left, I want to prepare you for the types of questions that will be asked in the event you testify.”

We later walked up to the judge’s chambers, where we met the court reporter and waited until my adversary and her group arrived. The bailiff called out our case, and we went into the courtroom. At the hearing, Mary dropped a bombshell when she accused Daniel’s father-in-law of sexually abusing Holly six months earlier. Daniel was astonished and highly skeptical. Mary was known for her outrageous misrepresentations, and Daniel believed this was her ploy to eliminate his Christmas vacation.

All the knowledge I possess everyone else can acquire, but my heart is all my own. Johann Wolfgang Von Goethe, 1774
In an abundance of caution, the judge ordered that the child spend Christmas Eve and Christmas day with her mother and allowed my client to see her on December 26th and 27th only. He further banned Daniel’s father-in-law from seeing Holly until he could look into the allegations. Daniel and his family members were furious. To them, the judge’s ruling meant that they had not told the truth. We were barely out of the courtroom when Daniel called the judge a bastard. I was afraid he had heard Daniel and would ask the bailiff to usher him back in and find him in contempt of court. Luckily, he had not heard him or had heard worse that day, since most of his hearings had resulted in someone being refused time with their child on the most sentimental day of the year.

Daniel was not too saintly in his comments about me, the judge, his former wife’s attorney, and everyone else having to do with the legal system. I sympathized with him but still wondered at the force that could convert an ordinary, easygoing fellow into an unreasonable and quarrelsome soul. I liked Daniel but felt that his fury brought out characteristics that often interfered with the best presentation of his case. Ultimately, Daniel was successful in obtaining a change of custody for his daughter, yet his emotional outbursts could have prevented the

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The mind of man is more intuitive than logical, and comprehends more than it can coordinate. Vauvenargues, 1746
eventual outcome. I wondered what family law litigation would be like without inconsistent, illogical, and sometimes unmanageable emotions.

**Emotions and the Mind**

Emotions can wreak havoc during divorce litigation. Even the most timid can act irrationally. During this time, people destroy homes, falsely accuse their spouse of sexually abusing their child to prevent visitation, mutilate personal mementos, put sugar in their spouse’s gas tank, forge IRS refund checks, and even physically abuse and sometimes kill. You do not have to be going through a divorce to be familiar with the saying “Don’t let your heart rule your head,” but if you are, this phrase has considerable meaning. What is it about divorce that can cause people’s emotions to override their ability to reason?

Novel brain explorations shed light on why we often feel that our heart and mind are in open warfare during a divorce. There is an organic reason why our emotions and logic may cause such a dilemma. Once understood, we can influence how we think and feel during divorce litigation.

We owe to our mind how we perceive our relationships, our lives, and even our world. Our noblest accomplishments and our most humiliating experiences

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*Pity me that the heart is slow to learn / What the swift mind beholds at every turn.*

Edna St. Vincent Millay, 1941
are all products of the approximately three pounds of gray and white gelatinous blob we call our brain. Our belief of what is possible is limited by our awareness. Similarly, how we respond to any situation is shaped by what we think. We have yet to tap into our mind’s potential, since only 5 percent of the more than 10 billion cells in our brain are developed.

Paul MacLean, a neuroscientist, gives us a useful model of the brain. He divides it into three sections. The first is the reptilian brain (hypothalamus) which is located at the base of the brain. It is the most primitive section and governs our instinctual behavior, such as aggression and territoriality. This section is associated with establishing social hierarchies and also regulates our hormones and reflex actions. It is considered part of our old brain, and all mammals have one. Directly above the hypothalamus is the limbic system or paleocortex. This is the second part of our old brain and governs our basic emotions: fear, rage, joy, sadness, disgust, love, and hate. We also have this in common with other mammals but have evolved beyond them and developed a newer brain section. This third portion is the cerebral cortex or neocortex and governs our thinking, understanding, and communicating.

What lies behind us and lies before us are small matters compared to what lies within us. Ralph Waldo Emerson, 1838
The cerebral cortex looks like both halves of a walnut shell and is actually two brains: the right and left hemispheres, also known as the right and left brains. The hemispheres are linked by a thick nerve cable (corpus callosum) that allows them to communicate memory and learning (see diagram of brain). Many of us are

*Education is an admirable thing, but it is well to remember from time to time that nothing worth knowing can be taught.* Oscar Wilde, 1890
aware that the right hemisphere controls the left side of the body and the left hemisphere controls the right side. The hemispheres process information with two different styles of thinking, problem solving, and consciousness.

Our Left and Right Brains

Historians, philosophers, and artists have all referred to the dual nature of man for centuries. We distinguish, for example, between thinking and feeling, intellect and intuition. It was not until the mid-1960’s, however, that scientists were able to prove that each of us has two minds at work. Scientists in California* experimented with people whose bridge between their two hemispheres was severed to determine what function each hemisphere serves. They found that the left hemisphere controls our intellect, while the right hemisphere governs our emotions and intuitive mind.

Through these and other studies, it was established that the left hemisphere governs our language, reasoning, and logical abilities. This part of our mind controls how we read, write, and spell and also recalls people, objects, dates, and

*Roger W. Sperry, et al. California Institute of Technology

We know too much and feel too little. At least we feel too little of those creative emotions from which a good life springs. Bertrand Russell, 1949
time. The left brain evaluates factual material in a rational and sequential way. Because information is interpreted literally, the left brain, for example, would find it difficult to comprehend the phrase "he drives me up the wall." Mathematical abilities are also in the province of the left hemisphere. It has been said that it is the objective part of our mind that analyzes information without distortion by feelings or bias. In fact, the left hemisphere is completely devoid of emotions. It uses deductive reasoning and reaches conclusions by methodically analyzing facts. It looks at data from a realistic and explicit perspective and also has been called the conscious mind, since every aspect of it can be verbalized and expressed. Further research shows that the left hemisphere is the positive side of the brain. Patients who either temporarily or permanently lost the use of their right hemisphere reported feeling cheerful, happy, and content. The left hemisphere is goal oriented, and many experts suggest that competitiveness is a product of our left brain.

Scientists also have discovered that listening to complex and technical information is best done with the right ear, since the left brain controls the right side of the body our left ear is directly linked to it. For the same reason, the right side of our face has a different expression than the left. Movie actors and actresses

That I exist is a perpetual surprise which is life. Rabindranath Tagore, 1916

47
have known this for years and angle their profile for the camera accordingly.

Some activities that primarily engage the left hemisphere are:

- Debating
- Organizing
- Writing
- Reading (especially technical and nonfiction material)
- Collecting
- Making Lists
- Analyzing
- Systematizing
- Verbalizing
- Outlining
- Researching
- Competing
- Group Oriented Tasks
- Computer Processing

Conversely, our right brain is often called the nondominant hemisphere because of its limited ability for language and expression. It governs our spatial capabilities, such as sports, putting puzzle pieces together, and reading maps. It controls our intuition and allows us to have insight and evaluate a problem all at once (holistic). The right hemisphere gives us imagination, speculation, and musical talent and rhythm. It understands analogies and metaphors. If someone says "he is a nitpicker," the right brain knows they are not referring to someone picking

It is impossible even to think without a mental picture. The same affections is involved in thinking as in drawing a diagram. Aristotle
a parasitic insect. It controls our ability to draw, sculpt, dance, and act. The right hemisphere is connected to our emotions (limbic system), libido, and religious sentiments. Our right hemisphere both directs and interprets gestures and other body language.

We owe our dreams to our right hemisphere. It provides us quick and ready insight from a comprehensive perspective; we know things without realizing the steps we use to arrive at a conclusion. Our creative, impulsive, and imaginative faculties are controlled by our right hemisphere. It has been called our unconscious mind, since solutions to problems occur with little or no forethought. Just as the left hemisphere is related to positive emotions, the right hemisphere experiences negative feelings, such as hysteria, melancholy, hate, fear, dislike, gloom, and aversion. Even so, the right hemisphere is able to enjoy playful activities. Unlike the left hemisphere, it also has no sense of time.

Just as the right ear distinguishes complex information faster than the left, the left ear is superior to listening to music. An interesting exercise illustrates our tendency to lean to the suitable hemisphere while performing a task. Ask some friends to perform the following mathematical equations (left brain function):

Nine-tenths of wisdom is being wise in time. Teddy Roosevelt, 1917
17 x 2 divided by .5 x 24 = _. In most instances, you will notice that their eyes gaze to the right while trying to formulate the answer. Keep in mind that the left side of the brain controls the right side of the body. However, if you ask them which direction Lincoln faces on the penny, or other questions that involve spatial recall (right brain activity), they will gaze to the left.

Activities that primarily engage the right brain include:

Swimming
Hiking
Impulsive Risk Taking
Negativeness
Skiing
Fishing
Gardening
Interpreting Body language
Arts
Mood Changing
Cooking
Loafing
Bicycling
Dancing
Walking
Running
Hugging
Movies/Theater
Kissing
Daydreaming
Visualizing

The mind covers more ground than the heart but goes less far. Chinese proverb
Data show that the two hemispheres process information differently. The right brain uses a rapid, holistic, and perceptual approach, whereas the left brain uses a verbal, analytical, and literal one. Interestingly, the two methods often interfere with each other in their performance. Learning how to play tennis, for instance, is best accomplished through the right brain. Serving, volleying, and lobbing require spatial rather than logical abilities. If we think about our moves, that is, our racket must be 3 feet high and held at a 90-degree angle from the ground, we lose our feel for the game and falter. This also accounts for why we often have difficulty understanding written instructions for assembling a mechanical gadget. Operating these objects requires the use of our right hemisphere, whereas understanding them enlists the use of our left hemisphere. Often, the two do not interact well for the required purpose. People who are mechanical normally cannot verbalize that ability, whereas people who are verbal normally do not have the mechanical ability.

All of us dominantly use one or the other hemisphere for everyday activities. Our brain dominance or preference is developed early and is influenced by our sex and our culture. We tend to process information from either a right or left

*Education is the result of contact. A great people is produced by contact with great minds. Calvin Coolidge, 1923*
brain bias, some with more bias than others. Because of our education and other cultural values, Americans tend to be left brain dominated, although there are many exceptions. Other cultures, such as the Hopi Indians of southwest America, are right brain dominated. They perceive life without sequence, because they have a different sense of time.

People's occupations also can be classified as either right or left brain dominated. An accountant, banker, economics professor, or high school algebra teacher primarily uses left brain skills. If connected to an electroencephalograph, the two sides of their brain would record patterns that are distinct from those of an athlete, musician, actor, or gardener, who primarily uses skills from the right brain.

Regardless of our hemisphere dominance, we still use both sides of the brain and switch them depending on the skill needed. During a divorce, for example, organizing lists of our properties, expenses, and income requires the use of our left hemisphere, whereas experiencing sadness over the loss of the relationship activates our right. Sometimes our right and left brains receive inconsistent messages, such as when you ask your spouse whether he would be angry if you charge $500 on a credit card for clothes; your left brain would tell you that he is not angry

Beware lest you lose the substance by grasping at the shadow. Aesop, 6th century B.C.
because he says "no," but your right brain would tell you that he is because of his tone of voice and because he breaks the pencil he is holding as he says it. The right hemisphere perceives the emotional content of the voice and body language; the left hemisphere interprets the "no" literally. Imperceptively, interpreting your spouse's answer has required the use of both the right and left hemispheres of your brain.

The capacity to discipline and combine these two separate and diverse ways of thinking underlies some of our greatest achievements. Albert Einstein, Madam Curie, Thomas Alva Edison, and Leonardo DaVinci were able to use both hemispheres to create and solve problems. People who have mastered the use of each hemisphere adeptly are referred to as mixed dominants. Einstein discovered the theory of relativity not while studying in a laboratory but while traveling on a train watching the trees go by. He attributed much of his creativity to his intuition. Leonardo DaVinci, both artist and inventor, developed both hemispheres to such an extent that his bountiful creations are unparalleled in Western civilization.

Left brain skills, such as logic and deductive reasoning, are limited by their mundaneness and lack of ingenuity; they are routine, repetitious, and sometimes

The usual masculine disillusionment is in discovering that a woman has a brain. Margaret Mitchell, c. 1936
unexciting. The right brain skills, however, lack precision, verbal expression, and the ability to set goals. Only by joining the forces of each hemisphere can we benefit from the expertise of both. An experiment by a Russian neurophysiologist, Vadim L. Deglin, illustrates how crucially we need to balance our hemispheres.

Deglin performed a series of tests on patients receiving electroshock therapy to each brain hemisphere. Shock therapy, first dramatized in the movie *One Flew Over the Cuckoo’s Nest*, is the application of electrodes that send electric current through the brain and thereby alters its mental process. Deglin discovered that a patient whose right hemisphere received electroshock (temporarily disabling it) became much more talkative than before the treatment. However, the patient could only talk in a monotone with virtually no expression: flat, dull and lifeless. Deglin was unable to sense fluctuations in another’s tone of voice, such as sarcasm, enthusiasm, or anger. The patient interpreted everything said literally and when asked, “How do you feel?” responded seriously, “With my hands.” The patient was also unable to differentiate a male and female voice or common ordinary sounds, such as a dog barking, a horn honking, or a baby crying. He was able to memorize substantial new material, however, such as poems or paragraphs of text. His vo-

In the beginner’s mind there are many possibilities, in the expert’s mind there are few. Shunro Suzuki, c. 1950
vocabulary increased and he responded to questions with particularity. Remarkably, the patient's emotional outlook was good tempered, uncritical, and even cheerful; however, he could not recognize a person's face or hum a simple musical tune.

The patient who received electroshock to the left hemisphere was emotionally morose, gloomy, and despondent. His ability to verbalize was significantly impaired, and he generally answered questions with hand motions instead of words. To understand what was said, he needed to be spoken to plainly, loudly, and in short simple phrases as if speaking to a four-year-old. He was unable to recall the names of people or simple objects. He was far more sensitive to emotional content and better at recognizing fluctuations in a tone of voice, such as anger or sarcasm, than when both his right and left hemispheres worked together. He immediately recognized musical tones and would sing along automatically, even though he could not speak. His ability to curse aloud also was not impaired.

**Balancing the Left and Right Brains During a Divorce**

Divorce can be compared to shock treatment of the left hemisphere. Everyone temporarily loses the ability to think rationally. Clients must be told things repeatedly as they fixate primarily on their feelings. Logical thinking ceases when the

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All things are to be examined and called into question. There are no limits set to thought. Edith Hamilton, 1953

55
right hemisphere is constantly bombarded by emotions. This explains the crazy behavior that divorce judges and lawyers often see. An imbalance between the two hemispheres causes irrational behavior and agitation. The extraordinary case of P.S. dramatizes the effect of imbalanced hemispheres.

P.S. had surgery that severed the bridge between each hemisphere. Patients who have this operation are often referred to as being split-brain, since the hemispheres cannot communicate between them. Unlike other patients who were subjected to this operation, P.S. was particularly verbal in his right hemisphere, which allowed the experimenters greater access to it. P.S.'s right and left brains were asked to respond to a series of questions to see if their responses were in accord. Inquiries were directed only to the corresponding eye and ear of each hemisphere, and P.S. answered with the corresponding hand for each hemisphere. P.S. was asked to evaluate his state of mind about certain subjects, such as friends, girlfriends, and elected officials.

Asking each of P.S.'s hemispheres to evaluate a subject was like asking two different people, since the two hemispheres remain separate and apart. Surprisingly, the researchers found that the right and left brains often responded differ-

Nothing contributes so much to tranquilizing the mind as a steady purpose—a point which the soul may fix its intellectual eye. Mary Shelley, 1831
ently. The right hemisphere disfavored people and things more than the left hemisphere. Since these tests were performed during the Nixon/Watergate era, P.S. was asked whether he liked Richard Nixon. Although his right brain responded negatively, his left brain answered in the affirmative, when questioned about what career he would choose, his right brain preferred a racing car driver, while his left chose a draftsman.

One of the astounding discoveries was that P.S. was more content when both sides of his brains agreed on choices and judgments and was significantly more distressed when his two hemispheres disagreed. If P.S. was upset by his conflicted choice of whether he liked Nixon, you can imagine the anguish an abused spouse would suffer when emotionally (right brain) she wants to remain married, but logically she believes that her relationship to her spouse could be lethal. Much of the misery and torment that people experience during divorce could be eliminated if they were able to reconcile the decisions of both their right and left brains.

From P.S.'s case, the investigators surmised that each of us has two systems for evaluating and planning. Without the ability to verbalize, organize, and analyze, that is, without our left brain capabilities, we are unable to examine and appraise our life for the purpose of improving it and are reduced simply to reacting.

Purgamentum init, exit purgamentum. Garbage in, garbage out. EDO
The study of P.S. gives us significant insight into the necessity for developing our left brain skills during a divorce. When we are either emotionally in pain or feeling euphoric because of the marital breakup, we often neglect our logical left hemisphere. This can result in an imbalance that causes internal conflict. By cultivating our left brain skills, we foster the opportunity to harmonize and balance both hemispheres.

When you sit with a nice girl for two hours, you think it's only a minute. But when you sit on a hot stove for a minute, you think it's two hours. That's relativity. Albert Einstein, c. 1930
Learning how to balance the two hemispheres requires that we first investigate the mechanics of brain switching. In divorce litigation, an example of switching from right brain to left brain can be demonstrated in the following scenario. You and your lawyer are in court asking the judge for an award of temporary alimony and child support. You notice your husband sitting with his attorney and think back to 10 years ago when you delivered your first child. You remember him rushing you to the hospital as you began labor. Just as you were being wheeled into the delivery room, he pulls out a small ring box and tells you that you will always be the love of his life and that this one-carat diamond pales in comparison to the brightness you bring into his life each day. As you look at the ring on your finger, the judge asks you why you need $1,000 per month for child support and alimony. Instantly, you organize your thoughts to tell him the many reasons why your income is insufficient to meet the financial needs of you and your children. You rattle off the cost of the mortgage, electricity, food, transportation, and other monthly expenses. When you stopped daydreaming and began listing your financial needs, you switched from your right hemisphere to your left. But what if you do not know what your financial needs are? Suppose you have not prepared your-

_Taurum per cornua prehende. Take the bull by the horns. E.D.O._

59
self for this question? You would undoubtedly feel fear, panic, and embarrassment.

For most of us, switching from one hemisphere to the other is usually done unconsciously. Our brain stem controls each hemisphere by sending electrical impulses from one to the other. One or the other hemisphere is primarily engaged at least while we are awake. When the switch occurs, it does not mean that the other side shuts down completely; rather the one engaged is more active. It is impossible to perform one brain activity at a time.

Optical illusions are concrete lessons in comprehending the effect of switching from one hemisphere to the other. Following the dot illustration on page 61 you will see a picture of either a young or old lady. At first, it will be difficult for you to see both. Ask your friends to look at it and tell you which one they see. After you and they have reviewed the picture, you should be able to see both. The same is true for the picture following it. Do you see the rabbit, the duck, or both?

The more haste, the less speed. John Heywood, c. 1540
Draw four (4) straight lines to connect the nine (9) dots without lifting your pencil from the paper. Remember that you may draw only four (4) straight lines.

Most people try to keep the lines inside the area of the dots, although the instructions do not say that is necessary. A right brain technique will be unconventional, but you solve the problem nonetheless.

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Summam scrutemur. Look at the bottom line. E.D.O.
The grand thing about the human mind is that it can turn its own tables and see meaninglessness as ultimate meaning. John Cage, 1961
It is natural during a divorce to linger in our right hemisphere, because it is in direct contact with our limbic system, which governs our emotions. Animals rely solely on emotions for survival; instruction is not necessary to experience feelings. Performing activities that use our left brain is often tedious and hard work. We especially lack this discipline when we are immersed in strong feelings, such as fear, panic, rage, and guilt. However, just as you are not unable to look at the dots, the old lady, and the rabbit without seeing the answer, you can never go back to your old way of thinking once the solution is known. The same is true during divorce litigation; once you have exercised your left hemisphere, it is impossible to have the same feelings about the situation.

If you can’t convince them, confuse them. Harry S. Truman, c. 1948
Each hemisphere may attempt to engage in a task, but the hemisphere that feels more at ease and sure of itself is activated and inhibits the other. When you first looked at the picture of the women, you saw only the old lady. Even after reading that it was a picture of both a young and old lady, it took some time before you could see it. During a divorce the trick is to become comfortable with left brain answers so that the right brain does not engage. In the example of the woman who remembered the birth of her firstborn while testifying as to why she needed $1000 of alimony and child support, being prepared to answer the questions about her support inhibited emotions such as anger and embarrassment that she would have felt had she not known the answers.

Marcel Kinsbourne performed an experiment that illustrates the hemispheres' limited capacity in performing an activity. The subjects balanced a wooden dowel on the index finger of each hand. The righthanded subjects normally could balance the dowel longer in their right hand than their left; the reverse was true for left-handed subjects. When Kinsbourne asked the subjects to speak while balancing the stick, the balancing time of the dominant hand decreased, because the additional task interfered with their performance. Interestingly, the balancing time of

There is no such thing as a convincing argument, although every man thinks he has one. Edgar Watson Howe, 1911
the nondominant hand increased. Because we engage the left brain when we speak, the ability to balance the stick falters in the right hand because it is controlled by the left brain.

By understanding the ability of each hemisphere, we can encourage the best one suited to take charge of the situation. Each hemisphere can be trained to support and accommodate the other. Humans are the only species that can use both hemispheres for greater productivity and effect. Numerous experts have promoted the ability to maximize different skills, including those discussed in the following books.


The best way I know to win an argument is to start by being in the right. Lord Hailsham, 1960
You can use this same technique to increase your resourcefulness during divorce. All of us have experienced times when our head (left brain) suggested one course of action and our heart (right brain) suggested another. This imbalance causes us great frustration and discomfort. Our left and right hemispheres are never at such cross purposes as when we go through a divorce. During litigation, we are thrust into the murky underbelly of the right hemisphere, the region of unconsciousness, repression, and mysticism. Our emotions are so powerful and pervasive that every activity we approach is done through our right hemisphere. When we are panic stricken it is difficult to be logical; when we are in a rage it is arduous to be rational. Actions such as list making and prioritizing will recharge your left hemisphere. Since only one hemisphere at a time is activated, these tasks both prepare you for court and relieve you of crippling emotions.

The right hemisphere perceives reality as timeless. When we experience an emotion we feel that we will never experience anything else, but our perspectives change with the use of the left hemisphere. Problems look less formidable when we can think and speak clearly, as in the example of the woman who was asked to outline her monthly expenses. Because she had done her homework and was able

Justice is the great interest of man on earth. Daniel Webster, 1845

66
to answer the question, her feelings were different than if she had not done any
work before testifying. Besides the typical emotions associated with divorce, the
following other factors interfere with engaging your left hemisphere:

- Alcohol and drugs affect the right hemisphere before the left. The
  left hemisphere is bypassed by stimulating the right. This might explain why people’s logic is suppressed during alcohol consumption
  and why they become violent, talkative, and emotional. Marijuana has the opposite effect.

- Monotonous activities (marching, running, or long-distance driving) disengage the left hemisphere because of lack of stimulation.

- Just as understimulation disengages the left hemisphere, so does overstimulation. If you listen to a lecture about macroeconomics,
  your left hemisphere may become overwhelmed and shut down.

- Television, theater, and motion pictures suspend your left brain and stimulate your right.

- Deprivation of food literally starves the left hemisphere and prevents it from functioning. Deprivation of sleep works in
  the same manner by exhausting the left hemisphere.

- An overload of words, arguments, and demands burdens the left hemisphere and inhibits its activity.

- Extreme physical comfort or discomfort causes you to withdraw from your left hemisphere.

- Repetitious sounds and movements, such as musical rhythm, cadence, meditation, and dancing, suspend your left hemisphere.

Justice is like a train that is nearly always late. Yevgeny Yevtushenko, 1963
Activities during a divorce that switch you from your right hemisphere to your left hemisphere are as follows:

- Listing and organizing information regarding you and your spouse’s assets and debts.
- Budgeting the income and expenses for you, your spouse, and your children.
- Identifying each problem associated with the separation of your family and breaking it down into its most elementary components.
- Expressing and articulating your feelings, such as anger, fear, panic, longing, confusion, hate, and love.
- Evaluating your priorities and options.

The exercises in Dear Client will help you accomplish these activities. If at first they overwhelm you, follow these guidelines:

- Set small goals. Because your left hemisphere is goal oriented, it is important not to set unrealistic time frames in which to complete the exercises in this book. Reward yourself by engaging in a right hemisphere activity to alternate your energy. For example, spend 30 to 45 minutes on the questionnaire and then watch an interesting television program. To employ your left hemisphere, you must first appease and soothe your right hemisphere. It is difficult to connect with your left hemisphere when you are totally absorbed in an emotion. Certain techniques, such as visualization, are used to distract and encourage the mood of your right hemisphere. The National Research Counsel found that mental imagery is especially beneficial for tasks that require a systematic approach.

In everything one must consider the end. Jean de La Fontaine, 1955

68
• Avoid anything that interferes with your left brain, such as overindulging in alcohol, starving yourself, and not getting enough sleep.

• Alternate activities, even when not performing these tasks. Physical activities, such as sports, and other recreation give your left and right hemispheres a rest and recharge them.

• Your right hemisphere is sensitive to negative criticism. People who demean you cause more damage during a divorce because you are highly susceptible. If you cannot avoid these people, at least be conscious of this. Associating with positive people counteracts this process and may help your efforts. Clients who cannot complete a budget alone, often find it helpful to work with relatives or friends who are encouraging and pleasant.

• Be patient. If you are experiencing a painful thought or sorrowful mood, remember that this will pass. By performing tasks that are goal oriented you will gain strength, energy, and hope.

The most highly evolved use of the left hemisphere is the study of science or law. Imagine if the law were concerned not with analysis but intuition. What if a judge based his decision on subjective feelings instead of deductive reasoning or grounded his ruling on imprecise estimates rather than explicit data. What if his conclusion was creative and imaginative but lacked concrete substance or goals? What if the settlement your lawyer negotiated was without definition or logic? If your lawyer was impulsive, playful, and had no regard for time? Without the

What is the hardest task in the work? To think. Ralph Waldo Emerson, 1836

69
benefit of our left brain we operate under many restrictions. Because the right hemisphere cannot estimate precisely, for example, many problems can occur when accurately dividing marital property and income.

What would family law litigation be like without emotions? Let's return to Daniel, who was suing his former wife for custody of his seven-year-old daughter. Without his right hemisphere, I would not have to worry about Daniel calling the judge a bastard. Daniel would not be upset about missing Christmas, as religious observance is a right brain activity. Because appreciation of music also belongs to the right brain, it would not matter that Holly could not sing in the choir. Daniel also would not be interested in seeking custody from his former wife, because the pleasure and hope of raising a child would not be in his realm of consciousness.

Thinking of divorce litigation without emotions is rather preposterous. Although emotion makes this process painful, it also allows us to plan for the future and experience joy, creativity, imagination, and the universe around us. Emotion allows us to feel both lonely and complete and spurs every action that we take. The culprit is not emotion, but rather an imbalance of our right and left hemi-

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The truth that many people do not understand, until it's too late, is that the more you try to avoid suffering the more you suffer because smaller things begin to torture you in proportion to your fear of suffering. Thomas Merton, c. 1960

70
spheres during divorce that causes unnecessary pain and anguish. By exercising our left hemisphere, we improve our feelings and our ability to surmount even the most difficult ordeal.

Jealousy is always born together with love, but it does not always die when love dies. 
LaRochefoucauld, c. 1825
HAZEL SAYS SHE MUST BE LIVING IN HER RIGHT BRAIN BECAUSE SHE CANNOT SHAKE THE BELIEF THAT IF SHE’S PRETTY ENOUGH, THIN ENOUGH, SMART ENOUGH, OR RICH ENOUGH HER HUSBAND WILL RETURN. IN THE PAST, SHE WAS ALWAYS ABLE TO COMMAND HER HUSBAND’S AFFECTIONS. NOW, LIKE A BROKEN RECORD, HER MIND REVOLVES AROUND FINDING A WAY TO GET HIM BACK: “WON’T PREPARING FOR A DIVORCE SEAL MY FATE? AREN’T I LIMITING MY OPTIONS? CAN’T YOU MAKE THE JUDGE FORCE HIM TO GO TO COUNSELING TO SAVE THIS MARRIAGE?”

Preparing for an outcome does not mean that it will happen, but ignoring and failing to confront a problem is certain to prolong its torment if divorce is the only answer. Two right brain detours that frequently prevent people from going on with their lives are believing they can force love and believing that there is nothing wrong with their marriage (denial.)

One door that aggression or laws can never knock down is love. Love’s force acts as a law unto itself. The door to the human heart only opens from the

We should take care not to make the intellect our God; it has, of course, powerful muscles, but no personality. Albert Einstein, 1950
inside. Love grows and changes regardless of any outside authority. When love disappears from a relationship the void is filled with distrust, anger, and pain. It might be observed that love is a force even greater than death. It is the force that creates, nourishes, and cares for new life. It is the force that supports the elderly, unfortunate, and weaker members of our society. No one is immune to its powers.


> Love cannot be captured or tied to a wall. Love only slips through the chains. If love wills to take another course, it goes; and all the prisons, guards, chains or obstructions in the world aren’t strong enough to detain it for a second. If one human being ceases to will to grow in love with another, the other may play several parts to hold him. He may become a villain and threaten him; he may become generous and offer him gifts; he may become the schemer and make him feel guilty; he may become crafty and trick him into remaining, or he may change his own “self” to meet the other’s needs. But whatever he does the other’s love is gone and he will receive, for all of his energies, only an empty body, devoid of love — all but dead. So the prize for his efforts will be to live out his life holding on desperately and giving his love to a lifeless, loveless human frame. This, though it may seem revolting, is common practice, often performed for security, fame or fortune. The dynamics become even more grotesque when one considers that this dead-ended relationship forfeits all possibilities of a lover’s continued growth. Love is always open arms. With arms open you allow love to come and go as it wills, freely, for it’ll do so anyway. If you close your arms about love you’ll find you are left only holding yourself.

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*The direction of the mind is more important than its progress.*

John Joubert, c. 1825

74
It is doubtful whether we will ever understand the mysteries of the heart. It is clear, however, that exerting effort to recapture lost love causes anger and anguish and diverts us from doing those things necessary to reclaim ourselves. Those going through a divorce often confuse the court’s power during litigation and believe that the court will retaliate for them because of love’s broken promises. If they are the ones breaking the marriage vow their concern revolves around justifying it to the court, their lawyer, their spouse’s lawyer, and others who may be interested; their spouse is too abusive, is not a good parent, drinks too much, or wastes money. When it is their spouse who breaks love’s promises, they want as much as they can get. When it is them breaking the promise, they often forego a legal right because of guilt. This is typical right brain thinking and is counterproductive during divorce. Usually after time passes, people who have sacrificed legal advantages because of guilt want to rectify the situation, but by then it is too late to seek redress in court.

Divorce litigants must isolate their feelings from the divorce process. Working through their emotions is a separate and distinct phenomenon from what a court does in a divorce. Embarking down a path of divorce believing that the court will vindicate your sorrow will only lead you to more sorrow.

There are three faithful friends—an old wife, an old dog, and ready money. Benjamin Franklin, 1738
Denial

Many people block uncomfortable feelings, such as those experienced during a divorce (rage, fear, and grief) through a psychological process called denial. Fear and anxiety often cause denial, which does not respond to embarrassment or logic. The degree of denial is in direct proportion to the degree of internal distress. Denial is not limited to divorce but applies to any traumatic event. Elizabeth Kubler Ross, in her celebrated book On Death and Dying, discusses the three stages one goes through upon learning of their imminent demise:

- Shock/denial: The patient refuses to acknowledge the reality.
- Anger/depression: The patient reacts to the horrendous news.
- Acceptance/understanding: The patient acknowledges the crisis.

These stages can be applied to even the most inconsequential loss. For example, you want to purchase a crockpot that is on sale for $29.95, a full $15.00 off the regular price. As you are driving to the store, you get a flat tire that causes you to arrive at the store after it closes. Your first reaction (shock/denial) is that you cannot believe the store is closed. Your second reaction (anger) is that you

Humor is an affirmation of dignity, a declaration of man's superiority to all that befalls him. Romain Gary, c. 1960

76
blame your son for using your car and wearing out the tires. Your final reaction, hopefully, (acceptance) is that you can go to the store tomorrow.

It is easy to see how these stages would apply to the breakup of a marriage. A person can be in denial for months or even years. Everyone knows someone who refuses to acknowledge that his or her marriage is a disaster and does nothing until it reaches a catastrophe. Many clients simulate the ostrich approach to problems by thinking that if they cannot see the problems they will not affect them. More legal complications could be avoided if people recognized the danger that denial can cause.

Consider Gloria, a 55-year-old woman in ill health who has been married 33 years when her husband announces that he wants a divorce because he is in love with another woman. Gloria refuses to recognize the problems that besiege her. Her husband tells her that she does not need a bloodsucking, money hungry lawyer to represent her because he has always taken care of her and will not desert her simply because he wants a divorce. Her husband always handled the finances and was the sole financial provider for the family. Despite the admonitions and advice of friends, family members, and other well-wishers, she wants to believe that this

One was never married, and that's his hell; another is, and that's his plague.
Robert Burton, 1621
is a phase her husband is going through and that if she can just be thinner, smarter, or sexier she will win him back. She starts a class at the junior college and joins a weight program.

Meanwhile, her husband begins to hide assets and make plans with his bride-to-be. Even when Gloria’s husband presents her with a Petition for Divorce and a Marital Settlement Agreement, she believes that she is betraying her husband by consulting a divorce lawyer. Gloria’s sister forces her to see an attorney, who strongly recommends that she not sign the agreement because it is unfair and makes no provision for her support; still she does not listen. Gloria asks her husband how she will support herself since the agreement does not provide anything. He responds that no court needs to order him to take care of his wife. He says that he will take care of her because it is moral and correct and that she should trust him. In fact, if she will sign the agreement, which she does, he will take her to the Bahamas to renew their love and devotion. After the trip, her husband files for divorce (incorporating the agreement she signed), throws her out of the house, and moves in his new bride. Gloria’s denial finally is shattered.

People who shut their eyes to reality simply invite their own destruction, and anyone who insists on remaining in a state of innocence long after that innocence is dead turns himself into a monster. James Baldwin, 1953
Women are not the only legal victims of denial. Corby, a 33-year-old construction worker, had been married 13 years when he came home to find all of the furniture, appliances, sheets, towels, and clothes gone. More important, his wife had taken their seven-year-old son, and it was three weeks before he located them. Corby was desperate; he knew that his wife had been unhappy but never guessed the extreme action she would take. She told him that she still loved him and needed time to think. Blindly devoted, he promised that he would do whatever it took to get her and his son back home. Several months later, his son was enrolled in a school 3,000 miles away. After a year, Corby became skeptical of his wife’s commitment, but it was too late. When he consulted a lawyer he discovered that he had been divorced four months ago and that only the courts in the state where his son resided could determine any future custody or visitation issues. Meanwhile, the state in which Corby was living sued him for child support under the Uniform Child Reciprocal Enforcement Support Act.

Overcoming Denial

Although denial is a necessary stage, it can result in habitual apathy. To participate in your case, it is essential that you conquer the habit of denial. Habits are

Habit is Habit and not to be flung out of the window by any man, but coaxed down stairs a step at a time. Mark Twain, c. 1901
behaviors and thoughts that we have programmed into our brain. Changing our
behaviors and thoughts requires conditioning.

Virtue is the only true nobility. Thomas Fuller, M.D., 1732
One way to change our thoughts is to change our behavior. Psychologists tell us that we can make or break a habit in approximately four to six weeks. It takes that long for our right hemisphere to realize that a change has occurred. Our right brain cannot differentiate between negative or positive but responds to repetition and symbols. To change a behavior, we must replace the old behavior with a new one; replacing is easier than eliminating. The successful phases of changing behavior are:

- Awareness
- Motivation
- Visualization
- Time and Practice

Our right hemisphere reinforces our usual behavior regardless of whether it is good or bad. Anything foreign is violently rejected. Through repetition, however, our brain will gradually accept and store the change.

The antidote to denial is awareness. Awareness, however, is almost impossible when you are experiencing emotional turmoil. As young children, we form habits to cope with traumas, yet our rational mind has not developed. Although as

Truth is might and will prevail. There is nothing the matter with this, except that it ain't so. Mark Twain, c. 1905
adults we have developed a rational mind, we may not always act rationally. We have the ability to change, but it takes a lot of hard work. By its very nature, divorce is disequilibrium, and disequilibrium always precedes change. Since change is inevitable in a divorce, you should capitalize on the energy it creates by taking positive action, such as learning, participating, and creating rather than negative action, such as judging, blaming, and pitying.

Remember that actions precede feelings. For example, a person who is overweight may feel inadequate and discouraged which in turn causes inertia. If they join a weight program, however, they become encouraged, which creates additional incentive toward more positive action. Although you can be aware of the need to change, until you take action, you will stay in the same routine. People cannot make themselves feel happy, but they can take action that will lead them to that feeling. A critical initial act that is necessary when faced with potential divorce litigation is finding a good divorce lawyer.

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Time is
Too slow for those who wait
Too swift for those who fear
Too long for those who grieve
Too short for those who rejoice
But for those who love, time is eternity,
hours fly, flowers die, new days, new ways
pass by . . . Love stays.
Inscription on a sundial
CHAPTER 5
FINDING THE BEST DIVORCE LAWYER FOR YOU

HAZEL SUDDENLY LOOKS AT ME WITH A CRITICAL EYE. "ALL OF THIS SOUNDS TOO PSYCHOLOGICAL; I HAVE A PSYCHOLOGIST—WHAT I NEED IS A GOOD LAWYER. HOW DO I KNOW YOU’RE THE LAWYER FOR ME? HOW DO I KNOW YOU’LL FIGHT FOR ME? WHAT IS IT THAT I NEED TO LOOK FOR IN CHOOSING MY DIVORCE LAWYER? DO I EVEN NEED A LAWYER?"

Many clients question the need for a divorce lawyer, especially in light of the numerous horror stories they hear from their friends and acquaintances about their divorce lawyers. A divorce lawyer serves two important needs that cannot otherwise be met: identifying and researching the legal issues and obtaining the necessary information to present to the court. Although the court has tremendous discretion when deciding a divorce case, the advocate who presents the most reasonable solution is more likely to persuade the judge. You will be severely handicapped unless you know all there is about family law, such as:

If I were to begin life again, I should want it as it was. I would only open my eyes a little more. Jules Renard, 1906
• Alimony
• Custody, Joint Custody/Shared Parental Responsibility
• Child Support
• Visitation
• Qualified Domestic Relations Order (QDRO)
• Consolidated Omnibus Budget Reconciliation Act (COBRA)
• Military Retirement and Benefits for Former Spouses
• Internal Revenue Service
• Former Spouse Protection Act
• Distribution of Property and Liability
• Attorneys’ Fees
• Uniform Reciprocal Enforcement Support Act (URESA)

Just as you need a doctor to perform surgery, you need a lawyer to perform the tasks of divorce litigation. A lawyer in a divorce case, as in any other litigation, is the agent of the client. He or she is your legal adviser and counselor and knows how to evoke the powers of the court. Divorce law is too complicated and unpredictable to handle it alone.

If you need to have surgery, you have to choose a doctor. You would want a doctor who is skillful, knows the operating room, works well with the medical staff, keeps current with modern medical literature, and is competent with a scalpel. It would be marvelous if the surgeon was compassionate and informative, marvelous but not crucial. If given a choice, you would not choose compassion over skill.

Gentle words cause life and health; griping brings discouragement. Proverbs, 15:4
It is not only vital that you consult with a lawyer but urgent that you consult with one early. It takes a lot of courage to see a divorce lawyer, especially when you are the one who is seeking the divorce. It is vital that you speak with someone early, because there are legal time constraints that may affect you without your being aware. In my example of Gloria, the woman who was married 33 years and failed to contest the divorce, she lost her right forever to go back to court for ali-

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The march of the human mind is slow. Edmund Burke, 1775
mony when she failed to seek legal help. Hopefully, a lawyer will not need to take legal action, but it is safer for him or her to monitor your case than for you to be legally prejudiced by ignoring it. If your spouse disposes of assets or fails to pay ongoing monthly bills, it might be too late for the court to compensate. Your lawyer should educate you about legal procedures that might become necessary.

Attorneys specialize in many areas, such as workmen’s compensation, personal injury, taxation, probate, and criminal. Within the past 20 years, attorneys specializing in family law have flourished. You need a lawyer who devotes a substantial part of his or her trial practice to family law to ensure that he or she is keeping up with the rapid changes in the law.

There are many ways to find references for divorce lawyers, such as local bar associations, lawyers referral services, and referrals from other lawyers, friends, and acquaintances. Bailiffs and other court personnel are probably the best references since they see lawyers at work regularly. Regardless of who refers you to whom, consult with one or more lawyers prior to retaining one. Conduct your own interview; do not let friends and family decide who your lawyer will be. During that interview, lawyers will explain their fee schedule and the divorce laws in your

They have no lawyers among them, for they consider them as a sort of people whose profession it is to disguise matters. Sir Thomas More, 1516
state. Their most influential skill, however, is difficult to characterize and can only be perceived by the client through communication. Rapport is essential to instill your trust, courage, and understanding during litigation. If your lawyer does not inspire confidence in you, your working relationship will be substandard. Do not feel that consulting with more than one lawyer is a waste of time. Do not be afraid to leave a lawyer if you feel uncomfortable in your relationship.

You should make a list of questions to ask the lawyer during your conference. Determine what personal qualities are important to you, such as whether the lawyer is informative, compassionate, powerful, skillful, or a problem solver. Other questions you may want to ask include:

- How long have you been practicing in this state?
- What percentage of your practice is devoted to family law?
- Is your specialty in family law recognized by the Supreme Court of the state in which you practice? (Since family law cases have increased dramatically, many states, state bar associations, and state Supreme Courts often require strict standards to specialize.)
- What is the average price of a divorce if it is uncontested?
- What is the average price of a divorce if it is contested?

Our costliest expenditure is time. Theophrastus, 370 B.C.
• What kind of fee agreement do you have?
• Will you be available for telephone calls?
• Do you have a paralegal or secretary with whom I will be working?

Cross-Examination

That trial is not fair where affection is judge. Thomas Fuller, M.D., 1732
CHAPTER 6
DIFFERENT STAGES OF CONTESTED AND UNCONTESTED DIVORCE

Hazel peeks at me sheepishly. "Well, to tell you the truth, she says, "I have already seen three other lawyers. None of them have taken the time to explain to me what you have and I feel comfortable with you. Where do we go from here? What happens if my husband and I are able to agree on everything? What needs to be done for there to be a divorce? And, if that's not feasible, what has to happen before we can get a divorce?"

You can pursue one of two avenues to obtain a divorce. The first eliminates a substantial amount of court involvement and is often referred to as an uncontested divorce. Most people do not realize that just because both spouses desire a divorce does not necessarily mean that it will be uncontested. An uncontested divorce is when both parties agree in writing on every issue surrounding their divorce. After identifying the legal issues, they need to be negotiated with the help of a mediator, a lawyer, or both. In some cases, the parties may negotiate it alone.

You can bare your own faults, and why not a fault in your wife?
Benjamin Franklin, 1732

89
if they agree that all issues have been identified and all income and assets are verified.

Finally, the parties’ agreement will be drawn up in a legal document entitled a Marital Settlement Agreement. That document and a Complaint or Petition for Dissolution of Marriage will be filed in the county clerk’s office and given to the judge before the hearing when he or she will enter a Final Judgment of Dissolution of Marriage Decree. The stages to a Final Judgment of Dissolution of Marriage in an uncontested case are:

Stage 1.
IDENTIFICATION OF THE LEGAL ISSUES

A legal issue is a determination of rights and responsibilities under the law. In divorce, examples of legal issues might be child support, custody, and division of marital property.

Stage 2.
MEDIATION/NEGOTIATION

Negotiation is the means by which legal issues are resolved by the parties. Negotiation can be done by the parties with or without a trained mediator, a lawyer, or both.

Stage 3.
MARITAL SETTLEMENT AGREEMENT

When the parties have come to an agreement on all of the legal issues, it is written up in a formal legal document sometimes called a Marital Settlement Agreement. This is a contract signed by both parties that will be enforced by the courts.

The aim of an argument, or of discussion, should not be victory, but progress. Joseph Joubert, 1824
Stage 4.  
PETITION FOR DISSOLUTION OF MARRIAGE

For the court to grant relief, it must first know what relief is being sought; this is done by filing a complaint or petition. A Petition for Dissolution of Marriage in a 
contested divorce is different than one filed in an 
uncontested case. Before you can get a divorce in an 
uncontested case, your spouse must sign a legal document called an Answer and Waiver, which advises the court that he or she is agreeing to the divorce in its present form.

Stage 5.  
HEARING FOR  
FINAL JUDGMENT OF DISSOLUTION  
OF MARRIAGE DECREE

Whether a divorce is 
contested or 
uncontested, before you can get a Final Judgment of Dissolution of Marriage, you must first go to court. When the divorce is 
uncontested, the final hearing is usually no more than a 10-minute meeting with the judge assigned to your case. The judge reviews your Marital Settlement Agreement, Petition for Dissolution of Marriage, and any other papers that have been filed with the court to be sure that everything is in order. At this time, the court signs your Final Judgment of Dissolution of Marriage Decree.

The second avenue to a divorce is when litigation (law suit) commences immediately. This is often referred to as a 
contested divorce. There may be several reasons why litigation is initiated before trying to settle the issues. One may be that it is the only way your legal rights can be protected. If at all possible, however, a settled divorce is preferable. You should consult your lawyer to deter-

By the Time you swear you are his, Shivering and sighing, And he vows his passion is Infinite, undyinggg—One of you is lying. Dorothy Parker
mine which way is best for you. If a contested divorce must be filed, six stages of litigation occur.

First, your lawyer identifies issues that must be resolved. A legal pleading entitled Complaint or Petition for Dissolution of Marriage is filed asking the judge for relief. Second, temporary problems are addressed. Third, complete discovery of the parties’ financial documents and other important information is exchanged between the lawyers. Fourth, negotiating and mediating a resolution is attempted. Fifth, the pretrial preparation is accomplished. The sixth and final stage is presenting the matter to a judge assigned to hear the case. Judges are appointed by a rotation system when your case is filed.

Although these stages may not always follow in order, a thorough inquiry requires each stage to be completed. It is often necessary for the parties to finish some of the stages before they are able to settle the case. The court in a divorce action is concerned with three main goals: dividing the marital property, dividing the income, and protecting the legal welfare of the parties and their minor children.

The stages to a Final Judgment of Dissolution of Marriage in a contested case are:

---

Do not judge and you will never be mistaken. Jean Jacques Rousseau, 1762

92
Stage 1.
IDENTIFICATION OF THE LEGAL ISSUES AND PETITION FOR DISSOLUTION OF MARRIAGE

The legal issues in a divorce are the same whether it is contested or uncontested. One way to determine them is to complete the comprehensive questionnaire that follows. After the issues have been identified, your lawyer asks the court for relief by filing a Petition for Dissolution of Marriage.

Stage 2.
TEMPORARY RELIEF

After the Petition for Dissolution of Marriage has been filed, several months may go by before the trial takes place. During this time, disputes between you and your spouse may arise. If you request the judge to resolve these disputes, you are asking for temporary relief. Temporary relief can involve issues of temporary living arrangements for the children, visitation problems, and the paying of ongoing financial obligations. These court orders may, and frequently do, change at the final hearing.

Stage 3.
DISCOVERY

The term discovery refers to the legal process for obtaining information during a contested divorce case. The purpose of obtaining this information is so the lawyers and the court can be sure that all legal issues are identified and properly addressed. The most common form of discovery is depositions, subpoenas, and the production of documents.

Stage 4.
MEDIATION/NEGOTIATION

The same process of negotiating should be attempted during a contested dissolution of marriage as was accomplished during an uncontested case. Negotiating a

Beware of no man more than thyself. Thomas Fuller, M.D., 1732
fair Marital Settlement Agreement should always be the preferred method of obtaining a divorce.

Stage 5.
PRETRIAL

Before the parties can go to trial, they must first see the judge in a pretrial hearing. At that hearing, the judge determines what has been agreed upon and what issues need to be tried by the court. The judge normally orders each side to provide a list of all their evidence (exhibits), the names of all their witnesses, and copies of the financial documents that each side will rely on during the trial.

Stage 6.
TRIAL FOR FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE

A trial may last several hours or several days depending on how many legal issues are being decided. In a contested divorce case, the length of time between filing the Petition for Divorce and the actual divorce trial is normally six to nine months. At the trial, each side presents its argument for how the case should be decided. The judge makes his or her decision and puts it in writing in the form of a Final Judgment of Dissolution of Marriage Decree.

Hazel shakes her head. "This is all too confusing. Let's assume that my husband and I can't come to an agreement. What issues are involved in my case? What is a legal issue and how are they determined?"

I tell her that regardless of how complicated she thinks her case may be, all legal issues revolve around three main objectives:

Arguments are to be avoided; they are always vulgar and often convincing. Oscar Wilde, 1895
1. Identifying, securing, and dividing the marital assets and liabilities.

2. Identifying and dividing the spouse’s income between the two households.

3. Identifying a schedule of rights and responsibilities (custody) for the children of the marriage and protecting the legal well-being of the parties and children.

Few people want the pleasures they are free to take. Ovid, A.D. 8
CHAPTER 7
STAGE 1. IDENTIFYING THE LEGAL ISSUES

A legal issue is a determination of rights, restrictions, and responsibilities under the law. In Hazel’s case, the following issues might apply:

IMMEDIATE TEMPORARY RELIEF

Issues decided prior to the divorce trial:

A. What temporary support, including child support and alimony, would her husband be ordered to pay?
B. What protection could she and her child receive from her husband’s violent or irresponsible behavior?
C. Who would be awarded temporary custody of their son? What visitation would the other parent have?
D. What medical and life insurance would be maintained during the litigation?
E. What protection could she receive so that her husband would not run up bills or dispose of assets during the litigation?
F. Would she be able to stay in the family home alone, or could her husband move back?
G. What laws, if any, was she breaking by having a private investigator record her husband’s activities?
H. What legal responsibility did she have if her husband injured some one in an automobile accident?
I. Who would pay the household debts during the litigation?
J. Who would pay temporary attorneys’ fees and court costs?

Divorce is the psychological equivalent of a triple coronary by-pass. After such a monumental assault on the heart, it takes years to amend all the habits and attitudes that led up to it. Mary K. Blakely, 1987
LONG-TERM LEGAL ISSUES

Issues determined at trial:

A. What role should her trust money play in the divorce?
B. Was her husband entitled to any of it?
C. Did she have an added legal financial interest in the marital home since the trust owned the mortgage?
D. What would happen to the marital home after the divorce?
E. Who would live there?
F. Would it have to be sold?
G. Who would pay the mortgage, taxes, interest, and repairs?

ASSETS

What assets are to be divided and how will they be valued? For example:

- Household Items
- Profit Sharing
- Retirement
- Checking Accounts
- Savings Accounts
- Cars
- Savings and Investments
- Stock Options
- Cash Surrender Value of Life Insurance
- Boat
- Trailer

TAXES

What are the tax ramifications, if any, in an award of property or support?

A. Would the parties file a joint tax return?
B. What would they do if they owed taxes or received a refund?
C. Who would claim the child on their tax forms?

LIABILITIES

A. What other liabilities would be divided?

Let me walk three weeks in the footsteps of my enemy, carry the same burden, have the same trials as he, before I say one word to criticize. An American Indian chief’s prayer
B. Who would pay the credit cards?
C. Would she be responsible for the husband’s charge cards?
D. Who would pay the car loans?
E. Who would pay the credit union loans?

THE CHILD

A. What arrangements would be made for the care of the infant child?
B. Who would have custody?
C. What visitation would occur?
D. Would there be any restrictions on visitation?
E. What could the court do to protect the child from alcohol abuse and possibly neglect?
F. Would there be any restrictions on whether the custodial parent could move with the child out of state?
G. What support would be paid?
H. What medical insurance would be carried?
I. Who would pay the deductible and those expenses not covered by insurance?

ALIMONY AND CHILD SUPPORT

A. Would she receive alimony in light of her condition and her trust?
B. How much alimony would she receive and for how long?
C. Who would pay the homeowner’s insurance?
D. Who would pay disability, life, and medical insurance?
E. Would one of the parties pay for all attorneys’ fees and costs?
F. What child support would be ordered?

MISCELLANEOUS

A. What legal role would the “other woman” play in the divorce?
B. How would the parties be affected if one filed bankruptcy?

Adversity reveals genius, prosperity conceals it. Horace, 6 B.C.
C. What court enforcement would be available after the legal issues are resolved?

HAZEL ASKS WHAT THE DIFFERENCE BETWEEN A LEGAL ISSUE AND A FACTUAL ISSUE IS.

According to Webster's Third New International Dictionary, issues of law are: “Questions involving primarily the application of principles of law as distinguished from the issue involving primarily the determination of facts in a case.” For example, in the case of Hazel, the following distinctions could be made between factual and legal issues:

FACT — The assets that the parties own.

LEGAL ISSUE — What assets and liabilities can the court distribute? What is the applicable law for distribution, i.e., community property, equitable distribution?

FACT — The income that the parties earn.

FACT — The financial needs that the parties and their child have.

LEGAL ISSUE — How will that income be allocated for the financial needs of the child and the parties? Income is legally distributed through two legal mediums, alimony and child support:

ALIMONY — Permanent: until one of the spouses dies or the receiving spouse remarries or possibly cohabitates with a mem-

Man's mind, once stretched by a new idea, never regains its original dimensions. Oliver Wendell Holmes, 1890
ber of the opposite sex. Rehabilitative alimony: for a set period of time.

Child Support—Guidelines of each state must be applied unless the court sets forth justification otherwise.

FACT—The child’s emotional, educational, medical, physical, and spiritual needs.

LEGAL ISSUE—What court order sharing the parenting and time with this child will best serve his interest?

Exhibit A

Get your facts first...then you can distort 'em as much as you please.
Mark Twain, c. 1906
Legal issues have changed over the years. For example, 20 years ago a court could not order who would get the tax exemption. Now some state laws allow a judge to decide. The facts, however, do not change and can be appraised and evaluated.

Hazel complains that I have done all the talking. “Earlier you said that I should participate, just what is it that I am expected to do?”

I tell her that I am glad she asked and give her the following questionnaire to complete.

This questionnaire is a comprehensive, fact-finding device that aids your lawyer and the judge to identify legal and factual issues. For a lawyer to prepare either a complaint for divorce or a response to a divorce action that has been filed against you and to identify the issues that you and your spouse must resolve in order to have an uncontested divorce, you must answer the following:

**Personal**

**Client**

Full Name ___________________________ P.O. Box: ______________________

Street Address: ___________________________ P.O. Box: ______________________

City: ____________ State: ____________ Zip Code: ______

Home Telephone: ____________ Business Telephone: ____________

Birth Date: ____________ Age: _____ Birthplace: ____________________________

To be prepared for war is one of the most effectual means of preserving peace.
George Washington, 1790

102
10. Expense Account ________________________________
   a. Travel ________________________________
   b. Entertainment ________________________________
   c. Per Diem ________________________________
   d. Meals ________________________________
11. Stock Options ________________________________
12. Company Loans ________________________________
13. Company Credit Cards ________________________________
14. Company Car and/or Allowance ________________________________
15. Company Discounts ________________________________
16. Company Product Discounts ________________________________
17. Use of Company Facilities ________________________________

Spouse
Full Name ________________________________
Street Address: ____________________________ P.O. Box: ____________
City: ____________________________ State: ____________ Zip Code: ____________
Home Telephone: ____________ Business Telephone: ____________
Birth Date: ____________ Age: ____________ Birthplace: ____________
Social Security No: ____________
Driver’s License No: ____________
Number of Years Residing in Florida: ____________
Education and Special Employment Training: ____________

Condition of Health: ________________________________
Medications Prescribed: ________________________________
Name of Doctor: ________________________________
Current Care: ________________________________

Place of Employment: ________________________________
Names of all Employers From the Date of Marriage to Present:

They can, because they think they can. Virgil, c. 30 B.C.

They can, because they think they can. Virgil, c. 30 B.C.
Address of Present Employer: ____________________________

Telephone Number: _______________ Ext.: ________ Work Hours: ________________

Date of Employment: ______________ Gross Earnings: ________________

Net Earnings: ________________________________

Fringe benefits, describe briefly:

1. Bonuses ________________________________

2. Profit Sharing ____________________________

3. Retirement ______________________________

4. Pension/401K _____________________________

5. Medical Insurance ________________________

6. Medical Insurance/Dependents __________________

7. Life Insurance ____________________________

8. Dental Insurance __________________________

9. Disability Insurance ________________________

10. Expense Account __________________________

   a. Travel ________________________________

   b. Entertainment __________________________

   c. Per Diem ______________________________

   d. Meals _________________________________

11. Stock Options ____________________________

12. Company Loans __________________________

13. Company Credit Cards _____________________

14. Company Car and/or Allowance ____________

15. Company Discounts ________________________

16. Company Product Discounts _______________

17. Use of Company Facilities __________________

Are you or your spouse self-employed? ________________________________

List the name of the business accountant or bookkeeper for this business:

______________________________________________

______________________________________________

You will always find those who think they know what your duty is better than you
know it. Ralph Waldo Emerson, 1841
Has this business ever been appraised? __________________________
If so, when? ___________ and by whom? ____________________________

Child(ren) of Present Marriage

List the child(ren) born or adopted as a result of this marriage:

<table>
<thead>
<tr>
<th>Name</th>
<th>Birth Date</th>
<th>Present Address</th>
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<tbody>
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For each child under the age of 18, indicate where and with whom the child has resided for the past five years, starting with the present year and working back (if the child has lived with someone other than you and your spouse, indicate the relationship of that other person to your child):

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

Were you or your spouse previously married? ___________ If yes:
Name of your former spouse: ____________________________
Present address: ____________________________________
Name of spouse’s former spouse: ______________________
Present address: ____________________________________

Were any children born of these former marriages? ______ If yes:

<table>
<thead>
<tr>
<th>Name</th>
<th>Birth Date</th>
<th>Present Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>You:</td>
<td></td>
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Chance favors only the mind that is prepared. Louis Pasteur, c. 1888

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Spouse:

__________________________________________________________
__________________________________________________________

Are you or your spouse presently paying or receiving support payments for children of a prior marriage? ________ If yes:

You:
State amount: $_________ per _____________________________
Are payments up to date:___________ Paying_______ Receiving_______

Spouse:
State amount: $_________ per _____________________________
Are payments up to date:___________ Paying_______ Receiving_______

Have there been any previous divorce actions commenced against your spouse by you or against you by your spouse? ________ If yes:

Date: _______________ Court/County: _______________________________________

How terminated: ___________________________________________________________
Name of person representing you? ____________________________________________

Legal

Have you participated as a party, as a witness, or in any other capacity in any other proceeding concerning custody of any of your child(ren)? ________ If yes:

Name:
Nature of involvement: ______________________________________________________
Court/State: __________________________________________________________________
Date of court order (if any): _________________________________________________
Attorney’s name and address: ________________________________________________
Status of proceeding: _______________________________________________________
(List any other proceedings on a separate sheet.)

It is not what a lawyer tells me I may do; but what humanity, reason, and justice tell me I ought to do. Edmund Burke, 1775

107

Library readers: please do not write on or tear out pages from this section of the book
Does another person (not your spouse) have physical custody or claim custody or visitation rights with respect to any of these children? If yes:

Name of child: __________________________________________
Name and address of person: ___________________________________

Check if applicable:

_________ Has physical custody.
_________ Claims custody rights.
_________ Claims visitation rights.

If you believe that you will be involved in custody litigation, list the names and addresses of all witnesses you intend to call (examples: friends, teachers, guidance counselors, pediatricians, psychologists, neighbors, family members, etc.):

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________

Military

Are either you or your spouse in the military service? ________________
If yes, what branch: __________________________________________
Rank: __________________ Present duty assignment: __________________

Where stationed: _______________________________________________

Number of years either you or your spouse has been a member of the military service: _________________________________

Number of times you were required to relocate as a result of military service: ________________________________

Nothing is quite so annoying as to have someone go right on talking when you're interrupting. Anonymous

108
Religious and Fraternal Background

List the social/fraternal organizations to which you belong:
________________________________________________________________________
________________________________________________________________________

List your religious affiliations at the present time:
________________________________________________________________________

List your spouse’s religious affiliations at the present time:
________________________________________________________________________

Marriage Relationship

State why you are getting a divorce:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Have you and your spouse attempted marriage counseling? __________
If yes, when and with whom? ___________________________________________
________________________________________________________________________
________________________________________________________________________
If no, would you consider marriage counseling? ___________________________

Other Income

Check all sources of income for the past three years:

<table>
<thead>
<tr>
<th>Overtime Income</th>
<th>Yourself</th>
<th>Spouse</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-Employment</td>
<td>Yourself</td>
<td>Spouse</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissions</td>
<td>Yourself</td>
<td>Spouse</td>
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</tbody>
</table>

Many strokes overthrow the tallest oaks. John Lyly, 1579

109
<table>
<thead>
<tr>
<th>Income Category</th>
<th>Yourself</th>
<th>Spouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retirement</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Social Security</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Disability</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Unemployment</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Workman's Compensation</td>
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<td>_______</td>
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<tr>
<td>Welfare (AFDC)</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Food Stamps</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Child Support</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Dividends</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Interest</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Royalties</td>
<td>_______</td>
<td>_______</td>
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<tr>
<td>Deferred Income</td>
<td>_______</td>
<td>_______</td>
</tr>
<tr>
<td>Other</td>
<td>_______</td>
<td>_______</td>
</tr>
</tbody>
</table>

List any contracts or agreements under which you or your spouse has received income or expense reimbursement for the past two years:

**Assets**

**Real Estate**

Address: __________________________________________

Names on Deed: ________________________________

Legal Description (Attach Copy of Deed)

Location of Title Papers: ________________________________

Date Purchased: __________ Purchase Price: __________

Down Payment: __________ Original Mortgage Amount: __________

Source of down payment: ________________________________

Present value: _______ 1st Mortgage balance: _______

Are Mortgage Payments Current? ________________________________

2nd Mortgage Balance: _______ Net Equity: _______

Other Mortgages, Judgments, and/or Liens: ________________________________

Explain: ________________________________

Amount of Property Taxes: ________________________________

The man who can smile when things go wrong has thought of someone he can blame it on. Anonymous

Library readers: please do not write on or tear out pages from this section of the book
Are Property Taxes Current? ____________________________
State amount: ______________________________________

Is Homeowner's Insurance Premium Current? ________________
If Not, When Was Last Payment: ____________________________

Source of Down Payment: ______________________________________

Square Footage: ______ Bedrooms ______ Baths ______ Other ______

Do you want to:
  a. Have this property given to you in the settlement?
  b. Continue to live in home with children?
  c. Buy out your spouse's interest?
  d. Sell the home and divide the proceeds?

1st Mortgage Payment: _______________________ per month.
1st Mortgage Holder Name: ____________________________
    Address: _________________________________________

2nd Mortgage Payment: _______________________ per month.
2nd Mortgage Holder Name: ____________________________
    Address: _________________________________________

Real Estate Other Than Marital Home

Address: ____________________________
Type: ______ House ______ Condominium ______ Time Share (weeks) ______ Land ______

If rental property, can you furnish an income-expense statement?
  Yes ______ No ______

Names on Deed: ____________________________
Legal Description (Attach Copy of Deed)
Location of Title Papers: ____________________________
Date Purchased: ________________ Purchase Price: ________________
Source of Down Payment: ____________________________
Down Payment: ________________ Original Mortgage Amount: ________________
Present Value: ____________________________
1st Mortgage Balance: ________________
2nd Mortgage Balance: ________________

He that hath nothing is frightened at nothing. Thomas Fuller, M.D., 1732
111
Net Equity: ____________________

Other Mortgages, Judgments and/or Liens: ______________________________

Explain: _______________________________________________________________________

Amount of Property Taxes: ______________________________

Are Property Taxes Current? _______________________________________________________________________

Is Homeowner’s Insurance Premium Current? _______________________________________________________________________

If Not, When was Last Payment? _______________________________________________________________________

Source of Down Payment: ______________________________

Square Footage: _____________  Bedrooms _______ Baths _______ Other _______

Do you want to:

a. Have this property given to you in the settlement?

b. Continue to live in home with children?

c. Buy out your spouse’s interest?

d. Have the house sold and divide the proceeds?

1st Mortgage Payment _____________ per month.

1st Mortgage Holder Name: __________________________________________

Address: __________________________________________

2nd Mortgage Payment: _____________ per month.

2nd Mortgage Holder Name: _________________________________________

Address: __________________________________________

Do you have access to the following legal documents:

Property Tax Bills: ______________________________

Deeds: __________________________________________

Mortgages: _________________________________________

Appraisals: _________________________________________

Homeowner’s Insurance Policies: ______________________________

Abstract of Title/Title Insurance: ______________________________

Land Contract: _________________________________________

Closing Statements: _________________________________________

Receipts or other records showing original cost, cost of improvements, and depreciation: ______________________________

________________________________________

Our senses don’t deceive us, our judgment does. Johann Wolfgang Von Goethe

112

Library readers: please do not write on or tear out pages from this section of the book
**Personal Property**

List all property that you and your spouse have in your possession or is being held by a third party. Designate if the property was brought into or was inherited during the marriage.

<table>
<thead>
<tr>
<th>Item</th>
<th>Present Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
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<tbody>
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**Residence**

First Bedroom (list all furnishings and appliances):

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<tr>
<th>Item</th>
<th>Present Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
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Second Bedroom:

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<tr>
<th>Item</th>
<th>Present Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
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Third Bedroom:

<table>
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<tr>
<th>Item</th>
<th>Present Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
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</table>

Kitchen:

<table>
<thead>
<tr>
<th>Item</th>
<th>Present Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Pay attention to your enemies, for they are the first to discover your mistakes.
Antisthenes, 400 B.C.

113

Library readers: please do not write on or tear out pages from this section of the book
Living Room:

<table>
<thead>
<tr>
<th>Item</th>
<th>Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Family Room:

<table>
<thead>
<tr>
<th>Item</th>
<th>Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Garage:

<table>
<thead>
<tr>
<th>Item</th>
<th>Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Patio:

<table>
<thead>
<tr>
<th>Item</th>
<th>Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Second Residence

<table>
<thead>
<tr>
<th>Item</th>
<th>Present Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

First Bedroom (list all furnishings and/or appliances):

<table>
<thead>
<tr>
<th>Item</th>
<th>Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Second Bedroom:

<table>
<thead>
<tr>
<th>Item</th>
<th>Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Third Bedroom:

<table>
<thead>
<tr>
<th>Item</th>
<th>Owner</th>
<th>Value</th>
<th>Lien or Debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Is there any place where there is no traffic in empty talk? Is there on this earth one who does not worship himself talking. Kahlil Gibran, c. 1927

Library readers: please do not write on or tear out pages from this section of the book

114
Kitchen:

Living Room:

Family Room:

Garage:

Patio:

Retirement/Pension/Profit Sharing/IRA

Husband’s Plan

Indicate Retirement (R) Pension (P) Profit Sharing (PS) Individual Retirement Accounts (IRA)

Name of Employer: ____________________________________________________________

Date Plan Started: _____________________________________________________________

Vested Amount in Plan: _________________________________________________________

Where is Plan Description? ______________________________________________________

Employee Contribution Annually: ________________________________________________

Benefits: _________________________________________________________________

The man who knows when not to act is wise. To my mind, bravery is forethought.
Euripides, 410 B.C.

Library readers: please do not write on or tear out pages from this section of the book
Is there any lien/debt against this retirement/pension/profit sharing/IRA plan? __________________________________________________ 
If yes, when? ________________________________________________ 

Wife's Plan

Name of Employer: ___________________________________________ 
Date Plan Started: ____________________________ 
Vested Amount in Plan: ____________________________ 
Where is Plan Description? ____________________________ 
Employee Contribution Annually: ____________________________ 
Benefits: ____________________________ 
Is there any lien/debt against this retirement/pension/profit sharing/IRA plan? __________________________________________________ 
If yes, when? ________________________________________________ 

Life Insurance

Company: ____________________________ 
Policy Number: ___________ Face Amount: ___________ 
Cash Surrender Value: ___________ Beneficiary: ___________ 
Loans Against Policy: ___________ Amount: ___________ 
Premium Amount: ___________ per year; Owner (H) (W) (H&W) 
Term: ____________________________ Whole Life _________________________ 

Company: ____________________________ 
Policy Number: ___________ Face Amount: ___________ 
Cash Surrender Value: ___________ Beneficiary: ___________ 
Loans Against Policy: ___________ Amount: ___________ 
Premium Amount: ___________ per year; Owner (H) (W) (H&W) 
Term: ____________________________ Whole Life _________________________ 

Company: ____________________________ 
Policy Number: ___________ Face Amount: ___________ 

Litigant, n. A person about to give up his skin for the hope of retaining his bones. 
Ambrose Bierce, c. 1901 

Library readers: please do not write on or tear out pages from this section of the book
Cash Surrender Value: ___________ Beneficiary: __________________________

Loans Against Policy: ___________ Amount: ___________________________

Premium Amount: ___________ per year; Owner (H) (W) (H&W)

Term: _________________________ Whole Life ________________________

**Automobiles/Trucks/Motorcycles/Boats**

Make: ___________ Model: ___________ Year: ______ Titled: (H)(W)(H&W)

Cost: ___________ Purchase Date: ___________ Present Value: ___________

Debt Balance: ___________ Bank/Finance Company: ______________________

Payment: ___________ per month; Net Equity: ___________ Driven By: (H)(W)(H&W)

Make: ___________ Model: ___________ Year: ______ Titled: (H)(W)(H&W)

Cost: ___________ Purchase Date: ___________ Present Value: ___________

Debt Balance: ___________ Bank/Finance Company: ______________________

Payment: ___________ per month; Net Equity: ___________ Driven By: (H)(W)(H&W)

Make: ___________ Model: ___________ Year: ______ Titled: (H)(W)(H&W)

Cost: ___________ Purchase Date: ___________ Present Value: ___________

Debt Balance: ___________ Bank/Finance Company: ______________________

Payment: ___________ per month; Net Equity: ___________ Driven By: (H)(W)(H&W)

**Health Insurance**

**Husband’s Plan**

Policy Number: ___________ Insurance Company: ______________________

Name of Employer: __________________________________________________

Persons Insured: (H) (W) (Children) Deductible: ______________________

Policy Limit: ___________ Premium: ___________ per month

(Deducted from Salary) (Paid Separately)

PLEASE BRING IN POLICY AND/OR POLICY DESCRIPTION.

The teeth are smiling, but is the heart? Congolese proverb

117
Wife's Plan

Policy Number: ___________ Insurance Company: __________________________
Name of Employer: _______________________________________________________
Persons Insured: (H) (W) (Children) Deductible: ____________________________

Additional Health Insurance

Policy Number: ___________ Insurance Company: __________________________
Name of Employer: _______________________________________________________
Persons Insured: (H) (W) (Children) Deductible: ____________________________

Intangible Personal Property

Stocks

_____ 1 _____ 2 _____ 3 _____ 4 _____

Name of Bank or Company

______________________________________________________________

Account Number

______________________________________________________________

Purchase Date and Price

______________________________________________________________

Value/Balance

______________________________________________________________

Number of Shares

______________________________________________________________

Lawyers: Persons who write a 10,000 word document and call it a brief. Franz Kafka

Library readers: please do not write on or tear out pages from this section of the book
<table>
<thead>
<tr>
<th>How Titled:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(H)(W) (H&amp;W)</td>
<td></td>
</tr>
<tr>
<td>Debt</td>
<td></td>
</tr>
<tr>
<td>Name of Broker</td>
<td></td>
</tr>
<tr>
<td>Bonds</td>
<td>1 2 3 4</td>
</tr>
<tr>
<td>Name of Bank or Company</td>
<td></td>
</tr>
<tr>
<td>Account Number</td>
<td></td>
</tr>
<tr>
<td>Purchase Date and Price</td>
<td></td>
</tr>
<tr>
<td>Value/Balance</td>
<td></td>
</tr>
<tr>
<td>Number of Shares</td>
<td></td>
</tr>
<tr>
<td>How Titled</td>
<td></td>
</tr>
<tr>
<td>(H)(W) (H&amp;W)</td>
<td></td>
</tr>
<tr>
<td>Debt</td>
<td></td>
</tr>
<tr>
<td>Name of Broker</td>
<td></td>
</tr>
</tbody>
</table>

Man is the cruelest animal. At tragedies, bullfights, and crucifixions he has so far felt best on earth; and when he invented hell for himself, behold, that was his very heaven. Friedrich Wilhelm Nietzsche, 1892

119
**Certificates of Deposit**

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
</table>

Name of Bank or Company

Account Number

Purchase Date and Price

Value/Balance

Number of Shares

How Titled: (H)(W)(H&W)

Debt

Name of Broker

**Money Market Accounts**

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
</table>

Name of Bank or Company

---

*It is easier to forgive an enemy than to forgive a friend.* William Blake, 1804

120

*Library readers: please do not write on or tear out pages from this section of the book*
<table>
<thead>
<tr>
<th>Account Number</th>
<th>Purchase Date and Price</th>
<th>Value/Balance</th>
<th>Number of Shares</th>
<th>How Titled: (H)(W)(H&amp;W)</th>
<th>Debt</th>
<th>Name of Broker</th>
<th>IRAs</th>
</tr>
</thead>
</table>

Habit is stronger than reason. George Santayana, 1900

121
Hell, Madame, is to love no longer. George Bernanos, 1936
<table>
<thead>
<tr>
<th>Account Number</th>
<th>Value/Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>How Titled: (H)(W)(H&amp;W)</td>
<td>Debt</td>
</tr>
<tr>
<td>Name of Broker</td>
<td>Cash Management Accounts</td>
</tr>
<tr>
<td>Name of Bank or Company</td>
<td>Account Number</td>
</tr>
<tr>
<td>Purchase Date and Price</td>
<td>Value/Balance</td>
</tr>
<tr>
<td>Number of Shares</td>
<td>How Titled: (H)(W)(H&amp;W)</td>
</tr>
<tr>
<td>Debt</td>
<td>Name of Broker</td>
</tr>
</tbody>
</table>

We can stand only a certain amount of unhappiness; anything beyond that annihilates us or passes us by, leaving us apathetic. Johann Wolfgang Von Goethe, 1809

Library readers: please do not write on or tear out pages from this section of the book
Credit Union Accounts

Name of Bank or Company

Account Number

Purchase Date and Price

Value/Balance

How Titled: (H)(W)(H&W)

Debt

Name of Broker

Miscellaneous

Item

Condominium

Time Share

Agreement to Purchase

Retirement Military

Past Employment Retirement (private industry)

Retirement Union

Resale Value (Not Replacement Cost)

$__________

$__________

$__________

$__________

$__________

Many persons have a wrong idea of what constitutes true happiness. It is not attained through self-gratification but through fidelity to a worthy purpose. Helen Keller, 1938

Library readers: please do not write on or tear out pages from this section of the book
Retirement Civil Service $__________
Retirement Social Security $__________
Mortgage Receivable $__________
Gold and Silver Coins $__________
Gold and Silver Bullion $__________
Gold and Silver Futures $__________
Precious Stones (Diamonds, Rubies, etc.) $__________
Boat, Trailer, Motor $__________
Works of Art (Oils, Sculpture, Lladro, Lalique, Wedgewood, Waterford, etc.) $__________
Antique Furniture $__________
Tools $__________
Oriental Rugs $__________
Jewelry $__________
Cameras $__________
VCR $__________
Stereo System $__________
Video Camera $__________
Movie Camera $__________
Musical Instruments $__________
Race Horses, Dog, and/or Bird Breeder, etc. $__________
Tax Refunds for Past Two Years $__________
Are you or your spouse entitled to a tax refund? Yes ______ No ________
If yes, state amount $__________
State if you filed jointly or singly __________
Other __________

Safety Deposit Box

Location: ____________________________
Name(s) on Box: ____________________________
Who has the key? ____________________________

There are no ugly loves nor handsome prisons. Benjamin Franklin, 1732

Library readers: please do not write on or tear out pages from this section of the book
### Liabilities

1. **Mortgage on Residence Holder**
   - Current Balance: $__
   - Original Amount: $__
   - Interest Rate: __%
   - Monthly Payment: $__

2. **Second Mortgage on Residence Holder**
   - Current Balance: $__
   - Original Amount: $__
   - Interest Rate: __%
   - Monthly Payment: $__

3. **Loan Credit Union**
   - Current Balance: __

4. **Loan on Auto**
   - Bank Current Balance: __
   - Loan on Auto Bank Current Balance: __

5. **Finance Company**
   - Current Balance: __
   - Finance Company Current Balance: __

6. **Loan from _______**
   - Current Balance: __
   - Loan from Current Balance: __

7. **Loan on Insurance Policy**
   - Current Balance: __

8. **Doctor**
   - Current Balance: __

9. **Dentist**
   - Current Balance: __

10. **Hospital**
    - Current Balance: __

11. **Credit Card:**
    - Current Balance: __
    - Credit Card: Current Balance: __
    - Credit Card: Current Balance: __

---

*It is the trade of lawyers to question everything, yield nothing, and to talk by the hour. Thomas Jefferson, c. 1801*
A judge rarely performs his functions adequately unless the case before him is adequately presented. Louis D. Brandeis, c. 1930
### Monthly Expenses

All expenses should be determined on a monthly basis, keeping in mind that a month has 4.3 weeks and not 4, i.e., 12 x 4 equals 48 weeks, but 12 x 4.3 equals 52 weeks.

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Household</strong></td>
<td></td>
</tr>
<tr>
<td>Supermarket, Groceries, Household</td>
<td>$</td>
</tr>
<tr>
<td>Goods, Cleaning, Paper Goods</td>
<td>$</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>$</td>
</tr>
<tr>
<td>Lunches Outside the Home</td>
<td>$</td>
</tr>
<tr>
<td>Lunch Money for Children</td>
<td>$</td>
</tr>
<tr>
<td>Meals Out</td>
<td>$</td>
</tr>
<tr>
<td>Rent (if you rent the premises in which you reside)</td>
<td>$</td>
</tr>
<tr>
<td>Furniture Rental</td>
<td>$</td>
</tr>
<tr>
<td>Real Estate taxes (if not included in mortgage payment)</td>
<td>$</td>
</tr>
<tr>
<td>Homeowner’s Insurance (if not included in mortgage payment)</td>
<td>$</td>
</tr>
<tr>
<td>First Mortgage</td>
<td>$</td>
</tr>
<tr>
<td>Second Mortgage</td>
<td>$</td>
</tr>
<tr>
<td>Installment Payments for Improvements</td>
<td>$</td>
</tr>
</tbody>
</table>

---

Don’t let life discourage you; everyone who got where he is had to begin where he was. Richard L. Evans, 1963

128

Library readers: please do not write on or tear out pages from this section of the book
Installment Payment for Furniture, Appliances, etc. $ ________

Maintenance for Condominiums $ ________

Flood Insurance $ ________

Renter’s Insurance $ ________

Maintenance and Repairs $ ________

Home Structure (ordinary and recurring maintenance)

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appliances</td>
<td>$ ________</td>
</tr>
<tr>
<td>Linens</td>
<td>$ ________</td>
</tr>
<tr>
<td>Housecleaning</td>
<td>$ ________</td>
</tr>
<tr>
<td>Exterior Painting</td>
<td>$ ________</td>
</tr>
<tr>
<td>Electrician</td>
<td>$ ________</td>
</tr>
<tr>
<td>Water</td>
<td>$ ________</td>
</tr>
<tr>
<td>Exterminator</td>
<td>$ ________</td>
</tr>
<tr>
<td>Electricity</td>
<td>$ ________</td>
</tr>
<tr>
<td>Furnace Filters</td>
<td>$ ________</td>
</tr>
<tr>
<td>Telephone</td>
<td>$ ________</td>
</tr>
<tr>
<td>(Number of Lines)</td>
<td>$ ________</td>
</tr>
<tr>
<td>Regular Service</td>
<td>$ ________</td>
</tr>
<tr>
<td>Long Distance</td>
<td>$ ________</td>
</tr>
<tr>
<td>Other</td>
<td>$ ________</td>
</tr>
<tr>
<td>Domestic Help</td>
<td>$ ________</td>
</tr>
<tr>
<td>FICA</td>
<td>$ ________</td>
</tr>
<tr>
<td>Uniforms</td>
<td>$ ________</td>
</tr>
<tr>
<td>Piano Tuning</td>
<td>$ ________</td>
</tr>
<tr>
<td>Transportation</td>
<td>$ ________</td>
</tr>
<tr>
<td>(other than automobile)</td>
<td>$ ________</td>
</tr>
<tr>
<td>Service Contracts</td>
<td>$ ________</td>
</tr>
<tr>
<td>Furnishings</td>
<td>$ ________</td>
</tr>
<tr>
<td>Interior Painting</td>
<td>$ ________</td>
</tr>
<tr>
<td>Plumber</td>
<td>$ ________</td>
</tr>
<tr>
<td>Gardener</td>
<td>$ ________</td>
</tr>
<tr>
<td>Lawn Care</td>
<td>$ ________</td>
</tr>
<tr>
<td>House Plants</td>
<td>$ ________</td>
</tr>
<tr>
<td>Security System</td>
<td>$ ________</td>
</tr>
<tr>
<td>Service</td>
<td>$ ________</td>
</tr>
<tr>
<td>Permit</td>
<td>$ ________</td>
</tr>
<tr>
<td>Trash</td>
<td>$ ________</td>
</tr>
<tr>
<td>Gas or Oil</td>
<td>$ ________</td>
</tr>
<tr>
<td>Heating</td>
<td>$ ________</td>
</tr>
<tr>
<td>Cooking</td>
<td>$ ________</td>
</tr>
<tr>
<td>Pool Service</td>
<td>$ ________</td>
</tr>
<tr>
<td>Cable TV</td>
<td>$ ________</td>
</tr>
<tr>
<td>Housewares</td>
<td>$ ________</td>
</tr>
<tr>
<td>Automobile Maintenance</td>
<td>$ ________</td>
</tr>
<tr>
<td>Repairs, Tires, etc.</td>
<td>$ ________</td>
</tr>
<tr>
<td>Parking and Tolls</td>
<td>$ ________</td>
</tr>
</tbody>
</table>

Fortunately, psychoanalysis is not the only way to resolve inner conflicts. Life itself still remains a very effective therapist. Karen Horney, 1945
<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Car Wash</td>
<td>$ ____</td>
</tr>
<tr>
<td>Gas and Oil</td>
<td>$ ____</td>
</tr>
<tr>
<td>Insurance</td>
<td>$ ____</td>
</tr>
<tr>
<td><strong>Children</strong></td>
<td></td>
</tr>
<tr>
<td>Allowance</td>
<td>$ ____</td>
</tr>
<tr>
<td>Birthday Gifts</td>
<td>$ ____</td>
</tr>
<tr>
<td>School Tuition</td>
<td>$ ____</td>
</tr>
<tr>
<td>School Insurance</td>
<td>$ ____</td>
</tr>
<tr>
<td>Toys/Games</td>
<td>$ ____</td>
</tr>
<tr>
<td>Tutoring</td>
<td>$ ____</td>
</tr>
<tr>
<td>Summer Camp</td>
<td>$ ____</td>
</tr>
<tr>
<td>Vacations</td>
<td>$ ____</td>
</tr>
<tr>
<td>School Uniforms</td>
<td>$ ____</td>
</tr>
<tr>
<td>Alterations</td>
<td>$ ____</td>
</tr>
<tr>
<td>Dry Cleaning</td>
<td>$ ____</td>
</tr>
<tr>
<td>Dental</td>
<td>$ ____</td>
</tr>
<tr>
<td>Diapers</td>
<td>$ ____</td>
</tr>
<tr>
<td>Nanny</td>
<td>$ ____</td>
</tr>
<tr>
<td>Dental Insurance</td>
<td>$ ____</td>
</tr>
<tr>
<td>Vitamins</td>
<td>$ ____</td>
</tr>
<tr>
<td>Eyeglasses</td>
<td>$ ____</td>
</tr>
<tr>
<td>Psychologist</td>
<td>$ ____</td>
</tr>
<tr>
<td>Sports</td>
<td>$ ____</td>
</tr>
<tr>
<td>BabySitter</td>
<td>$ ____</td>
</tr>
<tr>
<td>Daycare</td>
<td>$ ____</td>
</tr>
<tr>
<td>Gifts for Others</td>
<td>$ ____</td>
</tr>
<tr>
<td>Publications</td>
<td>$ ____</td>
</tr>
<tr>
<td><strong>Yourself</strong></td>
<td></td>
</tr>
<tr>
<td>Medical</td>
<td>$ ____</td>
</tr>
<tr>
<td>Psychologist</td>
<td>$ ____</td>
</tr>
</tbody>
</table>

An angry lover tells himself many lies. Publilius Syrus, 1st century B.C.

Library readers: please do not write on or tear out pages from this section of the book.
<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicines</td>
<td>$</td>
</tr>
<tr>
<td>Eyeglasses</td>
<td>$</td>
</tr>
<tr>
<td>Dry Cleaning</td>
<td>$</td>
</tr>
<tr>
<td>Clothes</td>
<td>$</td>
</tr>
<tr>
<td>Shoes</td>
<td>$</td>
</tr>
<tr>
<td>Special Clothing</td>
<td>$</td>
</tr>
<tr>
<td>Shoe Repairs</td>
<td>$</td>
</tr>
<tr>
<td>Alterations</td>
<td>$</td>
</tr>
<tr>
<td>Child Support</td>
<td>$</td>
</tr>
<tr>
<td>Entertainment</td>
<td>$</td>
</tr>
<tr>
<td>Home</td>
<td>$</td>
</tr>
<tr>
<td>Entertainment Support paid for othert on a regular basis</td>
<td>$</td>
</tr>
<tr>
<td>Sports Clothing</td>
<td>$</td>
</tr>
<tr>
<td>Travel</td>
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<td>Tobacco</td>
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<td>Periodicals</td>
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<td>Legal Services (other than these proceedings)</td>
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<td>Insurance</td>
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<td>Disability</td>
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<td>Bank Charges</td>
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<td>Religious</td>
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<td>Donations</td>
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<td>Membership Dues</td>
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<td>Gifts</td>
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<td>Professional</td>
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<td>Social</td>
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<td>Credit Card Fees</td>
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<td>You want no one to know it? Then don’t do it. Chinese proverb</td>
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<td>Income Tax on Other Income</td>
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<td>Periodic Payments on Outstanding Debts</td>
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<tr>
<td>Miscellaneous</td>
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<td>Dental Expenses</td>
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<tr>
<td>Furnishings for New Residence (specify)</td>
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Remember, no human condition is ever permanent. Then you will not be overjoyed in good fortune nor too sorrowful in misfortune. Socrates, 400 B.C.
SUGGESTIONS

I give Hazel the following other suggestions:

• Determine whether you will remain in the marital home. If not, propose a budget for alternate housing.

• Find a financial planner who can review your finances and assets for the purpose of reorganizing after your dissolution.

• If you cannot locate your tax returns, file a request with the Internal Revenue Service. You can obtain them for the past five years at a nominal cost.

• Determine whether you or your spouse has completed any financial applications for banks or other financial institutions. If you are unable to obtain copies, be sure to advise your attorney of their whereabouts. Valuable information can be obtained from these applications.

• Contact your medical insurance carrier. Find out what conversion COBRA benefits you will be entitled to after the divorce. **It is imperative that you do this before the divorce is final as insurance carriers are only required to

For you to ask advice on the rules of love is no better than to ask advice on the rules of madness. Terence, 161 B.C.
OFFER THIS SERVICE WITHIN DAYS OF THE ENTRY OF THE DIVORCE DECREE.** AFTER THAT YOU MAY NOT BE ELIGIBLE.

- OPEN YOUR OWN BANK ACCOUNT IF YOU DO NOT CURRENTLY HAVE ONE. ALSO OBTAIN A MAJOR CREDIT CARD IN YOUR NAME ONLY. BE SURE TO CONTACT COMPANIES, IN WRITING, WHERE YOU AND YOUR SPOUSE SHARE A CREDIT CARD AND NOTIFY THEM THAT YOU ARE SEPARATED.

- ALWAYS ATTEMPT MEDIATION TO REACH SETTLEMENT. YOU ARE NOT RESTRICTED TO ONE MEDIATION SESSION.

- NEVER EVER, EVER, SHARE A DIVORCE LAWYER WITH YOUR SPOUSE.

---

We used to wonder where war lived, what it was that makes it so vile. And now we realize that we know where it lives, that is, inside ourselves. Albert Camus, 1935

134
Hazel begins to cry. I tell her it is not so bad and that it will not take her too long to fill out and she will feel a lot better when it is done. Hazel shakes her head and her sobs become louder as she says, “It’s not the questionnaire I’m crying over, it’s my son. What will happen in court? What if my husband sues me for custody? How will it affect our child as he gets older? What information do you need that will help you fight for me if custody becomes an issue?”

I compliment Hazel on being concerned about the impact that divorce will have on her eleven-month-old son, Jeremy. Usually clients are so upset about their own predicament that they overlook their children. While growing up, children encounter enough obstacles; it is tragic that some must also deal with the separation of their parents. By her inquiries, however, Hazel eliminates two major perils that children are exposed to during a divorce: ignorance and indifference. I tell her that for half a century psychologists have speculated on the

To dare to live alone is the rarest courage; since there are many who had rather meet their bitterest enemy in the field, than their own hearts in their closet.
C.C. Colton, 1825
EFFECT THAT DIVORCE HAS ON CHILDREN. FOR INSTANCE, DR. KARL MENNINGER

STATES IN HIS BOOK LOVE AGAINST HATE:

It is one of the recognized aims of education to deal with the aggressiveness of the child’s nature, i.e., in the course of the first four or five years to change the child’s own attitude towards these impulses in himself. The wish to hurt people, and later the wish to destroy objects, undergoes all sorts of changes. It is usually first restricted, then suppressed by commands and prohibitions; a little later it is repressed, which means that it disappears from the child’s consciousness. The child does not dare any more to have knowledge of these wishes. There is always the danger that they might return from the unconscious; therefore all sorts of protection are built up against them: the cruel child develops pity, the destructive child will become hesitant and overcareful. If education is handled intelligently, the main part of these aggressive impulses will be directed away from their primitive aim of doing harm to somebody or something, and will be used to fight the difficulties of the outer world: to accomplish tasks of all kinds, to measure one’s strength in competition and use it generally to “do good” instead of “being bad” as the original impulses demanded.

Thus what might be called “error” or ignorance or inexperience in the child plays a part of forming the early patterns of hate. For the present, I am neglecting the contribution made to these early reaction patterns by parental ignorance and inexperience; we shall come back to this in a moment. For there is yet to mention the effect of certain great “natural” disasters, those unpredictable, unpreventable blows from the hands of Fate or Nature which all too early fall upon the heads of some children. Against these he has no defense but resentment. His mother dies, his home burns, his favorite sister sick-
ens, he is subjected to a surgical operation, his father and mother separate, the country is visited by a famine or a war. No adult can be quite objective in the face of such disasters, let alone an immature, inexperienced personality whose pattern of loving and hating is still in the process of formation.

It is not surprising, therefore, that no one grows up entirely logical and sagacious in his program of loving and hating. At times everyone to some degree hates unwisely and loves unwisely. Perhaps it would be more accurate to say that we sometimes hate the wrong persons and love the wrong persons, or that, since love and hate are always fused, there is often too much hate in our relationships with some whom we ought to love, and too much love for some whom—in our own self-interest—we would do better to hate.

Harcourt Brace and Company, 1942

HAZEL TELLS ME THAT SHE IS NOT VERY INTERESTED IN WHAT SOME ARCHAIC PSYCHOLOGIST THINKS ABOUT HER FAMILY PROBLEMS. I WANT PRACTICAL ADVICE; SOMETHING I CAN WORK WITH, SHE INSISTS. WHAT HAPPENS IN COURT? WHAT DETAILS DO YOU NEED?

Custody in the Courts

There is nothing more heart wrenching than a contested custody law suit. Many renowned and excellent divorce lawyers refuse to take them. Having tried hundreds, I can say that even when your side wins it is still an emotional catastrophe.

Courts can't legislate love. Lyndon Baines Johnson, 1966
Clients file for custody for three main reasons: out of anger and spite, to compromise other monetary issues, and because they believe that they are the better parent.

Unfortunately, our legal system is ill-equipped to deal with these issues. By its very adversarial nature, it does not promote harmony among fighting family members. The court seeks the truth by looking at the facts and making conclusions based on the law. Its system applies best to static events, such as deciding whether a crime was committed and by whom, awarding money damages for a personal injury, and determining whether a will is valid.

Family custody issues, however, are not a static event. They are a constantly evolving process that deals with people's lives. The court considers past events, such as who primarily cared for the children, what behavior shows poor parental judgment, and what parent had greater capacity to nurture and provide for the children. From this evidence, the court must decide about the future course of children's lives. This is a Herculean task in which no one can predict the future. Even if your trial lasts two weeks (an average custody trial is one to three days), a judge cannot guarantee from all of the evidence that the decision is going to serve the child's best interest. Each side compiles evidence about their spouse’s character.

If you don't say anything, you won't be called on to repeat it.
Calvin Coolidge, 1930
ter flaws, immature outbursts, and hidden behavior. They have identified and exposed each and every defect the other has so that the court can decide which parent is "best." But what happens after the judge decides? How do parents reconcile with each other so that they can communicate, much less co-parent, when for the past few months they have warred unmercifully with each other?

A court cannot force people to cooperate. There are no injunctions for "love and respecting each other for the sake of the kids." Still, custody law suits are countless. Courts are involved because people have not found any other avenue of resolution. Custody goes to trial because it is a last resort, and sometimes last resorts mean lasting complications. Whether or not you are involved in a custody dispute, you should complete the following questionnaire if you have children.

Child's name: ____________________________________________
Age: ____ Health condition: __________________________________
Special needs (e.g., emotionally handicapped): ______________
Grade in school: _____ Behavior in school: ____________________
Daycare: _________________________________________________

Train up a child in the way he should go; and when he is old he will not depart from it. Proverbs, Old Testament

139
Relationship with others, including family members: 


Emotional well-being during the divorce: 


Activities enjoyed with each parent:

a. School activities: 

b. Extracurricular activities: 

c. Sports: 

d. Clubs: 

e. Homework: 

f. Hobbies: 

g. Other: 

Relationship of each parent to child:

a. Close: 

b. Conflicted: 

c. Manipulative: 

Disciplinary needs of child: 

It is love, not reason, that is stronger than death. Thomas Mann, 1924

Library readers: please do not write on or tear out pages from this section of the book
Child's name: ____________________________________________
Age: ____ Health condition: ____________________________

Special needs (e.g., emotionally handicapped): ___________

Grade in school: ____ Behavior in school: __________________

Daycare: ______________________________________________
Relationship with others, including family members:

_____________________________________________________

Emotional well-being during the divorce:

_____________________________________________________

Activities enjoyed with each parent:

a. School activities: _________________________________

b. Extracurricular activities: _______________________

c. Sports: _______________________________________

d. Clubs: _________________________________________

e. Homework: ____________________________________

f. Hobbies: _______________________________________

g. Other: _________________________________________

Give a little love to a child, and you get a great deal back. John Ruskin, 1866

141
Relationship of each parent to child:

   a. Close: ________________________________
   b. Conflicted: __________________________
   c. Manipulative: ________________________

Disciplinary needs of child: ________________________________

   __________________________________________

Child's name: ___________________________________________

Age: ___ Health condition: ________________________________

Special needs (e.g., emotionally handicapped): ______________

Grade in school: ____ Behavior in school: ____________________

Daycare: _______________________________________________

   Relationship with others, including family members:

   ________________________________________________

   Emotional well-being during the divorce:

   ________________________________________________

   ________________________________________________

Activities enjoyed with each parent:

   a. School activities: ________________________________
   b. Extracurricular activities: _________________________
       ______________________________________________
   c. Sports: ________________________________________
       ______________________________________________

Who takes the child by the hand, takes the mother by the heart. Danish proverb

Library readers: please do not write on or tear out pages from this section of the book
d. Clubs: _____________________________

e. Homework: ____________________________

f. Hobbies: _____________________________

g. Other: ________________________________

Relationship of each parent to child:

a. Close: _________________________________

b. Conflicted: ____________________________

c. Manipulative: __________________________

Disciplinary needs of child: __________________________

Which parent normally:

Transported the child to school or daycare? Father ___ Mother ___

Cared for the child when ill? Father ___ Mother ___

Disciplined the child? Father ___ Mother ___

Prepared the child for bed? Father ___ Mother ___

Clothed the child? Father ___ Mother ___

Nurtured the child? Father ___ Mother ___

Children begin by loving their parents, after a time they judge them, rarely do they forgive them. Oscar Wilde, 1893

143

Library readers: please do not write on or tear out pages from this section of the book
Picked up the child from school or daycare when ill? Father ___ Mother ___

Fed the child? Father ___ Mother ___

Transported the child to dentist or doctor? Father ___ Mother ___

Took the child to extracurricular activities? Father ___ Mother ___

Attended parent/teacher conferences? Father ___ Mother ___

Other: ____________________________________________

The courts view stability as the key for children of divorced parents and usually will place the child in one household for the majority of the time. The noncustodial parent will be assigned every other weekend, part of the summer, and alternating holidays with the child. Obviously, there are many exceptions to the standard, but the court strives for the least disruptive schedule for the child. Listed below are some holidays the courts may allocate.

<table>
<thead>
<tr>
<th>Summer</th>
<th>Father</th>
<th>Mother</th>
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<table>
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<tr>
<th>Weekends</th>
<th>Father</th>
<th>Mother</th>
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Kindness in words creates confidence. Kindness in thinking creates profoundness. Kindness in giving creates love. Lao Tzu, 6th Century B.C.

144

Library readers: please do not write on or tear out pages from this section of the book
Long-Distance Visitation

There are issues to resolve concerning parents who live long distances apart from their children. Long-distance visits as well as telephone calls can be expensive. The courts usually order one or both to bear the cost.

A torn jacket is soon mended; but hard words bruise the heart of a child.
Henry Wadsworth Longfellow, 1857

145
Children Residing in the Same Locale

For those who live in the same city, transportation, returning clothes and toys, and exchanging medication can become court actions that cost hundreds of dollars in legal fees to resolve.

How much does it cost to raise your child(ren) monthly?

<table>
<thead>
<tr>
<th>Category</th>
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<tbody>
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<td>Daycare</td>
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<tr>
<td>Allowance</td>
<td>$________</td>
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<tr>
<td>Clothes</td>
<td>$________</td>
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<tr>
<td>Entertainment</td>
<td>$________</td>
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<tr>
<td>School</td>
<td>$________</td>
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<tr>
<td>Extracurricular Activities</td>
<td>$________</td>
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<tr>
<td>Cable</td>
<td>$________</td>
</tr>
<tr>
<td>Life Insurance</td>
<td>$________</td>
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<tr>
<td>Life Insurance Naming the Child(ren) Beneficiary</td>
<td>$________</td>
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<tr>
<td>Psychologist</td>
<td>$________</td>
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Every roof is agreeable to the eye, until it is lifted; then we find tragedy and moaning women, and hard-eyed husbands. Ralph Waldo Emerson, 1844

Library readers: please do not write on or tear out pages from this section of the book
Most parents find that their child needs professional psychological assistance during this process. This is separate from hard-core custody cases where a psychological examination of both parents and children may be necessary for the court to determine where the children should reside. These evaluations, usually performed by a psychologist or psychiatrist, are expensive ($1,000 to $4,000) and

Love does not begin and end the way we seem to think it does. Love is a battle, love is war; love is a growing up. James Baldwin, c. 1963
include administering tests, such as the Minnesota Multiphasic Personality Inventory, IQ tests, and the Parenting Skills Index.

The evaluation process can take days of testing and interviewing. Sometimes spouses obtain their own experts. The courts want recommendations from these experts, whose advice contributes greatly to the judge's decision. Courts are also concerned with the child's extended family relationships. The following questionnaire will help in this evaluation.

Relationship with other family members: ____________________________
______________________________
______________________________

Are there ever problems arising from this or any other relationship? _______
______________________________
______________________________

Do you believe that the court should impose restrictions on visitations with any member of the family? _______ If yes, explain below.

Alcohol or substance abuse: ____________________________
______________________________

Physical or emotional abuse: ____________________________
______________________________

If you're afraid of loneliness, Don't marry. Anton Chekhov, c. 1888

148
Sexual abuse: ____________________________________________

Im moral conduct: ____________________________________________

Comments: ____________________________________________

Do you and your spouse agree on how your child should be disciplined?

__________________________________________

Do you and your spouse agree on your child’s education?

__________________________________________

Do you and your spouse agree on your child’s extracurricular activities (baseball, scouts, etc.)?

__________________________________________

Do you and your spouse agree on your child’s medical and dental care?

__________________________________________

It’s not the oath that makes us believe the man, but the man the oath. Aeschylus, 515 B.C.

149

Library readers: please do not write on or tear out pages from this section of the book
Who will claim the child for income tax purposes?

Are there any restrictions on where you or your spouse may move outside of the state with your child?

Do you and your spouse agree on how you want your child raised morally, including the religion your child shall practice?

Do you and your spouse relate to your child's feelings about the divorce?

Would it benefit your child to have counseling?

If you and your spouse do not get along, what suggestions do you have to help you communicate?

Nothing on earth consumes a man more quickly than the passion of resentment.
Friedrich Wilhelm Nietzsche, 1888
Witnesses That May Play an Important Part in Your Custody Litigation

List the name and address of each witness and attach a brief statement of what each could testify about should a trial be necessary to determine custody.

Minister, Pastor, Rabbi, Priest

School Teachers

Friends of Family

Psychologist

Social Workers

Child's Guidance Counselors

Little League Coach

Family Members

Children (if old enough)

Doctors

Dentists

Babysitters

Housekeepers

Neighbors

Employers

HAZEL LOOKS PUZZLED AND ASKS, "WHY WOULD ANY CHILD NEED A PSYCHOLOGICAL EVALUATION IN A CUSTODY DISPUTE? MY SON IS TOO YOUNG NOW, BUT ___________

VIRTUE IS THE ONLY TRUE NOBILITY. THOMAS FULLER, M.D. 1732

Library readers: please do not write on or tear out pages from this section of the book
WHEN HE IS OLDER WHY CAN'T THE JUDGE JUST TALK TO HIM? WHAT IS INVOLVED IN A PSYCHOLOGICAL EVALUATION? HOW DOES IT HELP THE COURT?"

I TELL HER THAT JUDGES USE PSYCHIATRISTS AND PSYCHOLOGISTS TO ASK CHILDREN DELICATE QUESTIONS, SUCH AS WHETHER THERE HAS BEEN SEXUAL ABUSE OR WHERE THE CHILD WANTS TO LIVE. JUDGES ARE NOT TRAINED IN CHILD PSYCHOLOGY AND LOOK TO PROFESSIONALS FOR INSIGHT.

A child may be brought to a psychologist by one or both parents typically because of a behavioral or emotional problem. The specific reasons for a psychological evaluation can vary greatly depending on the age of the child and the nature of the problem. The psychologist will interview the parents to gather background and historical information about various family members' relationships, such as the parents, the parents and their child or children, relatives, and the child's friends and school situation. Details of the parents' marital problems and divorce circumstances also will be discussed to determine how they may be affecting the child and causing behavioral and emotional problems. The parents will be asked specific questions about the child's problem, which could involve negative interactions with other people, anxiety, unusual crying or fighting, and poor school performance.

Truth is might and will prevail. There is nothing the matter with this, except that it ain't so. Mark Twain, 1894
The psychologist then will interview the child and hold additional sessions to observe the child and ascertain what divorce issues may be related to the child's difficulty. The child's physical appearance, speech, and motor skills will be noted as appropriate or inappropriate for the child's age. The psychologist also could administer tests to determine the child's performance and verbal IQ's.

The Bene-Anthony Children's Version of the Family Relations Test may be administered to assess the child's relationships with various family members. Boxes with human figures drawn on them represent the different members in the child's family. The child is then required to give statements for each individual depending on which statement is perceived by the child to fit the particular person. Other tests, drawings, and procedures may be performed by the psychologist to gather information about both the child's healthy and unhealthy behavior, emotions, attitudes, and beliefs.

The psychologist may request that the child and parents attend sessions together to determine whether the child's statements or behavior is different in the presence of the parents. The psychologist may find conflicting information between what is said by the parents and the child. Other family members also may be interviewed if the psychologist determines that is appropriate.

The psychological evaluation will be made available to the court and may

To the mean, all becomes mean. Friedrich Wilhelm Nietzsche, 1883
recommend certain actions for the judge to consider. A parent also may file a report with the Department of Health and Rehabilitative Services (HRS) if there are child abuse or other relevant allegations against the other parent or family member. HRS will investigate the allegations and provide a report for the court to review. If child abuse is alleged, the child may be administered the Informal Touching Inventory, in which the child is asked to point out on a drawing where he or she has been touched. This inventory is used to assess both the positive and negative touches that the child receives and identify the individuals who initiate these touches. The judge will review all of this information, along with court testimony by the parents and the child, in determining issues that may need to be resolved, such as continued therapy for the child and parental custody and visitation.

Hazel is not crying anymore, which is a relief. She insists that her son, Jeremy, would do better living with both parents. "Peter and I should only be concerned with his welfare," she says. "If my husband would just put aside his infatuation and think of Jeremy, we could make this marriage work."

I tell her, in the best of all circumstances, the child should have both parents living at home loving each other. Unfortunately, reality

Human kind cannot bear very much reality. Thomas Stearns Eliot, 1935

154
OFTEN REFUSES TO COOPERATE. ONE OF THE WORST FRUSTRATIONS PEOPLE ENCOUNTER DURING A DIVORCE IS THAT THEY CANNOT FORCE THE OTHER PERSON TO DO WHAT THEY WANT. YOU LACK CONTROL TO ACHIEVE THIS, AND THE MORE YOU PERSIST IN TRYING TO FORCE A SITUATION WHERE YOU LACK THE POWER TO DO SO, THE MORE YOU DIVERT YOUR ENERGY FROM HELPING YOU AND JEREMY ADJUST AND THRIVE. WHICH IS BETTER? YOUR SON LIVING WITH TWO MISERABLE PARENTS OR LIVING HARMONIOUSLY WITH ONE WHO IS HAPPY? TO GIVE HER ANOTHER PERSPECTIVE, I TELL HER ABOUT JOSHUA, A 17-YEAR-OLD WHOM I INTERVIEWED DURING HIS PARENTS DIVORCE.

JOSHUA

Joshua’s parents separated for the third and last time in April 1988 shortly before I interviewed him. His mother is a paralegal, age 41. His father is a real estate agent, age 40. One month after his parents separated, Joshua’s father had an illegitimate child by his paramour.

Ellen: When did you first realize your mom and dad weren’t going to make it?
Joshua: Probably back in 1980. My dad went up to Pennsylvania and started his own business and it went bankrupt. He lived away from home because the business was so far away from where we bought a house, and he had girlfriends all the time.

If the sane dog fights a mad dog, it’s the sane dog’s ear that is bitten off.
Burmese proverb

155
Ellen: How do you know that?
Joshua: Well, my mom told me I guess. I didn’t know that when it was happening, but after he got back she told me. After we moved down to Florida.
Ellen: How did you feel when it didn’t look like it was going to work?
Joshua: Pretty awful.
Ellen: Why?
Joshua: Cause my dad was pretty much all I had. I lived with my mom, but every kid when he’s that young wants his dad.
Ellen: Well, he’s still a good dad.
Joshua: Yeah, but I wasn’t around him as often cause he was never home.
Ellen: Well, he’s been with you since ’80.
Joshua: Yeah, he came back down in like ’82. My mom and I came down and visited my grandfather in ’81 and lived with my grandfather for about a year before my dad drove back down. The only reason my mom got back together with my dad was because of me. Because I was so young and I didn’t want them to get separated.
Ellen: How do you know that?
Joshua: That’s what she always told me.
Ellen: You believe you have that much power?
Joshua: Yeah.
Ellen: Pretty conceited Josh. You would be the one that would get them both together for eight more years?
Joshua: Well, she said the only reason they stayed together then was because of me. That’s what they both said.
Ellen: Well, I think it’s a little more complicated than that.
Joshua: Yeah?
Ellen: Yes, because if they just got back together for you, then now you don’t have the power to keep them together. That must make you feel awful.
Joshua: Yeah, well no. But now I think I’m at the age where it just doesn’t matter to me.
Ellen: Does it matter?
Joshua: I finally said that I’m gonna see my dad whenever I want to, as much as I want to. I’m living with my mom, and it’s pretty much been me living with my mom since ’80. I’ve been used to it because he’s not home

Strength lies not in defense but in attack. Adolph Hitler, 1933

156
most of the time anyway. Even when he was living at home, he’d stay out all night. He wouldn’t come home until morning. He’s done that all the time. So I’ve been living with my mom since I was in 5th grade.

Ellen: Did you ever think about living with your dad?
Joshua: No, he’s too strict. It’d be too hard on me. I’d have a nervous breakdown.

Ellen: In what way?
Joshua: In school, he’d be on me all of the time, and about going out. He wouldn’t let me go out all the time like my mom does. It’s just easier with mom, she knows what she’s doing, how to keep house, how to help me out with things, because I’ve been around her the most and she knows me better than he does.

Ellen: You think so?
Joshua: I think so. Whenever I’m with mom, we argue sometimes, but we argue because we’re always around each other. And whenever I’m with dad it’s like, oh gee, I have to be on my best behavior.

Ellen: Why?
Joshua: To show him. . . I don’t know.
Ellen: Let me just tell you something that I know your mother would not be upset for me telling you. When I taped her at the pool earlier, she was saying that she always felt that she had to be on her best behavior with your dad, and it wasn’t until recently that she feels like she can be who she really is with him.

Joshua: Same here, same here.
Ellen: It had a lot to do with the fact that your dad. . .
Joshua: Cause of what he did, it feels to me that I can now talk the way I want because he has no room to say anything because he screwed up so bad.

Ellen: I understand that.
Joshua: Now I can be towards him the way I’ve always wanted to act.
Ellen: Which would be who Josh is?
Joshua: Yes. Like I never used to argue with my dad cause I would be scared of what he would do.
Ellen: What would he do?

We never understand how little we need in this world until we know the loss of it.
Sir James Matthew Barrie, 1896

157
Joshua: I don’t know, yell at me. I’m scared of him as a person. His personality is so overcoming. Before, whenever I’d get in an argument I’d shut up and just keep to myself. Anything I had to say back to him I backed off because I was afraid of him. But now he knows he can’t do that because he wants me so bad and he doesn’t want to lose me. I have all the leeway I want.

Ellen: And that makes you feel good?

Joshua: Yeah.

Ellen: Cause you can be who you are?

Joshua: Right. Cause I can tell him how I feel, whereas before I couldn’t tell.

Ellen: Why didn’t he leave sooner?

Joshua: I don’t know. He didn’t leave sooner because he thought it would hurt me. When I was younger, it would hurt me, so I guess that’s why.

Ellen: So what are you gonna do?

Joshua: I don’t know, just live with my mom.

Ellen: She loves you very much.

Joshua: I know, and I love her too. I love my dad.

Ellen: I think your dad loves you very much too.

Joshua: He loves me so much, he really does.

Ellen: I know he does.

Joshua: I cried for hours when I first heard about the baby. After three months he came and told me. I was home and some guy called and asked for my dad. He asked me, “How’s the baby?” I said “What baby?” The guy said, “You know, the baby?” I said, “No, I don’t know what your talking about, you must have the wrong Joe.” I hung up the phone and I started thinking to myself, something’s wrong here. You know? My dad’s got a kid somewhere else and I thought about it for hours. I tried to figure it out and I tried to think to myself, but he wouldn’t do that. He would tell me if he did that, and that couldn’t happen. He wouldn’t do that to me. It was true, so whenever he first told me it was easy for me to accept it cause I already knew. I had already taken three months for me to get over it and then I hear it again and it didn’t surprise me.

Ellen: How did he tell you?

The people people have for friends Your common sense appall, but the people people marry Are the queerest folk of all. Charlotte Perkins Gilman, 1898

158
Joshua: He just came to me and he said. He shot it right out like it was nothing at all. He just said I had met the lady before and he told me who she was. He said, “Do you remember Pam?” I said, “Yeah, I remember her. She was a pretty nice lady. The one with the little girl.” He said, “Yeah, well, things got a little out of hand. Things got carried a little farther than I expected them.” I remember every word, word for word. He started to cry right after he said that. I’m thinking to myself, wow, when that guy called, it was true. I realized he was hurting so bad. For months he kept this inside and wouldn’t tell anybody. He was really hurting. I didn’t want to make him feel worse at the time. So I tried to make him feel like I was accepting him.

Ellen: And in a way you were.

Joshua: I told him that I had known. He asked me how I knew and I told him. He was really surprised that I didn’t come to him when I first heard about it and ask him about it. I was really mad because he didn’t tell me at first, when it happened. I was just devastated. I didn’t say anything to him derogatory or anything. I just confronted him and he told me, “Well, we didn’t plan to have this baby, and I didn’t do it on purpose.” Well, obviously he didn’t do it on purpose. He didn’t want to ruin his life. I knew that already. That was a stupid thing to say. He said, “Well, she said she was on birth control.” Then he said, “Well, I am an anti-abortionist and so is she.” Well, its going to ruin her life, so why not get an abortion. I could care less either way. The baby hasn’t lived yet, and you’ve lived twenty years of your life with a family. Why waste your family’s life? Why waste my life? Why make me feel depressed and make me worry about what is going on with you. I hated him. The next day when I thought about it, I hated him so much. I never wanted to see him the rest of my life. I never told anybody anything about it. Jim is my best friend and I still haven’t told him.

Ellen: He doesn’t know about that?

Joshua: No, he doesn’t know. He just knows that I can’t stand my dad. Recently, dad had been coming over to the house, and I have accepted it and almost forgotten. But every once in a while there is a little re-

Justice is a machine that, when someone has once given it the starting push, rolls on of itself. John Galsworthy, 1910

159
minder in my head that goes ding, ding, ding, hey your father’s an ass
apl. But he’s still your father.

Ellen: Don’t regard this as a lecture. I just like to make people think. Don’t
be like your dad and be so unforgiving, because that’s what made you
angry with him in the first place. It wouldn’t be normal if you couldn’t
fight with your mom. It’s not normal that you can’t fight with your
dad. Something’s wrong, and you know what’s sad is that he was
hurting all that time, all that time, all that time. He didn’t tell you! He
was afraid you would say just get out of my face, which you have. But
he is your father, and there are a lot of good feelings going back and
forth between you two. If by him making a royal mistake, he’s brought
back to your level and you can now feel you can talk to him, then that’s
the best thing that could have happened to you.

Joshua: I can say anything I want in front of him now and express my real
feelings.

Ellen: That’s right.

Joshua: He always alludes to the excuse that he didn’t grow up with a father, so
he doesn’t know how he should raise his son. His father left when he
was three and he had to support the household.

Ellen: And now he had done the same thing.

Joshua: He always uses the excuse my father left me when I was three, so don’t
tell me you have it hard. I had it harder than you could ever dream of
having it.

Ellen: So what?

Joshua: I know. Am I supposed to think, gee, maybe I have it easy? Pal, I didn’t
ask for a hard life. I didn’t ask for anything difficult for me to live
through.

Ellen: Now he is bringing another child into the world.

Joshua: If I had found out about it, I would have wanted an abortion. There is
no way I would have ruined my family over it.

Ellen: Well, you know he might not have had any control over her. Men don’t
have the power to order a woman to have an abortion. If she wanted
the child, there is not a whole lot he could do.

People will do anything, no matter how absurd, in order to avoid facing their own
soul. Carl Jung, 1928

160
Joshua: You know I can’t even remember interacting with my dad when I was younger. I can remember one time, there was this older kid, about two years older than I was, who lived down the street from me. His name was Jeff. He was a real ass, he was a jerk, but he was the only kid in the neighborhood, and I used to go down and play with him. I remember he hit me in the face with a garbage can lid once and my nose was all bloody. I remember coming home to my mom yelling and screaming, and she would always take care of me because she was the only one home during the day. That was the only time my dad was really dad, you know a real dad. When I had a fight he would come home.

Ellen: Then it all changed around 1980 when he quit his job?

Joshua: He always went out of town for a three or four-month period. He was gone all the time during the week and at home only on the weekends. I never saw my parents argue, but after I was around them and they were together, they hardly ever talked to each other. I always noticed that something was wrong, but I was so young that I couldn’t actually tell if there was a conflict. I often cry myself to sleep.

Ellen: Recently?

Joshua: Yeah. It will take a while. My dad and my mom think I am ignoring all this and I’m not thinking about it and it’s not bothering me at all, but they’re not with me when I’m by myself.

Ellen: I guess so.

Joshua: I always felt that it was my fault when I was younger, because I couldn’t rationalize anything else.

Ellen: That’s normal.

Joshua: I never thought it was anyone’s fault but mine. It’s got to be my fault, because there’s only me. Its got to be my fault that this is happening. Now that I really think about it, and I can think about the reasoning parts of this separation, I can think that it’s not my fault. That I haven’t done anything wrong. That it’s never been my fault. But before when I have felt disagreement and arguments, there was nothing I could do to change anything. It was just going to happen no matter what I had to say or what I did. All I could do was sit around. It’s like sitting, as a

All things are to be examined and called into question. There are no limits set to thought. Edith Hamilton, 1930

161
passenger, on the back of a motorcycle. You can’t turn the handles, you can’t slow down, you can’t do anything. It’s so scary! All you can do is sit and watch what’s happening. All you are is a spectator when you’re a child. You’re not allowed to do anything.

Ellen: Right.

Joshua: I remember the first time my parents’ arguing really hurt me. I was lying in bed, I was told to go to bed. I figured they were going to argue. I’m lying in bed, and I can’t go to sleep because the arguing is so loud that I just can’t fall asleep, I can’t take my mind off why they are arguing. I figure they are arguing about me because I did something wrong. I’m lying in bed, and I keep turning the stereo up louder and louder to drown out the sound of them arguing. Louder and louder and louder! I can’t get it out of my mind. It just echoes and echoes, and I keep hearing them arguing and arguing. I can still see my dad knocking down the door because the door was locked, and he couldn’t come in and I wouldn’t open it. I can still see him knocking down the door and ripping the stereo out of the wall because I had turned it up so loud.

Ellen: How old were you then?

Joshua: Sixth grade. About ten or eleven.

Ellen: Did you know your mother was envious of the relationship you had with your father?

Joshua: Probably. Because she was so good all these years, and my dad was so bad. She was the only one that really knew that he was bad. I didn’t know that he was bad. I just continued the relationship like there was nothing wrong, and she felt that I should be mad at him because of what he had done, when I didn’t even know what he had done. He’s always been my father, and he always will be my father.

Ellen: That’s right, and people make mistakes, all people. Everybody.

Joshua: Jim and I just got this magazine, the Penthouse Forum. We are reading the stories upstairs and I was thinking to myself, well I’m a guy and I can see how stuff like this can happen. It shouldn’t happen, but I can understand how it can happen.

Ellen: That’s right.

It is pretty hard to tell what brings happiness; poverty and wealth have both failed.
Frank McKinney Hubbard, 1926

162
Joshua: Sex is such a powerful thing. It is so persuasive and so brutal. I can see how someone can be swayed one way to another whether they are married or not.

Ellen: When are you at your happiest?

Joshua: When I forget about everything that’s going on. I mean when I’m sitting there on normal days I think, well if I have fun, once it’s over, it’s over, and then all I have left is a memory. God, your parents, they don’t love each other anymore. You don’t have anything. Your dad’s gonna move out of the house in a year, and you’re gonna have nothing. You’re gonna have nothing. You’re gonna be by yourself. You’re gonna have to grow up by yourself. Alone.

Ellen: Now wait a minute. I think you’re exaggerating a bit. Have you talked to anyone about dealing with this?

Joshua: Yeah, my friends say I am old enough to deal with it. You’re never old enough to deal with it. Never! Never old enough to deal with your parents getting divorced. Oh, you know, just forget all the memories. Forget that we have children together. Forget that we had sex every night for hundreds and hundreds of nights. Forget that, we just don’t love each other anymore.

HAZEL PRESSES FOR MORE DETAILS ON WHAT SHE SHOULD KNOW DURING A CUSTODY TRIAL. I SHOW HER SOME VALUABLE MATERIAL, INCLUDING THE FOLLOWING ARTICLE WRITTEN BY A FRIEND.

Marriages End But Parental Responsibilities Remain

Divorce exerts a ripple effect upon all of our lives, not just on the lives of the individual family involved. Writer Pat Conroy observed that “each divorce is the

Fear is the noose that binds until it strangles. Jean Toomer, 1923
death of a small civilization. When one family divorces, that affects relatives, friends, neighbors, employers, teachers, clergy and scores of strangers.” All radical changes alter the social fabric of our entire society.

Perhaps those most affected by divorce are the children. From the moment of their birth, children need to know that they are loved unconditionally by both of their parents, that they are loved for who they are and not for what they do or with whom they choose to live.

Historically, the courts have decided primary residential care. The current theory of shared parental responsibilities is that both parents will retain full parental rights regarding the children, and all major decisions affecting the lives and rights of the children will be made jointly. The reality is that the decision-making responsibility of the daily challenges in rearing children remains with the parent who provides primary residential care. In other words, while the philosophy behind this new legislation is simple, its feasibility is quite complex.

The court focuses on the best interests of each child to decide on the primary residence of a child. Obviously, both parents often believe that they are best suited to have primary residential care. Factors that the court considers include:

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Sanity is very rare: every man almost, and every woman, has a dash of madness. Ralph Waldo Emerson, 1836

164
1. The parent who is more likely to allow the child frequent and continued contact with the nonresidential parent.

2. The love, affection, and other emotional ties existing between the parents and the child.

3. The moral fitness of the parents.

4. The reasonable preference of the child, if the court deems that child to be of sufficient intelligence, understanding, and experience to express a preference.

5. The capacity and disposition of the parents to provide the child with food, clothing, and medical care.

6. The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

7. The mental and physical health of the parents.

8. Any other fact that the court considers relevant.

Relatives, friends, neighbors, teachers, and other professionals often are brought into court to help convince the judge of the merits of their particular point of view. Psychologists are frequently hired to evaluate the children and the parents to aid the courts in making their decision on primary residential care. As Peter

Whoever is happy will make others happy too. He who has courage and faith will never perish in misery! Anne Frank, 1944
Meyer, author of *The Yale Murders*, points out, psychologists have created "the courtroom spectacle called the battle of the experts." One, two, or even three psychologists will testify on behalf of the father, and another three psychologists will testify on behalf of the mother. Placing psychological analysis on top of legal issues inevitably produces a stalemate. As the ancient wise man Solomon knew, a child cannot be divided like a piece of cloth. Parents who truly love and care for their child will see that the child's needs, not those of the parents or the psychologists or the attorneys, are served first.

In the old, traditional custody situation, the noncustodial parent was completely divested of his or her parental rights. Devastatingly at times, that parent did not even have the right to admit the child to a hospital for an emergency. Thankfully, those aspects of custody have changed with the new laws and the advent of shared parental responsibility. . . .

Each family is different. Each set of circumstances in which a divorce occurs has its own subtle nuances and distinctions. It must be remembered that when parents divorce, they divorce each other and not their children.

N. David Korones
Attorney at Law

*Injustice anywhere is a threat to justice everywhere.* Martin Luther King, Jr., 1963

166
Divorced Parents' Responsibilities

DO:

+ Develop a workable plan that gives the children access to both parents. If you want the respect and love of your children, you must allow them to respect and love the other parent. This means encouraging visitation with the other parent.

+ Reassure the children they can still count on both parents. Avoid the temptation to turn the children against the other parent. This is cruel and thoughtless and results in a loss of respect by the child for both parents.

+ Keep ongoing contact with the children so they don’t feel rejected or abandoned.

+ Provide and maintain telephone contact with the children.

+ Have the children ready on time for the other parent.

+ Be home to receive the children on time.

+ Call the other parent when it is necessary to be late.

+ Rarely cancel plans with the children.

+ Keep parental communication lines open to resolve problems concerning the children.

+ Establish a home for the children with each parent so they have a place for their belongings (clothes, books, toys, etc.).

We promise according to our hopes, and perform according to our fears.
La Rochefoucauld, 1665
DO NOT:

+ Pump the children for information about the other parent.
+ Try to control the other parent.
+ Use the children to deliver child support payments.
+ Argue in front of the children.
+ Speak derogatorily about the other parent.
+ Ask the children with whom they want to live.
+ Put the children in the position of having to take sides.
+ Use the children as pawns to hurt the other parent.

HOW DIVORCE AFFECTS CHILDREN OF DIFFERENT AGES

The effects of divorce vary depending on the age of the child at the time of their parents’ separation. Below is a chart developed by Mediation Services of Broward County, Florida to explain the growth stages and emotional needs of different aged children whose parents are divorcing.

Babies and Toddlers

1. Sense tension and anxiety
2. Need consistency, continuity
3. Need familiar faces, home environment (crib, mobile, shapes around the room, etc.)
4. Need stimulation, attention

The best way to keep one's word is not to give it. Napoleon I, 1804

168
5. Importance of routine
6. Consistent relationship with one parent
7. Become possessive over objects.

**Preschoolers (three to five years old)**

1. Age of guilt, blame themselves for separation/divorce
2. Egocentricity
3. Deal only in the "here and now"
4. Sexual identification
5. Oedipal complex, powerful love for parent of opposite sex
6. Fears (animals, the dark, death, abandonment, etc.) escalate with stress in the home
7. Separation anxiety
8. Need constant reassurance
9. Denial
10. Regression (bed wetting, thumb sucking, etc.)
11. Over aggressiveness
12. Ability to learn suffers
13. Preschool boys have more difficulty than girls
14. Need concrete step-by-step projections as to what is going to happen to them
15. Look at parents as a single unit, the loss of one signals the loss of the other
16. Retreat to fantasy.

**Six to Eight Years Old**

1. Age of sadness, feelings of deprivation
2. Torn between both parents, loyalty conflicts
3. Repression of feelings
4. Separation anxiety reappears
5. Tension, apprehension
6. Resistant

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Understanding human needs is half the job of meeting them. Adlai Stevenson, 1952
7. Tend to withdraw from anxiety-provoking situation
8. Demand material from anxiety-provoking situation
9. Tell “tall tales”
10. Wishes for reconciliation between parents.

Nine to Twelve Years Old

1. Age of anger
2. Choose between “good” parent and “bad” parent
3. Feelings of shame, resentment, rejection, loneliness, and exhaustion
4. Strict moral code
5. Steeped in revenge (i.e. desire to punish the parent they hold responsible for the separation/divorce), align with one parent against the other
6. Worry about money
7. Mask feelings of rejection through anger
8. Report somatic symptoms
9. Manipulative (to overcompensate for their feelings of powerlessness)
10. Mother/daughter competitiveness
11. Exaggerated effects of divorce on boys more aggressive, disobedient
12. Demanding, dictatorial
13. School performance may drop.

Adolescents

1. Vacillate between feelings of omnipotence, helplessness, and dependency
2. Identity confusion
3. Defiant, rebellious, test limits, rules, and guidelines
4. Loyalty dilemma, sense of fairness
5. Savvy about money

Necessity relieves us from the embarrassment of choice. Vauvenargues, 1746
6. Chameleon-like personalities, adapt to different habits of their parents’ partners
7. More sexually active and at an earlier age
8. Oedipal, boys assume their father’s place in the family
9. Jealousy between girls and their mothers/stepmothers
10. Crave history of their childhood
11. Take little responsibility for the divorce
12. Feelings of embarrassment, anger, and shame
13. Avenues of escape, alcohol, drugs, overaggressive behavior.

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I finally know what distinguishes man from the other beasts: financial worries. 
Jules Renard, 1887
CHAPTER 9
YOUR DIVORCE STORY

HAZEL THANKS ME FOR OUR IN-DEPTH DISCUSSION REGARDING CHILDREN WHO EXPERIENCE THEIR PARENTS' BREAKUP. SHE SAYS, "SOMEOFOW KNOWING THE EXPERIENCES OF OTHERS COMFORTS ME; IT MAKES ME FEEL LESS ALONE. I SEE WHY IT'S IMPORTANT FOR YOU TO KNOW EVERYTHING ABOUT ME AND MY FAMILY IN ORDER TO REPRESENT ME PROPERLY. THERE'S SO MUCH TO TELL; MY THOUGHTS ARE SCATTERED. HOW CAN I BE SURE I AM BEING THOROUGH IN PROVIDING THIS INFORMATION TO YOU?"

I EXPLAIN HOW YEARS AGO I BEGAN REQUIRING MY CLIENTS TO WRITE OUT A HISTORY OF THEIR MARRIAGE, INCLUDING THE CIRCUMSTANCES LEADING UP TO ITS BREAKDOWN. THOSE WHO WERE UNABLE TO WRITE OUT THEIR STORY WERE ASKED TO DICTATE IT INTO A TAPE RECORDER. FREQUENT TELEPHONE CALLS TO MY OFFICE CONVEYING THIS INFORMATION WERE FOUND TO BE INEFFECTIVE AND DISORGANIZED. CLIENTS REPORTED THAT DOING THIS, ALTHOUGH AN EXCRUCIATING TASK, HELPED THEM TO WORK THROUGH THEIR FEELINGS. THE PROCESS OF ORGANIZING AND EXPRESSING PAINFUL THOUGHTS PRODUCED A BROADER

An honest tale speeds best being plainly told. William Shakespeare, 1592

173
view that encouraged them to become more objective. This helped me to present their case and also assisted them in testifying in court.

Renowned psychologist Milton Erickson pioneered the use of storytelling in psychotherapy with excellent results. Stories are neutral, unlike arguments, which tend to put people on the defense and therefore make them not as receptive to the information that is being conveyed. Stories speak to our intuitive mind; people feel comfortable listening to someone tell their story as opposed to a lecture, even though the lecture may contain the very same data. Detecting legal and factual issues from client stories comes as second nature to lawyers because of their legal training. Law students learn by reading and analyzing legal cases. Cases are nothing more than a set of facts and the court's application of the correct legal principles.

I gave Hazel three divorce stories to use as a guide:

Mary's Story

"We went together for four years before we got married. When I first met Tom, I thought he was the most fantastic guy I had ever seen. I was in my senior year of high school, he was in college. He was tall, 6'3", tan, and blond (a surfer). We were in Southern California in the 60's, and he was the coolest thing. . . . I

We learn the rope of life by untying its knots. Jean Toomer, 1931

174
never could figure out what he saw in me. The entire courtship was fantastic. He was warm, caring, compassionate. We were soul mates, and we spent every moment together and soon began talking about the possibility of marriage “some­day.” After he graduated from college with his B.S. in business administration and got a job, my parents started bugging me about marriage. My mother finally said, “either he’s serious about you or you need to start dating others.” Well, needless to say we got married, but I don’t think he was really ready for it.

“Almost immediately after we married things changed. At our reception he sat inside and watched a football game. I don’t know whether it was the fact that I was no longer his girlfriend and now his wife or that he had discovered shortly before the wedding that he was a diabetic, but I was no longer as desirable to him. Our honeymoon was a disaster. We made love once.

“After he was diagnosed with diabetes and before the wedding, he allowed his mother to monitor his food. But after we were married he refused to allow me to prepare proper meals. He said he would rather live a short, happy life than a long, dull one and would eat and drink anything he wanted to. I did the best I could for many years.

“From the beginning, Tom ruled the marriage pretty much and was never really satisfied with the way I handled things, housework, cooking, etc., never as good as the way his mother did it. He got upset every time I bought a piece of furniture, no matter how necessary. But he refused to partake in any decision making and would not shop for furniture or give any opinion, then got mad when I bought anything. I remember one particular incident. We both brought a twin bed into the marriage, and although they were placed next to each other with a king-size bedspread over them, they were made up separately. Well, I bought a king-size bed one day after his own mother urged me to do so. It was a surprise. It was made up the same way with the same bedspread so he didn’t notice the difference until we went to bed. Well, most men would have been thrilled! He wasn’t.

“During our first year of marriage I became pregnant. How I don’t know, as our sex life was very infrequent. We had not planned on having children, hadn’t really discussed it. But he was very unhappy, and let me know in no uncertain terms that either I ended the pregnancy or he would end the marriage! I had an abortion.

There is no cure for birth and death save to enjoy the interval.
George Santayana, 1922

175
“I soon became bored with the housewife routine, only because when he came home from work he was tired and just wanted to relax, watch television, and have a few beers. He explained that he was with people all day and just wanted to unwind. The same was true for weekends. He would sit and watch sports on television or go surfing. I could come along and watch if I wanted. Well I, on the other hand, had been home all day and would wait anxiously for my husband to come home so we could be together. Same for the weekends. I had done nothing all week and wanted to go out — Ha! Well I started spending more time at my parents house where my horses were. I had horses, or at least one horse, since I was in sixth grade. At the time of my marriage, I had one gelding and had bred my mother’s mare so we were expecting a foal that May. He agreed before our wedding that I would always have horses and that they would dictate the type of home (with property or a stable) we would live in while his job would dictate location (state and town). I also went back to work part-time as a dental assistant for one of the dentists I had worked for prior to the marriage. It was during this time that I started to overeat (big time). Looking back, I now see it was due to some inner needs that were not being met. My weight would be an issue for a large part of our marriage.

“I don’t remember the exact date, but in our second year of marriage, Tom was promoted and we were transferred from California, to Tampa, Florida. I was very excited. Having lived in Southern California most of my life, I was eager and anxious to see the world. It seemed like a wonderful opportunity, an adventure. Tom was not eager to transport two horses across the country, but having checked into the cost of having them hauled commercially, we decided to sell one of our vehicles and buy a horse trailer. I had told him that either the horses went or I didn’t.

“We arrived in Florida in January of 1972 having arranged to rent a house in a development with stables. The next few years were difficult. Even though I was anxious to leave California, I never realized how much I would miss my family and friends. The stabling facilities for the horses were not adequate, and I was in a constant battle with the development to improve them. I had no vehicle because we sold mine to buy the trailer. Tom said I didn’t need a car since I had my horses and everything I needed nearby. He allowed me to take him to work once a week.

It’s better to ask some of the questions than to know all the answers.
James Thurber, 1940

176
and use the van to get groceries, horse feed, do the laundry (no washer and dryer), etc. I had my own car since college and was not used to being stranded. We were out in Pasco County and he worked in Tampa. Needless to say, my overeating continued.

“Shortly after we arrived in Florida, it was determined that my mother had a serious heart condition and needed bypass surgery. I planned to go back to California to help with her recuperation. Unfortunately, she died during surgery and I went back for the funeral. I was devastated by her death.

“When I returned, there just seemed to be more stress. Tom was not interested in spending any time with me. Maybe once every two or three months we’d do something together, Disney World, Busch Gardens, the beach for a day, but that was the extent of it. I kept busy with the horses and the house. The stabling situation was not adequate, and I was in constant conflict with the management. Tom, of course, didn’t want to hear about it. But these horses were my “children” and it was very serious to me. Well, one day he came home and told me he was sick and tired of looking at me. I was a big fat pig and disgusted him! I weighed approximately 175 lbs. by then. Anyway, that was it, we were separating, possibly ending the marriage, until I lost weight. We agreed I would go to California and stay with my father for three months. I arranged for the horses to be stabled at another facility where I knew they would be cared for properly.

“I was devastated! I knew he wasn’t happy with my weight, but had no idea he would end the marriage because of it! What was I going to do? I was in a panic! I was totally unprepared to support myself. Having gone from my parents home to my husband’s, I had never lived on my own before! Besides, I loved this man, he was my husband, and divorce was something that happened to other people. Never in my family! Well, three months passed. I lost the weight, got down to 117 lbs. (same weight as when we were married) . . . So back to Florida I went. Sure he was happy, I looked great! But things never really changed between us, and I told him that. He said sure they had, he felt differently about me, but he never showed it.

“Shortly after my return, we moved to the development where my horses were stabled while I was gone. Well, my farrier left as barn manager, and there came a string of managers, none of whom were competent or lasted very long. I became increasingly unhappy with the situation and started discussing buying a

Even without wars, life is dangerous. Ann Sexton, 1974
home with property. Nothing we looked at pleased Tom, location, price, etc., etc., etc. Also during this time I realized, as I mentioned before, that I was really unprepared to support myself. I had worked as a dental assistant after high school and part-time during the first few years of our marriage. I had always toyed with the idea of becoming a hygienist. I discovered that there was a two-year dental hygiene program at the St. Petersburg College and made inquiries. They only accepted 24 students a year out of approximately 300 applicants, and the requirements were stiff! My grade point was lousy at the time, and they wouldn’t even consider anything less than 3.5. So I decided to go back to school to raise my grade point, but for this I would need a car. After much discussion with Tom, he relented and we bought a little Ford Pinto for me. Wow, a car of my own at last!! Two years of straight A’s, meeting the entrance requirements for English, math, chemistry, etc., and I had a grade point of 3.8+! Fantastic! I applied and was accepted first time!

“In the meantime, the stabling situation was deteriorating. I had also found a beautiful five-acre parcel, right price, location, etc. However, Tom wouldn’t budge, just couldn’t make the commitment! I asked my father if he would loan me the down payment and make the first two years of payments, then after I graduated I would take over the payments and pay him back. He agreed! (This was a quick decision as there were people standing in line for this parcel.) Tom agreed and the land was mine.

“Since we now owned property, I started looking at house plans and working on convincing Tom to build on the property, no easy task. But he finally agreed, although he would have nothing to do with helping me design a home, or look at floor plans for that matter, but he had to have final approval on everything. Since he brought home the paycheck, he was the authority! I had so many other things on my mind, school, etc., I really was getting pretty tired of his disapproving everything for the most ridiculous reasons. So we finally settled on a model home that was very average, but adequate, and suited HIS budget. The home was finally built, but not without much aggravation, which I dealt with because, after all, he “worked all day” and didn’t have the time to deal with contractors, title companies, etc., etc., etc. Also, in order to get the loan for the house, we had to combine the house and land mortgage. This is when my father’s name came off the mortgage and Tom’s went on. What a mistake!

A life without surrender is a life without commitment. Jerry Rubin, 1976

178
“The house is completed, we move in, and I graduate from hygiene school and get a job. Dad then forgave the loan and told me it’s his “gift to me.” I borrowed the money, not Tom, and therefore it was my loan alone!

“During my first year of hygiene school, Tom got tired of my getting up at 5:30 a.m. (he didn’t need to get up until 6:00 a.m.), so he asked me to sleep in the other bedroom during the week. Who cares that he had awakened me every morning before that and I had dutifully gotten up to fix his breakfast. He would not stand to be awakened at 5:30 a.m. He also wasn’t real thrilled that I wasn’t fixing his breakfast during the week. I told him I would be perfectly willing to fix his breakfast, but that would mean his getting up earlier, and of course he wasn’t willing to do that! After several months of moving between bedrooms (guest bedroom during the week, our bedroom on the weekends), I became pretty disgusted. I was much more comfortable in the guest room. I wasn’t continually awakened by his snoring or reminded of the fact that our sex life was virtually nonexistent. So I decided to stay in the guest room, and it became my room.

“Also during the first year of hygiene school, Tom became more and more upset that I wasn’t always at his beck and call as I had other things to occupy my time. This became such an issue that I reluctantly offered to drop out of school. He said he wouldn’t have that on his conscience the rest of his life, something I could throw up to him in the future. So I could continue, but it was to be understood that he never asked me to work. That was my decision, and he wouldn’t oppose it as long as I also did everything else around the house that I was supposed to do!

“Throughout the years, his drinking and smoking grew worse and became an issue. The cigarette smoke really started to bother me, so I asked him to please step outside when he smoked. He finally agreed (I was getting severe headaches/nausea). I had hoped, of course, that he would cut down on the smoking due to the inconvenience. No such luck! He eventually purchased a small television and set up house in the garage! Only coming in the house to use the restroom or get another beer out of the refrigerator.

“Tom stopped eating on a regular schedule during this time. He would tell me he had a huge lunch and didn’t need any dinner or refuse to eat what I had prepared saying he had the same thing for lunch, etc., etc. I finally gave up trying to prepare satisfying meals and asked him to please tell me what he wanted me to

Don’t look back, Somebody might be gaining on you. Jerry Rubin. 1976
fix, or at least write it down. He wouldn’t do this either. I gave up! He would go out and play golf and drink beer, but not eat anything, then come home and take a nap and have an insulin reaction. I had to revive him! I would beg him to eat something before he took his nap, and I would get, “I am not hungry! I do not want anything to eat! Just because you are a fat freaking bitch and all you ever think about is food doesn’t mean I do!” By this time I had regained all the weight I had lost. I finally got the nerve to tell him, “Fine, if you don’t want to eat don’t, but don’t expect me to help you when you have a reaction!” To this day, I have not helped him. However, I know he has had numerous reactions. About this time, I insisted that he go to the doctor for a checkup. I got a recommendation for a good internist in the building where I was working and set up an appointment, which Tom canceled along with several others that I subsequently made with his consent. Finally, he agreed to keep an appointment, but told me he was doing so to get me off his back and that he had no intention of doing what the doctor told him to do!!!

“Throughout the years he withdrew more and more from me. It’s gotten to the point that he won’t even LOOK at me, let alone speak to me! For years I’ve toyed with the idea of divorcing him, but was somewhat dependent on the relationship, as sick as it was. Every time I would threaten divorce he would swear he loved me, beg me not to leave, and promise to change. Like a fool, I would believe him time and time again, even though nothing ever changed!

“Throughout our marriage I have had horses, and they have played a major role in my life. I have bred my mares, raised several foals, trained, and showed them. I have also suffered through several devastating injuries and illnesses to the horses. Tom never supported me. My friends and neighbors were always there when I needed them, but never my husband! He wasn’t even there when I had my own surgery! I had my right hip replaced in December 1991. Tom did take me to the hospital, but didn’t stay for the surgery or call me (until the next day) to see how I was! He only called that one time, and I was in the hospital for five days.

“Basically, Tom was determined to control the marriage, whether he was aware of it or not. When I think back on our years together, I see that due to his own insecurities he was never able to allow himself to give himself to me completely. He never complimented me on anything I did. I was never good enough, my housekeeping, cooking, etc. Whenever I was allowed to buy any furniture it

Experience is a hard teacher because she gives the test first, the lesson afterwards.
Vernon Sanders Law, 1960

180
was never “right,” even though I begged him to shop with me and help pick it out. He never had the time, it just wasn’t that important to him.

“"I feel like I have been emotionally abused. Actually I have allowed myself to be belittled by this man for so long, it’s hard for me to really come to grips with it. But as he increased his drinking and erratic eating patterns (remember he is a diabetic), he withdrew further and further from me. At times, when I have tried to speak to him and he didn’t want to talk to me, he either completely ignored me, like I didn’t even exist, got up and simply left the area, or went into his bedroom and closed and locked the door! And I put up with this! My self-esteem was so low that I believed I simply couldn’t make it financially without him. He told me this many times. I wasn’t prepared to give up my home and animals. I had put up with him for so long, and he kept telling me he would change! Every time I threatened to divorce him he would say he was sorry and that he loved me, and that he would change! He begged me not to leave, and like a fool I believed him!

“We never had children because Tom decided he didn’t want any. We moved to Florida from California away from my family and friends because Tom’s job dictated we do so. Tom never expected me to work, nor did he especially want me to. I suspect because he then, of course, didn’t completely control the purse strings, the true source of power in any relationship. He tolerated my working.

“Tom has not seen a doctor in approximately 10 years, even though he is a diabetic. As far as he is concerned, he knows more about the disease than any doctor, after all he’s the diabetic. I have begged Tom to see a doctor. I have begged him to go to counseling with me, he wouldn’t. He simply refused to communicate with me.

“Approximately five years ago when I was seriously considering divorce, I was advised by my attorney to take half of the money out of our joint account and place it in my own account. Tom had stopped putting money into the account, but was continuing to withdraw from it. I was paying all the household expenses from this account, and he had told me when the money was gone it was gone, so I needed to protect myself.

“This man is so arrogant I can’t believe it. Nothing I ever did was right or good enough. When I worked, I never worked as long or as hard as he did, or made as much money, therefore, my job was menial. Even though I went to school,

It may be necessary temporarily to accept a lesser evil, but one must never label a necessary evil as good. Margaret Mead, 1978
earned a degree, passed both national and state board exams, my job was never as
important as his. He never congratulated me or even attended my graduation.

"Tom consistently would take time off work without telling me ahead of
time. He just wouldn’t go to work one day, and when I asked him about it he’d say
he was simply taking a week off for vacation. I’d say great, tell me about it beforehand next time so we can plan something together. He’d say okay. Well he never
did!!!!! He’d just take his vacation whenever he felt like it, sit around the house,
drink beer, and occasionally play some golf. He even started taking business trips
of two and three days without telling me. The first time he didn’t come home I was
in a panic. I didn’t know if he’d been in an accident and was laying injured beside
the road somewhere or what. When I called the plant they acted very surprised that
I didn’t know he was in Houston or Atlanta or wherever, and I felt like a complete
fool!!! Obviously, when he got home I read him the riot act, and he promised never
to do it again! HA! Ninety percent of the time he never says a word.

"This man is so self-absorbed it’s frightening. He left me emotionally ten
years ago, and I was too dumb to see it. He has ignored me, avoided me, called me
every name in the book. When I was heavy it was mean names about my appear-
ance. But since I’ve lost weight (over five years), now he just calls me stupid and
dummy. After a while you begin to believe these things, even though you know
intellectually that it isn’t true. It somehow eats away at your self-esteem. I truly
believed that I couldn’t survive financially without him."

Estelle’s Story

"It was in 1946 that I first met Jerry Simmons. My mother, my older sister, and I
had moved to Tampa from Minneapolis, Minnesota. Several months previously,
my mother had suffered two heart attacks after the death of my father in the sum-
ner of 1943. Her doctor hoped that the move to a warmer climate would be ben-
eficial, and so it was. But times were difficult, and the three of us lived in success-
vically worse rented apartments and dilapidated house trailers.

"During this period, I was enrolled in the seventh grade at a junior high
school where Jerry was also in attendance. We had no classes together; indeed, he
had great difficulty with school and was at that time repeating a grade (the 7th, I
believe). As we became friendly on the school grounds, I was deeply moved when

Life is a loom, weaving illusion. Vachel Lindsay, 1917

182
he recounted incidents of his childhood. Although we both had experienced (and were then experiencing) "hard times," hunger and abject poverty were strangers to me but everpresent companions to him.

"Worse, by far, in my eyes was the neglect of his parents in preparing him for school (and life in general). My father had taught me reading, writing, basic geography, and math skills before I ever entered school, and my entire family encouraged all kinds of learning. It seemed to me that because I had been given so many advantages and Jerry so few, I could do no less than try to help him; I did so. During the years of both junior high school and senior high school, we studied together regularly, and I tutored him in English, composition, history, and other subjects.

"I also tried to give him some information about living in the world. One example was explaining to him the necessity of obtaining a social security card and accompanying him to the appropriate office to secure it. In this way, we spent a great deal of time together. He showed his appreciation with gifts of candy and movie dates. We both worked at part-time jobs during this time. When I became 16, I took a position as a sales clerk at W.T. Grant. My sister and I always gave our pay to our mother so that she could attempt to stretch what little money there was.

"When we graduated from high school in 1952, I obtained a position as a billing clerk with the telephone company. Jerry enlisted in the Air Force and left for Basic Training in Texas, which brought an end to our closeness. I was terribly lonely because I had neglected to form a network of friends and had chosen, instead, to devote myself to Jerry. I realize this now with the wisdom of hindsight. Three months later, Jerry's parents decided to visit him in Texas and invited my mother and me to accompany them.

"Although we had been writing to each other, marriage had not been mentioned. When we saw each other again, we did not want to be separated so we were married in Reno, Nevada, on September 19, 1952; I was 19, and Jerry was 20. We were able to live in a barracks apartment on base that was designated married quarters. It was furnished with military cots and a table and chairs. Because neither of us really had anything except the clothes on our backs, our married life began with struggle. His military pay barely covered the essentials of life, and we existed on 1½ meals a day. I washed our clothing on a corrugated washboard in the kitchen sink. (Today, my children think that washboards are musical instruments

The squeaky wheel doesn't always get greased; it often gets replaced.
John Peers, 1979

183
for country music bands!) Because Jerry was temporarily attending classes to learn about aircraft engines, our days there at the base were numbered, and temporary employment for me was out of the question.

"After about three months, Jerry was assigned to yet another temporary training school, this time at Travis AFB, California. My mother had given us $200 from her small savings as a wedding present, and we purchased a used car, a 1939 Chevrolet. In this car, we traveled to California. Because the car was old and in need of repair, the trip was difficult. At one stage during a heavy rainstorm, I sat on the floor of the front seat and manually operated the broken windshield wipers with the aid of a bent coat hanger. Our residence of about four months was spent in a one-room wooden shack in the dead of winter. Being cold was not the worst of it, though, because the shack had no bathroom, and we had to put on heavy coats and walk quite a distance to use the bathroom in the landlord's basement. During this period, I developed urinary infections and kidney problems that have plagued me all the rest of my life. Yet with all this hardship, I am certain that it did not occur to either of us that we were struggling. We were happy to be together, and the months of training passed fairly quickly.

"Jerry then received his first "permanent" duty assignment in Buffalo, New York, where we stayed for four years. We rented a two-room, fourth floor, walk-up apartment. As soon as we were settled, I sought employment and secured a position as a production typist for the Carborundum Company, and we pooled what little money we had to make ends meet. The cold winters were indescribably bitter, and our clothing was not designed for it, so I was often ill with tonsillitis, strep throat, and various types of flu. Because Jerry needed our old car to get to the Air Force base, I rode buses and often walked to and from my job to save bus fare. There were times when I lost all feeling in my arms, feet, and legs from the intense cold.

"During our stay in Buffalo, Jerry began to receive the temporary duty assignments to remote locations that came to characterize our 38 year marriage. With literally no notice, he was ordered to pack his clothes and leave for periods as long as 90 days at a time. I remember well the first such instance. He left me with $5 which was all the money that he had. I was not worried, though, because I had my production typist job (or so I thought). Jerry left on a Sunday. The following day,

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Self-pity in its early stages is as snug as a feather mattress. Only when it hardens does it become uncomfortable. Maya Angelou, 1975

184
Monday, when I reported to work, I was informed that I was “laid off.” Frightened and alone at age 19 in a strange city, I desperately searched for work, haunting the state employment agency and answering every job ad that I could find. Just when the $5 began to run out, I was fortunate to secure a job as a receptionist in an insurance agency.

“It was also during Jerry’s first absence that I became aware of our neighbors: all female. At all hours of the night, tipsy and outright drunken military as well as civilian men would pound on my apartment door stating that they were looking for “Lana,” or “Glenda,” or some other woman. At this late date, the memory of these “visitors” evokes a casual smile. But at the time of the occurrence, I was terrified and stacked up chairs and whatever else I could lift against the door to prevent their entry if they should try. We could not afford a telephone, and my apartment was on the 4th floor without a fire escape, so I felt very vulnerable. This constant fear of intruders coupled with recurring strep throat and tonsillitis bore down upon my spirit as a weight of a thousand tons.

“Jerry’s frequent trips, although terribly painful for me, did result in advancement for him and a larger paycheck, and we were able to think of starting a family. Because I was experiencing difficulty in becoming pregnant, I went to a military doctor who prescribed both a series of hormone injections and the insertion of a mechanical device to hold my uterus upright. Neither of these remedies was painless, but they were effective. In 1955, I left the work force and gave birth to our son Jeremy, the child I had wanted for so long, but even that was fraught with struggle.

“Because there was no military medical facility in town, I was forced to travel in labor some 200+ miles to the AFB medical facility in our old broken-down car. The amniotic sac had ruptured so the birth was a “dry” one and terribly painful, but our son Jeremy came into the world. Jerry took some military leave to help me until I could get on my feet again.

“One year later, Jerry’s four-year enlistment was over, and we returned to Tampa with our son. I was looking forward to a life of normalcy and happiness; such was not to be. Temporarily, we moved in with Jerry’s mother in their home; Jerry’s father had died suddenly of a heart attack the year before when our son was born. Jerry found employment as an aircraft mechanic at a small airport, and I had hopes of our moving into a place for ourselves. But Jerry became more and more

Golden fetters hurt as cruelly as iron ones. Minna Antrim, 1902

185
dissatisfied and unhappy with every day that passed. I realize now that his personality and very nature were very adaptable to the sheltering aspects and security of military life; he loved it as much as I hated it!

* * *

"Our marriage was very nearly ended when Jerry announced that he intended to reenlist and make the military his career. I was desolated by his decision and literally begged him not to do this because I could not bear the loneliness and hardship. I sensed, however, that if I forced him to choose between us, the Air Force would win, and I had a one-year-old child to consider. He signed the necessary papers, and with a Veteran's Loan, we paid down on a little two-bedroom house without air conditioning near MacDill AFB.

"We lived in Tampa in that little house for exactly one year, during which my mother passed away from heart failure, and I gave birth to our oldest daughter, Connie. Despite my advanced state of pregnancy, I wanted to attend my mother's funeral. Because we could not afford it, my sisters and brother in Detroit paid my airfare. I had to take two-year-old Jeremy with me because my husband could not be spared from his duty to care for our son. Weeks after returning to Tampa, I subsequently began labor. My husband did not remain when he took me to University Community Hospital but returned home instead to await the telephone call from the hospital informing him of the baby's arrival. This has always hurt me deeply because the birth was breech, and the doctors were concerned about both my baby and me. In fact, several nurses and doctors asked me pointedly where my husband was and why he had not remained at the hospital during such a critical time; I had no answer.

"My husband did take some military leave to help me until I was up and around again, but when Connie was about one week old, I developed both tonsillitis and strep throat. As soon as the infection cleared up (about two weeks later), I underwent a tonsillectomy as an outpatient. Never do that, by the way, because the post-operative bleeding is almost impossible to control at home. This was complicated by the fact that I had a four-week-old baby to breast feed, but we survived. When Connie was about six weeks old, Jerry received a four-year assignment to Puerto Rico (again, with little notice). Jerry gave me part of what little money he

The first and great commandment is, don't let them scare you. Elmer Davis, 1954

186
had and subsequently sent what he could each month for the care of the two children and myself, but it was not enough. We struggled terribly. Just finding enough money for fuel oil to keep the house warm for the children was a challenge, and they were both ill most of the time with ear infections and tonsillitis. Fortunately, one of my married sisters was living in Tampa at this time and shared her dinners with us. I was not insensitive, however, to the fact that she and her husband had three children of their own and lived on a limited income.

“In this fashion, weeks stretched into months, and finally Jerry was able to send plane fare so that the children and I could join him in Puerto Rico. I do not think he has ever realized what an ordeal that was for me, because when he went away he simply packed his bag and carried it out with him. In contrast to this, I not only had to sell our used car, make all the arrangements for shipping our belongings, supervise the movers, and pay off all the debts, but also find a real estate agent who would take over the responsibility of renting our little unpaid house during the four years that we were to spend in Puerto Rico.

“It would have been challenging enough if I had only myself to worry about, but to have the responsibility of a two-year-old and a small baby at the same time almost overwhelmed me. There were times when I lost all courage and cried for hours after the children fell asleep. But I suppose that it is a human response to rise to the situation, and I did. During our marriage when I attempted to share these feelings with Jerry, he would respond, “You are not the only woman in the world who is alone. Don’t expect sympathy. You should adjust to it.” I reacted by feeling deep guilt that I was not able to adjust. I realize now with hindsight that this belief was deeply ingrained in him and could not be altered.

“Our first residence in Puerto Rico was a two-room wooden shack in the town of Rosabela. It was poorly furnished, and we had to make a bed of a dresser drawer for our new baby. Because my husband’s rank (staff sergeant) was not very high, we were far down on the waiting list for base housing and lived in Rosabela for one year. Again, the loneliness of military life was brought home to me when my husband announced that because we could not afford a telephone, he must live periodically in the barracks on base to satisfy duty requirements. I was the only English-speaking person in our neighborhood, so my children and I were company for each other.

“During one of the periods when he was living in the barracks, I discovered

The fate of love is that it always seems too little or too much. Amelia E. Barr, 1904
to my horror why the children and I had been deathly ill ever since we had arrived. The wooden shack was overrun with rats, some almost as large as small cats! I remember standing watch at night over my sleeping children holding a butcher knife in my hand and trying desperately to stay awake. But the rats always came in from the surrounding sugar cane fields, and they ran all over the dishes, the table, and even the beds. They were not afraid of my butcher knife or my broom.

“As soon as my husband returned, we moved into a larger wooden house, and this one withstood the invasion of the hordes of rats that inhabited the cane fields. As our health improved, my spirits did also. In time, we made it to the top of the waiting list and obtained a very nice four-room apartment in base housing. Indeed, it seemed a palatial mansion to me. We enjoyed good health and began to have some time together as a family until Jerry received the first of his frequent temporary assignments away from Puerto Rico. It was one training school after another, one 90-day tour of duty stateside after another, and one practice bombing competition conference after another. These absences ranged from one to three months each.

“Whether or not I or the children were ill made no difference. I was left alone to cope with a broken-down car, two children with measles, my own bouts with urinary infections, various types of influenza, and strep throat. On one occasion, I began to hemorrhage after the extraction of a wisdom tooth. I took my children to the emergency room with me, and they sat obediently in the waiting room while the doctor stemmed the flow of blood. They were four and two years old at that time, and my joy. Our son had entered kindergarten, and I volunteered to be a room mother, which began my long involvement with the public schools as well as the Boy Scouts and the Girl Scouts. It seemed that my husband was never there, never really a part of the marriage. He was simply someone who “visited” with us.

“It is appropriate to note that another worry during this period was the rental of the little house in Tampa. I was constantly engaged in communicating with the real estate agent about spending money for repairs or lost keys. We finally lost the house due to increased property taxes. When we occupied the house for that one year, I was able to claim Homestead Exemption, but when the children and I went to Puerto Rico, we lost that benefit. Despite all my letter-writing efforts, pleas, and communications to Florida officials, we lost the little house. It was simply one

Experience is the name one gives his mistakes. Elbert Hubbard, 1910

188
more punishment of military life.

"In 1960, Jerry's Puerto Rico tour of duty was completed, and he was given an assignment to San Joaquin Valley in California. We remained in California for eight years. According to a pattern, we lived in temporary housing until my husband's name made it to the top of the waiting list and we were assigned military quarters. There must have been a psychological conspiracy behind this procedure, because by the time the military family made it to the top of the waiting list they were so overwhelmed with joy to receive base housing that it always seemed palatial.

"We were happy to have our belongings around us again, and our son began first grade. The next year my daughter entered kindergarten, and my involvement deepened as I also volunteered to be a den mother for Cub Scouts for my son. For a short period, my husband also worked with the Cub Scouts, but his military schedule left little time for this. During this period, however, I was blessed with our second daughter. She was born in 1962, and Jerry again took some days off work to help me. But dedicated to the military, which he loved, my husband threw himself wholeheartedly into his job. Required to work long hours and weekends and assigned frequent 90-day tours away from California, my husband was seldom with us. More and more, I was the parent to whom the children turned with both their problems and their needs.

"Another aspect of the military psychological conspiracy seemed never to allow a military family emotional security of any kind, because in 1964 my husband received orders to ship to San Francisco. Again, we went through the "drill" of living in temporary housing until the waiting list spewed out my husband's name and we were allotted a military apartment. We offered up our usual prayers of gratitude to the Pentagon and attempted to pick up our lives again.

"I enrolled our two older children in school and myself in PTA, scouting, and teaching Sunday school. Life went on as before with my husband deeply immersed in his military career. I will pass over the childhood sicknesses of mumps, tonsillitis, frequent ear infections, bouts with pin worms, etc., and my bout with the German measles. It is enough to say that I tried very hard to be a good mother, caring for their health, their moral development, and their education. My children never seemed a burden or a punishment to me because I wanted them, every one. The maternal drive in me was very strong.

We must change in order to survive. Pearl Bailey, 1976

189
“Meanwhile, events in Southeast Asia worsened rapidly, and my husband received more frequent 30- to 90-day assignments away from home. Finally the “axe” fell, and my husband was assigned a one-year tour of duty in Southeast Asia. We were forced to vacate military quarters, and the children and I relocated to a nearby civilian community where I became involved in scouting, PTA, and volunteering in the public school. Affordable housing was scarce, and the only rental we could find was located near the interstate highway and had been occupied by itinerant “hippies.” Absolutely filthy and filled with trash of all description, the house was truly a disaster. My husband was able to stay with us long enough to help me clean and move in. The day before my husband left, our younger daughter, Susie, fell out of a swing and fractured her arm. I was caught up in caring for her, taking her to the hospital to have a cast applied, and comforting her. The next day my husband went away with his everpresent suitcase; it had come to be a symbol of our marriage.

“That year was without a doubt one of the worst of my life. Aside from personal illness, and the sicknesses of my children, I was terrified most of the time because of prowlers. I suppose that because the house had been a kind of refuge for itinerants there were so many instances of windows being tried, doors being pried, etc. I came to know the local police very well because they responded so frequently to my calls. Matters reached the point where I was afraid to go to sleep at night, and I would sit up fully clothed with all the lights on. Often, I watched frozen with fear as the handle of the front door was turned by someone outside seeking entry. While the children were at school during the day, I slept whenever I could to make up for these all-night vigils. During this year, I also received a series of obscene telephone calls at all hours of the day and night. It was a frightening year.

“California is known as the “Green and Golden State” because of the alternating periods of rain and drought. I received a new interpretation of this slogan when the rains finally came: both toilets in our house backed up and overflowed because of tree roots in the sewer system. I remember well going out in a driving rain with a shovel to try to open the sewer lines; it was a lost cause. Thankfully the rains subsided, and one of the toilets became usable again; the other remained a decorative item only.

Freedom is an internal achievement rather than an external adjustment.
Adam Clayton Powell, 1967
"In addition to my other difficulties during this year, I was subjected to unannounced "visits" from my landlord who arrived at any hour (both day and night) and let himself in with his own keys. He became more and more obnoxious and difficult to handle. When I requested advice from the AFB Legal Office about how to prevent these intrusions, I was told that the landlord was within his legal rights. Needless to say, this did nothing to improve my emotional outlook. After my children went to sleep, I resorted to spending hours on my knees praying that we would all make it unharmed through another night. Somehow we did, and in this fashion, the 12 months passed. My husband came home once to "visit" us during that year, but he belonged to another world that did not include us and our problems. Indeed, he always made light of my difficulties, advising me that other women adjusted, and asked why couldn’t I.

"My husband’s next assignment was to North Carolina. Again, we went through the "drill" of packing up our belongings and driving across the United States to temporary living arrangements in motels and trailers while we endured our wait on the housing list. At last, we moved into base housing and began to "put down roots" another time. My older daughter, Connie, and my son Jeremy were now teenagers, so I became an adviser for two Explorer Scouting Posts, a volunteer in the schools, and a Girl Scout Leader for my younger daughter, Susie. Even though my husband was wrapped up in his career, at least we were all living on the same continent. I remember well the only vacation that my husband ever took during his 26 years of military service: it was a three-day extended weekend spent sightseeing along the North Carolina seacoast.

"I made the fatal error of believing that because my husband had recently served in Southeast Asia he would not be asked again. Surely, it would be someone else’s turn. No such luck! Almost immediately upon our arrival, the temporary duty tours in Southeast Asia began: several 60-day and 90-day stints. Finally, my husband was sent to Guam for a six-month tour. Still, I tried to look on the bright side. At least we were permitted to remain in military housing, and I felt relatively safe. How little I knew! During this extended absence, our son developed a severe case of mononucleosis that required extensive medical treatment at the base hospital and home care, which I provided. Since my son was unable to attend school for the better part of a semester, I also provided tutoring and special study for him. He recovered very slowly.

You must do things you think you cannot do. Eleanor Roosevelt, 1960
"Immediately upon my husband’s return from Guam, he was assigned another full year of permanent duty in Southeast Asia. It was a terrible blow. On my knees in tears, I begged him not to leave me again and to plead personal hardship to his commanding officer because I did not think that I could find the strength for another ordeal. He said that I was not the only woman to be left alone and that I should adjust. Frantically, we tried to find affordable housing, which was scarce in the civilian community. Finally, we rented a broken down, cockroach-infested house trailer. My husband was able to stay with us long enough to repair it, help me clean it, and help us move in. Then he was off again, and the children and I found ourselves alone once more. It was a dreadful year, but at least my two eldest children could drive the car and help me. They did so in a million ways, not the least of which was to include me in their lives.

“What I have not detailed is the overwhelming loneliness that I suffered during my husband’s absences. Most of the wives that I knew in similar circumstances slipped into alcoholism, drug use, or illicit sex. I fully believe that it was the love of my children and their faith in me that gave me courage during those terrible times. Never did they cause me heartache or pain. They were never involved in problems with the law, schools, or communities in which we lived. Even though my marriage has failed, I will always be deeply grateful for my children.

“In 1974, when my husband returned once more from Southeast Asia, he was assigned to Delaware. Again, we packed our belongings and repeated the routine of temporary living arrangements until an apartment in base housing became available. By now, my son had graduated from high school and was working part-time and attending Delaware State College. My older daughter, Connie, was in high school, and little Susie was in junior high. Again, I involved myself deeply in Explorer Scouts, Girl Scouts, and as President of the PTA.

“My husband’s familiar temporary assignments to other places began at once. When he was not working long hours on the job, he was packing to travel to some conference, training school, or inspection. These journeys were especially troublesome because I had to take him to the airport. Since there was no airport close by, I was forced to drive to either Philadelphia or Washington, DC, to see him off and pick him up. We never had a life as a family; by now, my husband had become a “visitor” in every sense of the word.

“It was in 1977, after my older daughter entered the University of Florida,
that my life changed significantly. My daughter had discovered the College Level Examination Program (CLEP) enabling one to test for college credit. She received her freshman year of credit in this way. With the help of student loans, some assistance from her father, and my earnings from a typist job, she was able to begin school at Gainesville. She subsequently completed her bachelor of arts and three master’s degrees, including librarianship. She is now a librarian at the University of California. Noting my daughter’s success, I was motivated to attempt CLEP myself. I, too, was able to earn my freshman year of credit. Thereafter, I began substitute teaching in learning disability classes in the public school and enrolled in classes at Delaware State College, majoring in both French and linguistics. My husband did not approve of my going to school, but he was still very wrapped up in his career. The days passed until 1978 when my husband decided to retire from the Air Force and return to Tampa to live with his mother and save money.

“...and the hunter home from the hill”

“As soon as my husband announced his decision, I wrote to several universities requesting information about scholarships. I received two scholarships of $600 each from a local university: enough for my junior and senior years, for which I will be eternally grateful. That financial help made all the difference in my life. When I later repaid this scholarship money, my husband was furious and went into a terrible rage because I had not given the money to him instead. I majored in history and graduated summa cum laude in 1980. After being accepted into Library School, I worked part-time as a graduate assistant in the Reference Department of the university library for two years.

“Upon graduation, however, it was impossible to find a librarian position. After many discouraging interviews, I took a series of temporary, low-paying jobs just to be working and trying to help myself. During this time, I became very ill on the job with an infection of my reproductive organs and went to the Student Health Center. Because I was so ill, they made me go to bed there for the remainder of the day and gave me injections of antibiotics and tranquilizers. I did not notify my husband, and his fury was unbelievable. I will never forget his rage because I had not called him. He was not concerned in the least about my condition, only that I had not notified him.

No man can smile in the face of adversity and mean it. Edgar Watson Howe, 1911
“My last position was as a file clerk at the University Medical Center, and I never remember having a more physically demanding job. When my duties were over it was all that I could do to walk to the car. I had to rest my head on the steering wheel and gather strength to drive home. During this period, my husband decided to avail himself of his veteran education benefit. He completed an associate of arts degree at the community college and a bachelor of arts degree at the university. It is interesting to note that during his schooling, he did not have to work as I did because the government was paying for his education. Because he had such learning difficulties, I not only tutored him but also helped him compose, proofread, and type all of his class papers. I did this in addition to my own class assignments and my part-time jobs. It hurts me deeply that he seems to have forgotten these things. In contrast, my husband was not supportive of my educational efforts and argued constantly that I was spending too much time studying. (Remember that because he did not work, he had ample time for his studies.) At this time also, I was able to talk my husband into moving out of his mother’s house. It had been a terrible mistake. My husband saw living with her as a means of saving money. His early childhood had been so fraught with insecurity that in his eyes money took on a special life of its own, an intrinsic value. But our marriage suffered more and more with every day that passed until I finally begged him to get us out of there.

“During our marriage we had accumulated savings, some in the bank and some in U.S. Savings Bonds. We used part of this for a down payment on a two-bedroom house in Lutz. It was financed with a Veteran’s Loan. At this time, my younger daughter, Susie, began attending a local university where she subsequently earned a bachelor of arts degree.

“Although I was still in the file clerk job, I continued to interview, but without success. Finally in 1984, upon the recommendation of a friend, I was offered the temporary position of librarian at a Community Health Center. It was a 90-day appointment during which I was to prove myself by cleaning up the terrible condition of the library. It was overwhelming, but I constantly thought of how exhausting my former file clerk job had been, and it inspired me to succeed.

“When the 90 days had elapsed, the Librarian position was posted, and I applied with many others. It was a dreadful fingernail-biting time, but finally I was

The trouble with Reason is that it becomes meaningless at the exact point where it refuses to act. Bernard DeVoto, 1941

194
selected with a minimal entry level salary. During my working career in every job that I have held, I have always paid toward both household expenses and mortgage payments on our house. No matter how small my paycheck was, I always paid in at least half of it and later even more than half for household expenses, even though I had books and supplies to purchase for classes. At no time did I ever keep my paychecks for myself. It pains me deeply that my husband has forgotten this.

"I have remained in the position of Librarian since 1985. Realizing that promotions in an academic environment depend upon professional development and education, I earned a second master's degree (history) in five years while I was working full time in my librarian position. My husband was solidly against my attending classes of any kind and also began to resent my career. He complained constantly about the time I spent studying both for my degree and to improve my job knowledge. He worked himself up into terrible rages about my graduate study in history, and at times made my life unbearable. As I noted above, I always made payments to my husband from my paychecks. He deposited these funds in joint checking and savings accounts, but I was not permitted to write checks or withdraw money from either account for any purpose. He considered these accounts to be his. So I opened a joint account with the Credit Union and had my paycheck electronically deposited there, but I still continued to make regular payments to my husband in the same amounts as before. (It was not until after I moved out of the house that I changed my accounts to my name only.) In June 1987 when I wished to purchase a lap-top computer ($1500) with which to write my master's thesis, I was not allowed to utilize money from joint savings. Instead, I had to borrow the money from the Credit Union. The loan payments were deducted automatically from my paycheck.

"As time passed, life became more and more oppressive: my husband began to control my every move. It did not matter that I had a staff meeting or some other commitment at work, if I did not come home at the time that he expected me, he became furious. In addition, he imposed definite living rules upon me: assigning me both a particular seat to occupy and particular times for eating, bathing, and going to bed. If I did not comply, he erupted in furious anger. While I was writing my thesis, I had to go to bed and lie there until I was certain that he was asleep. Then I would slip quietly out of the bedroom and stay up all night, at times, writing. Of course, I would have to go to work the next day, although I was exhausted,
but I had obeyed and gone to bed at the required times. Even though I was engaged in such mundane tasks as cleaning the refrigerator or cleaning the bathroom, my husband stood over me closely supervising my every move.

“As days passed, my husband became more and more tyrannical; I feared his anger. I had long since ceased any attempts at making friends or socializing because all my efforts were met with rage from him, and I did not want to subject people to his fierce temper. At this time, I had to hide my master’s thesis because he threatened to burn it. He also threatened to throw away a beloved stuffed animal that I had as a little girl; it was all that was left of my childhood. He told me repeatedly every day that he did not want to live anymore. By then, my husband was also employed full-time, having progressed from a security guard to assistant manager in a warehouse. Problems with his mother as well as his own personal health plagued him, and he came under the care of a physician through our health maintenance organization. When I suggested that he might benefit from counseling, he dismissed this idea as “bullshit,” and our life together deteriorated rapidly.

Hope

“With every day that passed, I slipped more deeply into depression and experienced weeping and feelings of utter hopelessness. In November 1988, I reached the point where I did not want to live anymore, and I recognized that I needed help. On the advice of a faculty member (who is also my friend), I began individual psychotherapy with Dr. Lauren Cosmos. Because my husband is so against counseling of any kind and has such a quick and violent temper, I was afraid to tell him about Dr. Cosmos until nearly one year later. It was only after intensive therapy that I was able to find the courage. On August 19, 1989, Dr. Cosmos and I discussed my therapy with him. Dr. Cosmos also offered to talk with my husband before referring him to a colleague for counseling. He declined this help. I told him that I had moved my things to an apartment. It was a terrible blow to him, and he wept freely. It pained me to hurt him, but I had to move out for the sake of my own mental health. My improvement has been steady since I moved out of the house. I believe that I have a future now.

“After I moved out, I saw my husband from time to time: we had breakfast

If pleasures are greatest in anticipation, just remember that this is also true of trouble. Elbert Hubbard, c. 1910

196
together and dinner once in restaurants. In December, I also went back to the house to decorate the tree for Christmas with my daughters, who had come home for the holidays, and we all exchanged presents. But I did not stay the night. I also returned to the house to collect some kitchen items, my jewelry box, and files containing my research papers. I had taken nothing with me in the initial move except my clothing, some personal items, and a small table and chairs. I slept on a pallet on the floor until recently, when I decided to make the separation permanent with a dissolution of our marriage. I have since purchased a bed and some other furniture.

"On January 5, 1990, I first went to see Ellen Ostman, who was referred to me. Ms. Ostman advised that my husband and I go to a mediator and supplied me with a list of names. My husband and I met once more with Dr. Cosmos, at which time I indicated that I was considering divorce. (Incidentally, my therapy sessions with Dr. Cosmos have been ongoing.) Again, Dr. Cosmos repeated her offer of counseling and referral, and again my husband declined. My husband believes that the problems are mine and that I should solve them and return home. At this meeting, we selected a mediator with whom we met on February 3, 1990. Prior to the session as we were waiting, my husband severely criticized both Dr. Cosmos and Ellen Ostman. He told me that I needed a psychiatrist. The mediation effort was unsuccessful, and I suffered a severe emotional setback. I was so distraught that I telephoned my husband the next day and told him that he could have everything if I could just have my own name back. He agreed and consented to have Ellen Ostman draw up the agreement.

"On February 6, 1990, I saw Ellen Ostman a second time, and she formulated a proposal which she transmitted to my husband. She also advised me not to discuss the proposal with my husband. I have not. Because I have a telephone answering machine, I know that he has telephoned me at least once, but I did not return the call.

"On or about April 24, 1990, I received from Ellen Ostman a copy of my husband’s written refusal of her proposal. As I read it, I cried uncontrollably. That I could have inspired the undisguised hatred that appeared in that letter was beyond belief to me. After my tears subsided, however, I realized that reading the letter was actually therapeutic because it made me see matters in the light of reality.

My mind is as open as a forty-acre field, but that doesn’t mean I’m going to change it. Everett Dirksen, 1970
I am unable to help my husband; I believe that he needs professional counseling.

"After requesting guidance from Ellen Ostman, I withdrew half of the amounts in both the joint savings and checking accounts at the MacDill AFB Credit Union and mailed copies of the withdrawal slips to my husband. He has not acknowledged receipt of them. On April 10, 1990, I met once more with Ellen Ostman and asked her to begin the process of divorce. She requested that I write a two-part narrative: the first half detailing my marriage and events up to April 10, 1990, and the second half relating events after April 10, 1990. Upon notification by Ms. Ostman's office, I signed the necessary papers to initiate the divorce action.

"Because I am not in a tenured position (my contract is year to year), am not vested in the Florida retirement system, and do not yet qualify for Social Security Retirement Benefits, I am deeply concerned about retirement. Instead of buying luxuries for myself, I have allotted a portion of my paycheck for tax-deferred retirement. If I were 25 years of age and just beginning my career, it would be one thing, but I am nearly 60 years old, and I do not yet qualify for any retirement except the tax-deferred benefit into which I am paying from each of my paychecks. The years that I could have devoted to establishing a career and building up retirement funds I spent performing the duties and obligations of a wife and mother. Because I have invested nearly 38 years of my life into a marriage that has often been lonely and difficult, I believe that I have earned both half of my husband's retirement pay and the Survivor Benefit."

Terri's Story

"George and I began dating when I was 16 and continued dating through high school and one year of college before getting married 2 1/2 years later, in August 1962. My mother was concerned about George's attitude toward his mother and advised it would affect me. My father was concerned about George's ability to earn a living, which also later proved to be a problem. The pastor told us there would be difficulties because of our diverse backgrounds and views of life. But we were in love and we loved the Lord and were going to serve Him, so we felt that all these problems could be overcome. (At age 18 and 20, life is not viewed as realistically as it should be.)

The mere attempt to examine my own confusion would consume volumes.

James Agee with Walker Evans, 1941

198
“One of our first goals as a married couple was completing our college educations. We attended the University of Florida (UF). I went year round and got my B.A. degree in December 1964 and began teaching, and George completed his B.A. During these four and one-half years George worked different jobs, usually sales and collections, and even then debts were accumulating (college, bills, etc.). I had encouraged George to get his degree in education because he liked teaching and wanted to coach. But he thought it was too difficult and got a degree in history and social studies.

“I taught for two years until our daughter, Dee, was born in February 1967. George was in sales (wedding invitations, etc.), and I helped with prospect information, etc. He decided to go to a seminary in Memphis, and we moved there in the summer of 1967. During the three years there, George attended the seminary and worked different jobs, paper routes, sales (insurance). The work patterns of changing jobs, offices, and companies remained the same. There was always change, even of banks. We moved to Tampa in June 1970, six weeks after the birth of our son Dan.

“Besides raising the children (George was gone most of the time working), I did everything around the house. The only thing he begrudgingly did was mow the lawn. I kept the family expenses on the small amounts of money, but emergencies, business failures, etc., found us further in debt. And there were more changes of companies, bosses and offices. In the evenings when George was gone, I worked as a preschool director at our church. The lonely hours of his absence were filled with outreach. Being gone was an established pattern for him.

“Once the children were in school and we had accumulated more debt over the years, I thought I should help by teaching, but George did not want me to. We could have paid our debts and gotten out of the mess we were in. There was more and more friction because of this financial bondage. I continued to help when I could with prospect information and supporting continuous job changes, but the pattern continued. I felt that he must think he has more power over me if I am at home. It was also a matter of pride.

“When our son, age six, got involved in soccer, George was the coach, which was good for building a father/son relationship. But it did take hours away from work, and the consequences were more financial problems.

“We had been renting our home and then bought it in 1976 for $25,000 and

Conceit is God’s gift to little men. Bruce Barton, 1958

199
paid $200 a month. Private education was $150 per month for both children and then $250 a month starting when our daughter was in 10th grade. Everything else was kept at minimal expense so this could be done. Groceries were always low amounts of money. Mostly we wore clothing given to us, and entertainment expenses were practically nil. We did try to take a weekend vacation each year for a while. In 1979 or 1980 we purchased a time-share week and began payments on that, a "forced vacation pay" because there was never regular money to go anywhere. Throughout these years, the main responsibility of raising and training the children was mine. I loved being a mother and always desired more children, but was told they cost too much so we only had the two. We lived modestly.

"We were both also very involved in our church. I was a preschool director of 40 Sunday school teachers, and he taught a discipleship class. His involvement began to change in the late seventies and early eighties. There were some personality conflicts and church program differences, and he began to withdraw from his involvement and eventually even his attendance. Even with encouragement from the pastors, he would no longer get involved, and attendance at church was rare. This process took a couple of years. I felt it was important to keep going and be involved with Dee and Dan, so we kept attending and I worked as a preschool director until 1983.

"It was obvious that George was going through a depression, a midlife crisis. He withdrew gradually from everything. He needed help, but there was no money. Our marriage was getting worse, but he was deaf to any suggested solutions. I always felt like our problems were solvable. We had our strengths and weaknesses, which could complement each other if we worked together. But George did not understand that marriage is a together relationship. He sees it mainly as the husband being the boss and the wife doing whatever she's told. He made a comment at one point after our separation that "If we ever do get back together you will bow at my feet and call me lord" as Sarah did Abraham.

"In 1982 we took the family on a trip in the autumn to the Blue Ridge Mountains and stayed in a cabin in the woods. My heart went out to my husband and I felt so close to him emotionally, but he was distancing himself from me. It has been a great hurt to me when I found out later that he told our children he didn’t love me and hadn’t for years.

Those who set in motion the forces of evil cannot always control them afterwards.
Charles Waddell Chestnutt, 1901
"I remember clearly the day in 1980 when he said, "I've tried God's way for 18 years and it doesn't work. Now I'm going to do it my way." I personally felt that God was closing doors and using circumstances to teach us important things, but my viewpoints didn't matter. George was already doing things his way, and from then on everything got even worse.

"We owed so many people money, even my dad, and I asked if I could go to work. I wanted to give my dad at least a little money toward what we owed him and mom. I worked a little at a preschool so I could do this. I was offered a full-time job, but George said no. Things got worse and worse. It was like I was in a cage. I was made to beg for the very essentials and then labeled a nag, battle-ax, and worse. Bill collectors called all the time. At one point, the children and I were at his office and the phone was locked in the file cabinet. I found out later he didn't want me to get any bill collector calls there.

"I also found out that he was keeping a file on me. Whenever I said or did something he didn't like, he wrote it down and filed it. One of the things that bothered me about our whole situation is that he only sees himself as the victim. It does not matter what he did to us or that his negligence and irresponsibility caused so much trouble. Always, the important thing is what did you do to him?

"He always would say, "You don't love and accept me." Everything about him had to be liked, and to say anything negative was a major mistake. I did love him, but the negligence was tearing up and disintegrating our family. Everything I said was interpreted from a "persecution complex."

"I became mainly the cook (if he was home) and the cleaner of his clothes. He wanted to stay in our house, but not be my husband, so he could have some contact with the children. By March 1984 I could no longer take the emotional abuse. In desperation one night when he came home, I cried and asked why he was destroying our marriage and family. I told him I could not live like this and if he didn't love me and want to be my husband, I could not keep doing his wash and be his maid.

"When the children and I got home the next day, he had left good-bye notes for Dee and Dan. Their response was, "What's new, he was never here anyway." We were in such a mess financially, and our house was in disrepair. My family came to our rescue. My dad and brothers put on a new roof and my sisters helped in the yard. We got very little support from him from March until September 1984.

One of the most time-consuming things is to have an enemy. E.B. White, 1958

201
My father paid the second mortgage, and I paid him every month. George was supposed to pay the $200 on the first mortgage. He would not let the phone be changed from his name, and the bills went to his address. I had to call the phone company to find out the amount due and then pay so it wouldn’t be disconnected. Finally it was changed after a call to the company’s president.

“In late August, George got an apartment in Clearwater and said perhaps we could work things out. We commuted back and forth to Dee and Dan’s school from Tampa and stayed at the apartment about three nights a week. It was very clear that I was not going to be a wife there either. I was the cook and cleaner. George wanted the children, not me. We lived this way until March or April 1985. It was a very difficult time for me emotionally, but I very much wanted our family to be whole.

“With my parents’ help, I went back to USF in the summer of 1985 to update my teaching certificate. Since it had expired, I also had to take a teacher’s exam and go through new state programs. George would not even let me use our old second car, so my dad bought me a used car. That summer was also difficult because George was pressing for Dan to be with him. Dee wanted to go to a Christian college and received a scholarship and grant help. Dan stayed with me and went to a public high school. I began teaching in a private school in August 1985.

“My church gave me a 1981 Chevrolet in August 1985, which I still drive. Things were difficult those first years of supporting myself and two children. The Lord used family, neighbors, and friends to help us. My parents replaced a failing stove and oven, a refrigerator, water pump, sewer line, etc. Food and other supplies were given to us on a number of occasions by others because my income was low.

“I continued paying my dad for the second mortgage, and George was supposed to pay the first mortgage, but did not. In September 1985, my parents foreclosed on the property so the children and I would be able to stay in our home, otherwise the mortgage company would have the property. I paid rent to my parents until my dad deeded it back to me and the children in his will. He died in May 1991.

“We had leased a car (against my opinion) for George’s business, and when George stopped making payments, we were sued and it was repossessed. George

Liars when they speak the truth are not believed. Aristotle, c. 340 B.C.
did not receive a summons. George had said we should not tell anyone where he was or he would disappear. So I went to court, and the judge gave the whole bill to me. I got an attorney to help me, and the second time George did go to court and the judge gave the bill to both of us. George would not finish the payments on the time-share so I did, or we were also going to lose that. It is in Dee’s and Dan’s names but I pay the yearly fee.

“Even though George did not live with us, I did not want to cut his parents out of our lives. For a couple of years, I still invited him to family gatherings like Thanksgiving, Christmas, and birthdays so he could be with his parents too. It was difficult for me emotionally because George made snide remarks. The children and I kept contact with his parents. His father died in June 1990, and I was the last one to see him before he died. I call or write his mother every two weeks and see her. George has seen her five times in two and one-half years. He was never big on seeing his family.

“I thought it would help his self-esteem if he coached, which he loves to do. I suggested to our PE Director that George coach our school’s soccer team and George accepted. It was another difficult time as he treated me with disdain and would hardly acknowledge who I was. If he did see me face to face, he would make comments, like “Do I know you from somewhere?” or question who I was, etc., anything to hurt.

“Over the four years, I invested about $7,500 in the college expenses. Dee was on work study at college and worked in the summers. After graduation she married, and she, Tom, and their son live in south Florida. George did pay for a good portion of the wedding. I think because her life went on as planned and she was gone, she doesn’t have as much understanding or compassion for what her brother and I experienced. She also prefers to think of her dad in a better light, and it’s easier for her emotionally.

“Dan has been hurt very deeply by his dad’s desertion. Although he knows his dad was leaving me, not him, Dan says, “For two out of three he should have stayed.” Many times he did not even want to make contact with his dad, but I insisted that he keep communication open. The fact that his father has not supported us (except in very minimal amounts) has caused much pain. Dan sees this as the man’s responsibility. He was 14 when his dad first left, very crucial years.

The more I traveled the more I realized that fear makes strangers of people who would be friends. Shirley MacLaine, 1970

203
"Dan is a five-year student at a Christian college, majoring in business/building construction. I invested about $8,500 the first four years. He will graduate in May and marry Rosemary in June. He has been more understanding of what has transpired.

"George contacted me before Dee married, and we went to a Family Christian Seminar together. He contacted my parents and made apologies. He also contacted others, all of which, I figured out later, was done to make the wedding more comfortable for him. I guess that after what he has done to his family, it was going to be difficult to face people. He even mailed me a Mother's Day card! But as soon as the wedding was over, I was NOBODY to him again. T. Miller (no name) was how he addressed any correspondence, such as a demand to tell him what was going on with his parents and children.

"George would periodically tell me I should get a divorce (he wanted me to have the expense). I would always tell him that he knew what God said and he would say, "I can't obey God on this issue." He did file for a simplified dissolution in November 1990 and pressed me to divorce him at no expense to him. After reading all the papers, I decided this would not be good, especially with our financial complications. It made him very angry that I did not show up as he demanded.

"In September 1991, he told me he would have to divorce me so he could serve the Lord better. It seems he could be accepted at some Bible Seminary College if he were divorced but not separated. He wanted to get on with serving the Lord and said the Lord was giving him many opportunities. I asked him if serving the Lord was more important than taking care of his own flesh and blood, whether service was better than obedience. He knew the answer to this.

"My heart is very sad from waiting all these years and hoping and praying that George would have a change of heart, that he would stop viewing life so selfishly, that he would forgive, and that he would repent of what he did to his family. I feel that if there had been any repentance he would have tried to make some kind of restitution, even if he didn't want reconciliation. Of course money does not take the hurt away, but he needs an accounting of what he has done (I know there will be an eternal one) and to be told he is not going to get by with all his negligence. He never wants the consequences.

"Even if I had sued for divorce, we wouldn't have received anything. He

Avoiding danger is no safer in the long run than outright exposure. The fearful are caught as often as the bold. Helen Keller, 1940
always shows himself poor. The fact that he has held on to debts all these years, as an insurance policy to show how poor he is, is a picture of how life was (financial bondage, negligence). I don’t think he has any intention of paying these debts. When the divorce is final, he’ll wipe his hands of them and be free. He has always told me no court in the land would make him pay anything or pay attorney expenses, although he is the one who pushed me in a corner and added lies and deceit to drag this matter out further. Why can’t there be truth? Will there be justice?

“It seems that since I didn’t have a total breakdown, we didn’t end up in the ghetto, and we were able to rise above the circumstances, there should be no compensation to me. If a woman doesn’t go immediately to the court, then the man should get by with whatever he is doing. I think there should be some kind of compensation from March 1985 until Dan turned 18 at least (April 1988), if the courts do not consider full-time college students as dependents. Personally, I don’t think a husband should get by with throwing his wife to the wolves, but I do not know what the court allows.

“One of the things that has bothered me the most in our relationship is that I have ended up being blamed for George’s inadequacies. I know it is a pattern from his childhood to blame others, first his mom. Since we were married, any failure was pinpointed as the boss’ fault, the pastor’s fault, and the wife’s fault. Life is viewed only from his perspective and how others respond to him.

“I defended him to my family (especially my parents) who questioned what he was doing to earn a living. I defended him to my neighbors who questioned why I didn’t get his help in the upkeep of our home. I defended him to the parents of the boys he coached in soccer when they questioned his decisions. I defended him to people at our church who questioned his attitudes.

“What I tried to do in living within the parameters of his rules and inadequacies (not living) has been totally forgotten by him. Being frugal and living on less is not remembered. Reminding him that a bill collector called was a terrible infraction. Climbing our roof and putting rocks on plastic to keep out the rain was what I should do. To tell him that it was causing further damage and there was a different solution was another black check by my name. I was told I didn’t love and accept him.

“All the years he wouldn’t let me work because of his ego and need to

For Mercy has a human heart, Pity, a human face, And Love, the human form divine, And Peace, the human dress. William Blake, 1789

205
control culminated in a disastrous financial mess. He calculated his departure and one day told me to "get out and earn my keep." I realized later he was already taking steps to leave. If I was earning a living he wouldn't have to help. When he did leave, he didn't help. In fact, he made life more difficult. Not only did he desert me, but he abandoned his children. I was left on my own to support and care for them and get them both through college. Except for minuscule amounts of money, there has been no help.

"It hurts to think that even now when he is earning more money, instead of helping his kids (particularly our son in college), he was saving money for himself to further his education! In all these years, while I've maintained a continual frugal lifestyle (I don't even own a TV, microwave, dishwasher, etc.) and put two kids through college, he has not paid his debts. He thinks the judge won't make him pay for his family if he is in such debt. Actually, it is a visual reminder of how we lived in financial bondage.

"Yes, I had hoped that George would be sorry for what he has done to his family. In spite of it all, I wanted our marriage to work, to keep our commitments, and to have a united family. Instead, he filed suit to take half of what is not his and for me to pay half of his debts. All my years of staying out of debt and I end up with $4,000 worth of attorney's fees, trying to get the truth (which was not given initially, only through a deposition), and some back support for the care of his children. Three years, from March 1985 to April 1988 until Dan was 18, is what I understand I am allowed.

"I would like $5,000 per year and the $4,000 in attorney's fees. He has said in the past that "no judge in the land will make him pay," but I hope this is not so. For my sake and especially for our son's sake, a father should not get by with this. He should be made to do what he already should have offered to do."

---

False words are not only evil in themselves, but they infect the soul with evil. Plato, 400 B.C.
CHAPTER 10
STAGE 2. TEMPORARY RELIEF

Hazel asks whether her husband has to do all of this work. I know he
doesn’t know what’s involved in filing a divorce, she says. If he did, he
wouldn’t be acting so carefree. He just thinks you go to court and
that’s it. When do we go to court?

I turn the tables and ask Hazel what kind of representation she
would get if she did not do all of this preparation. I further explain
that she will go to court only if she and her husband are unable to
agree about an issue. In the early stages of litigation, issues usually
revolve around temporary relief, such as who will pay the mortgage,
where the children will live, and what happens if your spouse spends
your savings before you go to court. Resolving these issues is done by
either agreement or court order. You should anticipate problems
beforehand to avoid finding yourself in a panic. Remember that it
normally takes weeks before a court hearing can be scheduled. Only
under dire emergencies will a court allow a hearing within several
days.

Better Late than never. Livy, A.D. 10

209
Tempers usually flair during a divorce. It is not unusual for parties to make harassing telephone calls, stalk, slash tires, open mail, push, shove, or even worse. To preserve the peace, the courts are sometimes called upon to issue injunctions or restraining orders that prohibit specific types of conduct. Sometimes they require one of the parties to move out of the marital home. These orders are served on the spouse by a sheriff or other law enforcement officer. If violated, the court can issue a jail sentence.

If the parties are separated and no one is ordered to pay the mortgage, telephone, electric, automobile loan, and credit cards before the final trial, the parties may find themselves in financial ruin before a trial can occur. An application should be made to the court for a temporary order for child support or alimony so that this does not happen. A temporary court order also may be necessary to prohibit either party from running up credit cards or disposing of marital property. In one case, a client’s husband spent $10,000 of the parties’ savings before the trial. Because there was no court order prohibiting this, the wife was left with no remedy.

Until a trial, many questions may arise regarding the children: Where will the children live? What schedule will the visitation follow? Who will be respons-

Minds are conquered not by arms but by love and magnanimity. Spinoza, 1677
ible for picking them up and dropping them off? What will the holiday visitation schedules be? Is a court order necessary prohibiting their removal from the state? Resolving these issues sometimes requires as much litigation in court as the actual trial. A temporary court decision may have long-range ramifications for the parties, such as the issue of temporary custody. Once the court has awarded temporary custody of the minor children to one spouse, it will be difficult to change their residence later.

Hazel peppers me with questions: You mean a judge will decide how much money I will get if my husband and I can’t agree? How does that work? Is it like a trial? Do I have to testify? What do I say? Will my husband be there? Temporary hearings are conducted in the same manner as a trial and are like a dress rehearsal. To help Hazel become more acquainted with the process, I show her the following transcript of a temporary hearing where the court had to decide who would have temporary custody of the minor children; how much temporary child support and temporary alimony would be awarded, if any; and whether an injunction for protection would be granted.

It's great comfort to me to know that I've always done what was right. Douglass F. Camp (after his wife had divorced him for mental cruelty), 1931
IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT OF THE STATE OF FLORIDA,
IN AND FOR HILLSBOROUGH COUNTY
FAMILY LAW DIVISION

IN RE:

THE MARRIAGE OF

JOE STENNER,
Husband.

and

NANCY LEE STENNER,
Wife,

CASE NO.: 86-0000
DIVISION: A

Transcript of Proceedings

BEFORE: The Honorable Thomas J. Nunez
Circuit Court Judge

TAKEN AT: Hillsborough County Courthouse
Tampa, Florida

DATE: August 15, 1991

TIME: Commencing at 9:00 a.m.

REPORTED BY: A Court Reporter
Notary Public,
State of Florida
Deputy Official Court Reporter
(original ____)
(copy ____)

212
APPEARANCES:

**On behalf of the Husband**

VIVIAN JONES, ESQUIRE  
9896 Grant Park Boulevard  
Suite 2501  
Tampa, Florida 33608

**On behalf of the Wife**

HENRY DIMITRI, ESQUIRE  
2503 Broadway  
Tampa, Florida 33601

INDEX

**Witnesses:**

<table>
<thead>
<tr>
<th>Witness</th>
<th>Direct (By Ms. Jones)</th>
<th>Cross (By Mr. Dimitri)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angela Joyce Campbell</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gwendolyn Mitchell</td>
<td>Direct (By Ms. Jones)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cross (By Mr. Dimitri)</td>
<td></td>
</tr>
<tr>
<td>Joe Stenner</td>
<td>Direct (By Ms. Jones)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cross (By Mr. Dimitri)</td>
<td></td>
</tr>
<tr>
<td>Sally Ann Campbell</td>
<td>Direct (By Mr. Dimitri)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cross (By Ms. Jones)</td>
<td>Redirect (By Mr. Dimitri)</td>
</tr>
</tbody>
</table>

213
EXHIBITS

For the Petitioner/Husband:
#1, Financial Affidavit

THE COURT: Are you ready to proceed?

MS. JONES: Yes, Your Honor.

THEREUPON,

ANGELA JOYCE CAMPBELL,

the witness, having been sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JONES:

Q If you would, please, state your name and your address.

A Angela Joyce Campbell. It’s 215 Bird Lane.

Q And do you know Mr. and Mrs. Stenner?

A Yes. My husband was married to Mrs. Stenner.
They have a child together, Sally.

Q And what’s your husband’s name?

A Michael Campbell.

Q And do you know the names of Mr. and Mrs. Stenner’s children?

A Uh-huh.

Q And what are they?

A Jason and Lisa.

Q Have you ever been present at any time, and basically heard with your own ears and seen with your own eyes any physical abuse of any of the children, whether it’s Sally, who is your husband and Mrs. STENNER’s child from their marriage, and Lisa and Jason?

A One time years ago when Michael and I were first married.

Q Approximately when was that? When were you married?

A We were married in November of ’82.

Q Okay.
We were at their home. And Sally and my son, Steve, had gotten into some argument. I don’t really recall what happened.

But Nancy asked Sally to go to the bedroom. She would see her there.

And she went to the room, and they started fighting. I know she was yelling at Sally. I don’t even recall what it was about.

And Michael and I were in the living room along with Joe, and I told Michael, go and see what’s going on. And he, you know, was hesitant.

And so at that point, Joe went down the hallway to see what was going on. And they started screaming and fighting for Nancy to leave her alone.

And she said, get out of here and leave me alone, it’s my daughter, and started — and I said, it’s your daughter, too, to Michael. We were in the living room.

And I finally prompted him to go and see what was going on. And as he was going to the bedroom down the way,
Joe was coming out and just mentioned for him to forget it.

And she — you could hear — she had a belt, and

she spanked her three or four times, and then she came out and —

you know, I was upset about the situation.

And Nancy was — I forget what had happened.

She was trying to rationalize to me why. And that was all that

happened.

Q How did you know Nancy had a belt?

A Well, because you can’t make that much noise with

a hand.

Q Did you hear her say anything to that effect?

A I don’t recall really if any — what was going on

wordswise other than —

Q During the time of your marriage, did you

and your husband, Michael, ever have custody of Sally?

A Yes, we did.

MR. DIMITRI: Judge, I’m going to object.

don’t see the relevancy.

THE COURT: Mrs. Jones?
MS. JONES: Your Honor, I think any relevance of abuse of any child by Mrs. Stenner is relevant to this case.

THE COURT: I agree. Overrule the objection.

BY MS. JONES:

Q Tell us the circumstances relating to your having custody.

THE COURT: This is the case that the HRS official was here? I have read the report.

MS. JONES: Yes.

THE COURT: That was presented to me concerning the child Sally.

MS. JONES: Yes, Your Honor. We had brought that up as being relevant to the issues in this case.

THE COURT: Have you read that yet?

MR. DIMITRI: No.

THE COURT: All right. Have you read it yet?

MS. JONES: No, Your Honor.

THE COURT: I have the authority to publish it to each of you.
MS. JONES: Is it in your court file?

THE COURT: I have it right here. I'll get it for you.

BY MS. JONES:

Q Mrs. Campbell, can you tell the circumstances that led up to you and Michael having Sally and approximately when this was, what year?

A It was — I believe it was in 1986 approximately. And HRS removed Sally from the home. She went to the school counselor and told the counselor that she was —

MR. DIMITRI: Judge, I'm going to object. That's getting into hearsay.

THE COURT: Sustain the objection.

BY MS. JONES:

Q Just tell what you know.

A HRS removed her from the home. And when I called Nancy on Friday, she said that HRS had Sally because I called to get you know, visitation. And she said she was in custody — that HRS had her.

Q Did she tell you why?

219
A Because Sally told them that Nancy hit her, punched her in the eye.

Q Okay. How soon after that were you able to see Sally?

A I believe it was approximately a week. It might have been a little longer before they would allow us to speak with her.

Q At that time, did you see any evidence of any physical abuse?

A She had a mark above her eyebrow, I guess; right in the eye — I don’t remember whether it was below or above her eyebrow area, that was pretty much healed.

Q And to your knowledge, was there an HRS investigation done?

A Yes.

Q Did you and your husband get formal custody of Sally?

A Yes, we did.

Q Do you know if that was subsequent to a court hearing or through an agreement?
As far as I understood, we were scheduled for the final hearing where we all testified, Sally included. And Nancy agreed to turn over custody to us rather than to follow through with the final hearing. That’s how I understood what happened.

Q With regard to this particular case here, have you ever had any discussions with Mrs. Stenner concerning your testimony?

A She threatened me.

Q In what way?

A Very first time was a couple of weeks ago. I was out with a mutual friend of ours at a nightclub, and she and her friend came to the parking lot and confronted me. And I — there was really not a confrontation at that point because I just denied and just — we drove off.

When I got home, my babysitter said — she was quite upset — she said somebody called.

MR. DIMITRI: I’m going to object as to hearsay.

THE WITNESS: This isn’t hearsay. This is what happened.
THE COURT: Ma’am, let me make a ruling, please.

THE WITNESS: I’m sorry.

THE COURT: I sustain the objection. Don’t say what other people have said to you.

THE WITNESS: Okay.

BY MS. JONES:

Q Other than what Mrs. Stenner told you.

A Well, when I got home, my babysitter was upset because she had received a phone call, so she said.

MR. DIMITRI: Judge, I’m going to move to strike

THE WITNESS: In any case, moments —

THE COURT: Let me rule, please. Sustain the objection. Strike the statement because she said she had received the phone call or words to that effect. Ms. Jones.

BY MS. JONES:

Q Did you have any conversations with Mrs. Stenner after your conversation with your babysitter?

A Yes, I did.

Q And what’s the substance of those conversations?
I called her and told her not to call and threaten my children and my babysitter, that she had scared her to death.

What was her response?

She said to me, let me tell you something, Angela. Your kids are dead, bitch, you hear me? Dead.

Have you had any other conversations with her since?

Last week when we were here in court, we were walking by her in the snack room. And she said, you and I are going to have it out.

Has she taken any physical steps toward carrying through any threats?

No.

Do you know if Mrs. Stenner has, during any time of her marriage to Mr. Stenner and prior to their separation — I believe it was in April — that she was dating anyone?

Objection. Irrelevant.

It’s relevant, Your Honor. All the issues concerning the behavior of the parties, and this will become
definitely relevant to the Court as to her behavior and how it affects the children.

THE COURT: What period of time did you say?

MS. JONES: Right now, I’m not talking about after the separation concerning dating, but prior to this point.

THE COURT: How is that relevant?

MS. JONES: Well, Your Honor, we have a couple of points here. It is our understanding that certain of the gentlemen who she has been out with she’s saying were not dates which certainly goes to her truth and veracity. Certain of these individuals have had to care for the children when she’s not there. I think it’s important for the Court to know and this is subsequent —

THE COURT: This has nothing to do with dating. If someone else feels she’s left the children with someone that was not a responsible adult, we can deal with that. It doesn’t matter whether she was dating that person or not. That’s not the relevant portion of that. Sustain the objection.

MS. JONES: All right, Your Honor.
BY MS. JONES:

Q During any time, have you ever had any conversations with Mrs. Stenner concerning her attitudes toward Mr. Stenner as a father?

A As a father?

Q Uh-huh.

A I don't recall any conversations.

Q Have you ever seen Mr. Stenner with his children?

A Yes.

Q On what occasions?

A We were friends for years, you know, off and on.

Q From your personal observations, is he a good father?

A Yes, he is.

Q And what makes you say that?

A The kids respond to him and are very affectionate to him and vice versa. He's a very affectionate person.

Q Have you seen him take care of their basic needs like changing diapers and cleaning them up?
A Yes.

Q Has he done that when his wife has been present?

A Yes.

MS. JONES: I don't have any other questions of her, Your Honor, at this time.

THE COURT: Mr. Dimitri.

CROSS-EXAMINATION

BY MR. DIMITRI:

Q You and Mrs. Stenner socialized together, did you not?

A Yes.

Q And in fact, recently you all went to Daytona Beach together; is that correct?

A That's correct.

Q And you would ask her questions about her relationship with Mr. Stenner, would you not?

A I don't recall asking her any questions.

Q Do you recall having a conversation in front of the child, Sally, and Mrs. Stenner about Mr. Stenner paying you
money to testify?

Absolutely not.

Do you recall telling Mrs. Stenner that if she paid you $5,000 you would testify as to what she wanted you to say, too?

No.

Sally is now living with her mother?

That's correct.

In fact, you and your husband are separated, right?

That's also correct.

And you have told Nancy that you would like to date Mr. Stenner?

No, I've never.

Mrs. Stenner, when she found out that you were telling Mr. Stenner everything that was going on in her house, she got upset with you and confronted you about that, didn’t she?

No.

She did not?

No.

In fact, she said you betrayed her, that you went to
Mr. Stenner and told him everything that she was doing?

A  No, she did not.

Q  And isn’t it true that you said to her that you got her first husband, and you were going to get her second husband?

A  I’ve never said that.

Q  Who is the babysitter that takes care of the children?

THE COURT: Whose children?

MR. DIMITRI: I’m sorry.

BY MR. DIMITRI:

Q  Mrs. Stenner’s children?

A  Jo Ann Long.

Q  Do you know her?

A  Of course, she babysat my children.

Q  And how long have Mr. and Mrs. Stenner been separated this last time?

A  I don’t know.

Q  Has it been the last month?

A  No, it has been longer than a month. I mean, I don’t know exactly when.
Q It has been about three months, hasn’t it?

A Probably.

Q And do you know what money Mr. Stenner has given Mrs. Stenner for the care of the children?

A I have no idea.

Q And do you know about the arrest that Mr. Stenner had back in December for spouse abuse in front of the children?

A Yes.

Q And do you know about the broken nose that my client suffered as a result of Mr. Stenner?

A I wasn’t aware her nose was broken during that. I thought someone jumped on her in a pool.

THE WIFE: That was another time.

THE COURT: Mrs. Stenner, let’s wait.

BY MR. DIMITRI:

Q And have you seen bruises on Mrs. Stenner that have been attributable to Mr. Stenner?

MS. JONES: Objection, Your Honor. It doesn’t have any predicate to say who has contributed.
THE COURT: Sustain the objection.

BY MR. DIMITRI:

Q Did Mrs. Stenner ever tell you that she had bruises and did you observe those bruises and did she show you that Mr. Stenner gave her those bruises?

MS. JONES: Objection. That’s a self-serving statement, Your Honor.

THE COURT: Sustain the objection as to the latter part of the question. She can answer: Have you ever observed Mrs. — or has she shown any bruises.

THE WITNESS: Yes. She had bruises on her arm, forearm, and wrist.

BY MR. DIMITRI:

Q Have you talked with Sally about when Mr. Stenner took a sword and hit her with it?

A I don’t know who you’re talking about.

Q Sally, your stepdaughter.

A Hit who? I don’t even know of any —

Q Where Mr. Stenner took a sword and hit Sally with it?
MS. JONES: Your Honor, I object. He’s asking for hearsay statements from the child.

THE COURT: Sustain the objection.

BY MR. DIMITRI:

Q Now, you mentioned that in 1982, Mrs. Stenner took a belt to Sally?

A Yes.

Q And then back in 1986, there was a mark over Sally’s eye. What kind of a mark?

A As though there were a gash that was healing.

Q Okay. Were there stitches?

A No.

Q How big of a gash?

A Approximately a quarter-inch.

Q A quarter of an inch long?

A Uh-huh.

Q How wide?

A I’m not certain. It has been a few years. And we were only able to see her for approximately 15 minutes. And it was—
Q Now, are you friendly with Mr. Stenner?

A We've been friends off and on over the years.

Q Were you subpoenaed to come here today?

A Yes.

MR. DIMITRI: No further questions.

THE COURT: Next witness, please.

THEREUPON,

GWENDOLYN MITCHELL,

the witness, having been sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

THE COURT: Would you state your full name, please?


DIRECT EXAMINATION

BY MS. JONES:

Q And what's your occupation?

A Hairdresser.

Q And do you know Nancy Stenner?

A Yes, I do.
Q: How do you know her?
A: I'm employed by her.

Q: How long have you known her?
A: Probably about 14 years, approximately.

Q: How long have you been employed by her?
A: Ten months.

Q: Do you see her socially as well as through work?
A: Yes.

Q: Have you ever seen Mr. Stenner socially?
A: Yes.

Q: Do you know to your personal knowledge, meaning that you had discovered it through your own ears and eyes or by talking to either of the parties, do you know personally if Mrs. Stenner has ever left the children of this marriage with any gentleman that she has been dating?
A: I don't quite understand. You mean left them for any length of time?

Q: Uh-huh.
A No.

Q Do you know if she has ever left the children unattended?

A I think Sally, her older daughter, has babysat for her.

Q And how old is Sally?

A She's 11, I believe.

Q Do you know if she has left them to be babysat by her overnight?

A Not overnight, I don't know.

Q You don't know?

A No.

Q Have you ever had any conversations with Mr. Stenner concerning your testifying here?

A No.

Q Have you ever had any conversations — has there been any remarks between the two of you concerning any kind of threat if you testified?

A No.

Q Have there ever been any conversations where Mr.
Stenner was there concerning your continued employment?

A That’s so hard to remember some of this stuff.

That’s so hard to remember some of this stuff. Let me get it straight before I say anything. I can’t even remember. He said what now? There has been so much going on. What’s the question again? My train of thought is —

Have there been any conversations between you and Mrs. Stenner when Mr. Stenner was there, concerning your continued employment with Mrs. Stenner?

I can’t be specific about this, but there was a rumor—which is exactly what I think it was, it said that if I testify against her or something, that I would be fired.

Did she ever say that to you directly?

No, she did not.

Did you ever ask her about that?

Yes, I do believe I asked her about it.

And what was her response?

No, she did not say that.

Was Mr. Stenner there at that time?
A: Yes, I believe he was.

Q: You were saying that she denied that she would terminate you if you testified against her?

A: In respect to if I testified against her, yes. There was something else said on previous occasions. I can't even remember. There has been so much said back and forth. She said this. He said that, and just — my mind is —

Q: When you’re saying that, are you saying that the parties have made allegations against each other to you?

A: I’m trying to think on this occasion that — My mind is blank, to be honest with you. I can’t even think right now. But she did state that she did not make the accusation that I would be fired. And right at the moment, that’s all I know as far as that goes.

Q: You’re saying —

A: If I had time to think without, you know, being pressured, I could remember exactly. But right at the moment, I don’t know.
1 Q Would you consider yourself a good friend with
2   Nancy?
3 A Yes.
4 Q You’ve been friends for 14 years?
5 A Uh-huh.
6 Q Have you ever seen either of the parties with the
7   children?
8 A Yes.
9 Q You’re saying you’ve never heard or are not
10    aware of any circumstances in which the children were left
11    unattended by anyone overnight?
12 A Not that I recall.
13 Q You’ve never had any conversations with Mrs.
14   Stenner that she came in at 5:00 in the morning, that she had
15    gone out with her boyfriend, and the children, to your knowledge,
16    had no adult with them?
17 A No adult? No, not that I recall.
18 Q Do you know who Randall Crane is?
19 A Yes, ma’am.

237
Q: Did you ever have any conversations with him concerning him being left with the children?

A: I don't believe so.

MS. JONES: I don't have any other questions for her, Your Honor.

MS. JONES: At this point, I'll call Mr. Stenner, Your Honor.

Your Honor, I did give you the financial affidavit last time? I thought I had given the Court the original.

THE COURT: Well, let me check the other files. All right. Any objection to the Court receiving this as the Husband's financial affidavit?

MR. DIMITRI: No, sir.

THE COURT: Okay. I'll receive it as Husband's Exhibit — I assume it's Exhibit No. 1.

MS. JONES: I believe it would be, Your Honor.

THEREUPON,

JOE STENNER

the witness, having been sworn to tell the truth, the whole
truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. JONES:

Q Mr. Stenner, if you would, please state your name and your home address.

A My name is Joe, which is J-O-E Stenner. The home address is 197 Juniper Road, 33487.

Q And since your separation, which I believe was in April of this year, have you seen your children?

A A few times I have, yes.

Q How frequently?

A One period of time before she — I hired you as my lawyer, I was able to see my kids every night of the week from Monday till Sunday except one night on a Thursday night I had a visitor from out of town. And that night the kids stayed at the babysitter overnight.

And when she got notice by you, by my lawyer, that I’m going to try to get custody of my children, she quit letting me
see my kids. Over a period of two weeks, she let me see my kids one hour. And that one hour, it was a miserable hour because she was attending and she was arguing with me and evoking the kids into arguments and making the kids fight and cry.

Q Now, when you're saying you saw the children every evening, how long a period of time was it?

A One week. Well, that one period of a week. Other than that, any time I wanted to see the kids, all I had to do was call Nancy and ask if I can go pick up the kids. She would say yes or whatever.

Q Now, let me see if I can make sure I understand. Did you have the children for the entire week, their care for the entire week?

A Yes, ma'am, other than the daytime when I was working.

Q Where did the children stay during the daytime?

A Over at Jo Ann's, and I would pick them up from Jo Ann's, and I'd take them back — before work, I'd take them back in the morning, back to Jo Ann.
Q You were saying since the divorce case was filed, you’ve only seen the children on one occasion?

A No, I’ve seen the children on more than one occasion, but in a period of two weeks, the first two weeks, I believe it was, she let me see the kids only one hour. And I called her just about daily begging her and crying to her, please, let me just speak to them.

For example, on Father’s Day, I begged her, let me just talk to Lisa. I want to hear someone tell me Happy Father’s Day. She wouldn’t even let me do that.

We were planning to spend the day together, but because I didn’t want to give her money, she won’t let me see the kids.

Q Do you take the children with you when you go to church?

A Every Sunday morning.

Q When you and your wife were living together in the house, could you tell us what your routine was concerning the children?
A Oh, that's simple. I would do everything. All she had to do was get dressed and put on makeup and go.

I'd get up in the morning. I'd feed the dogs. I'd feed the kids, make sure that the kids are — it's very easy because all she had to do is just put clothes on and go.

I'd get up. I'd fix lunch for the kids. I'd fix breakfast for the kids. Most of the times — sometimes I'd even fix her breakfast, if she wanted.

I'd get them dressed. I'd take Lisa to school. I'd take Jason to the babysitter, and then I'd go to work. All she has to do is just get dressed, put on makeup, and go.

Q Now, in the evenings, what was your routine?

A After work, I go pick up the kids, go home. Most of the time there'd be no food to cook. She'd be out. She wouldn't even come home. I'd go and pick up some chicken, Chinese food, pizza, whatever I can come up with because it's like 8:00 at night and the kids are hungry and I was ashamed asking Jo Ann to feed the kids every single night of the week.

Q Who would bathe the children in the evening?
A Jo Ann.

Q So they were ready for bed by the time —

A By the time I picked them up, they were bathed and had their nightgowns on.

Q Since the mutual restraining order was entered at the time that we filed for divorce, has she ever come over to your place of business?

A Yes.

Q Has she ever harassed you at your place of business?

THE COURT: Wait. We’re not here for any violation of the restraining order. How is that relevant to the issues that we’re here on?

MS. JONES: Well, Your Honor, since the statutes provide that the Court can take into consideration any battery or abuse of the spouse in determining the best interest of the child, I think that is relevant for the Court to take into consideration.

THE COURT: Fine. Focus on that. If you’re getting
into that, then I withdraw any statement.

MS. JONES: I’m trying to get to — the next question was in that way.

BY MS. JONES:

Q In what way has there been any harassing?

A I believe it was Thursday. I know it was the 1st of the month. I was supposed to go and see you, and I had paper work in my pocket to take to you.

And my wife came to the hardware store, and we went and had lunch together. And then she asked me, where are you going? And I said, it’s none of your business.

And then she kept asking me, where are you going? And I told her, I’ve got to go see my lawyer. I’ve got a 2:30 appointment with my lawyer.

She said, what have you got in your pocket? I had some pictures to show you. I had some paperwork to show you, and I didn’t want her to see what I’ve got for you.

I said, it’s none of your business. And I hold my hands across my chest. Then she strikes me, hit me, bit me, in
order to — and tore off my pocket in order to see what I’ve got
in my pocket.

She finally left the hardware store and I called the
police department and I reported an assault and battery. And there
is a case number about that.

Q During any other time during your marriage, has
your wife ever physically hit you?

A Yes, ma’am.

Q How often?

A How often, I don’t know, but I know that many times
she strikes me very hard. One time she stabbed me with a screw
driver. One time she ran over me with the van because I wanted to
leave the house.

MR. DIMITRI: Judge, could I have a predicate as to
time, please?

THE COURT: Sustain the objection. And you must
slow down, Mr. Stenner. The court reporter — those
fingers can just go so fast.

THE WITNESS: Okay. I’m terribly sorry.
1 BY MS. JONES:

2 Q Do you recall approximately when it was that she
3 stabbed you with the screwdriver?
4 A It was before little Jason was born so I would say
5 about nearly three years ago, three-and-a-half years ago.
6 Q And you're saying she ran over you with her car?
7 A With the van.
8 Q And do you know approximately when that was?
9 A Yes. It was within about a month or so from that
10 accident, because it was again before Jason was born because I
11 wanted to leave the house because I had — I had enough of her,
12 and I wanted to leave the house, and I walked to the door.
13 As I walked to the door, she grabbed my keys. She
14 wouldn't let me go.
15 I finally managed to walk out the door, and I
16 walked without keys, only myself and my clothes.
17 She got in her van and chased me, and the right
18 front tire ran over my left foot.
19 Q What did it do to your foot?
A it broke three bones, and I fell down. She got out and she picked me up. She started screaming, I'm sorry, I love you, I'm sorry, I love you.

She took me back to the house, laid me on the couch, and offered me sex in order for me not to call the police so I wouldn't report that.

And then I told her, honey, my leg hurts. It hurt real bad. She said, okay.

And we went to the hardware store, and from there we went to a foot doctor. And he told me I've got three broken bones.

MR. DIMITRI: This is hearsay.

THE COURT: Sustain the objection.

BY MS. JONES:

Q Did you get a cast on your foot?

A Yes, ma'am. I had a cast four months on my left foot from my knee down.

Q During the time that you all had been separated in — since April, have you provided any kind of — well, let me
Have you paid for any of the household expenses or other living expenses for your wife and children?

A Every bill that walked in that door I paid. She submits me with any bill and every bill that was, and I paid.

The only bill I did not pay, that was her boyfriend’s bill. I refused to pay that Light Coors beer bill.

THE COURT: What was the date of the separation?

MS. JONES: Let me see if I’ve got the exact date.

MR. DIMITRI: The first part of April.

MS. JONES: I’m not sure of the exact date, but it was the first part of April.

THE WITNESS: As a matter of fact, at one time in May, she wrecked her car. She came to me, swore up and down she had no passenger with her in the car. And I went ahead and gave her $1500 to buy another vehicle.

If I had known that she had her previous boyfriend with her the morning of the accident, I would have never given her the money to buy a car.
THE COURT: Excuse me. I’m confused as to when this occurred.

THE WITNESS: It was in May. It was after the separation, sir.

BY MS. JONES:

Q Have you been making the mortgage payments?

A Every one of them.

Q Is it up to date?

A I believe it has been behind a week for the last one.

That’s all.

Q Do you provide any money for groceries?

A Yes, ma’am. Every time she asks me for it, I go with her to the grocery store because at one time — it was right before Easter — she asked for food money, and I did not want to give it to her so she said that I cannot have the kids for Easter.

I was over at Jo Ann’s house. I gave her $200 to buy groceries with. I gave her cash.

A few weeks later, she told me that she used only $70 out of that $200 to buy groceries. And the remainder of the
money, I don’t know what she did with it.

Q Have you provided any money for clothing for the children?

A Yes, ma’am. That was just this past week. I spent nearly $500 between my wife, my stepdaughter, and my two little kids.

And the reason I spent money on my stepdaughter is because her father said that he would not give her a red dime — I mean, a penny.

MR. DIMITRI: I object to hearsay and move to strike.

THE COURT: Well, I don’t know — if he said it to him — it’s not being submitted for the truth or falsity, but for his motivation for what he did.

Did he say that directly to you or did somebody tell you that?

THE WITNESS: My little girl told me that.

THE COURT: All right. I’ll sustain the objection, and strike the witness’ statement concerning what the father
allegedly said.

BY MS. JONES:

Q Do you pay for any of the utilities at the house?
A Yes, ma'am. I pay for every utility bill that there is coming in the door. As a matter of fact, I even paid her because she got in a fight in a bar in the street, and she needed money to cover up for the doctor. And I gave her $250. I gave her a business check, as a matter of fact. It was just recently.

Q All right. What do you pay your — well, you own a business, correct?
A Yes, ma'am.

Q What business is that?
A Hardware House.

Q You pay yourself any kind of salary there?
A Yes, ma'am. I pay myself $500 a week.

Q Have you been able to afford all these expenses on what you normally pay yourself?
A No, ma'am. I use some of the company money.

Q When you and your wife were living together, were
you aware of any abuse charges regarding Sally?

A  Yes, ma’am, many times. I asked my wife to quit. I told her that if she’s not going to quit, this little kid is going to turn out to be a runaway.

Q  What kind of abuse? Have you observed with your own eyes abuse?

A  Many times, physical abuse.

Q  In what way?

A  Spanking, biting, kicking, calling her a whore, a little shit, all kinds of nasty words like this to — at the time she was only 7 and 8 years old. And the thing that I’ve got to learn how to live with is that I was a witness of a child abuse and I haven’t done anything about it. And I should have called HRS, but I did not know about it. I closed my eyes to it because I loved my wife and I still do. I love my children. I always will love my children. I love every child in the world. It doesn’t matter who’s the child. I will love them.

Q  On the occasion that was told to us by Mrs. Campbell, do you recall that incident that she talked about of your wife hitting Sally?
A No, ma’am. That incident I do not remember due to the fact I’ve been in two wars in my life and I forget a lot of things. There’s many things in my life I strike and I forget. Sometimes I forget close friends of mine. Sometimes I forget things that happened a month ago, two months ago.

I’ve been in wars since I was 17 and four months.

Q Have you been present during any conversations between Mrs. Mitchell and your wife concerning Mrs. Mitchell’s employment with your wife?

A Yes, ma’am.

Q When was this?

A It was previous to the last hearing. I’ll say about two weeks before, approximately two weeks before the hearing.

She called and asked me, Gwen is being subpoenaed? I said, yes. As far as I know, my lawyer will subpoena Gwen.

And then she said, well, if she opens her mouth about me, I know enough shit against her and her husband with cocaine to put her in jail and her husband in jail and her daughter

A Absolutely.

Q And you have signed those notes?
Right.

— if she testified?

Right. But I told the truth. I told Gwen the truth. I did not lie to Gwen, and Gwen heard it, and Nancy agreed to saying that.

So then Nancy agreed after you told Gwen that that wasn’t the way it was, and Nancy said, well, I guess I did say I’d fire you?

Nancy agreed saying that she would fire the bitch. I will fire the bitch.

Nancy recalls saying, yes, I did say that, but she said I never said anything about cocaine or HRS.

Now, was this after the restraining order was

But you just told the Court that you didn’t pay for two months.

Because she didn’t ask me for it. Any time she asked me for anything, any bill, I paid it.

Today I paid her money for a bill, and my lawyer advised me not to do that.

When was Father’s Day?

I don’t know. Did you pay the mortgage payment after Father’s Day?
A Yes, sir.
Q And that includes the babysitting so Mrs. Stenner —
A No, I did not include the babysitting. I include the
food, electric bill, garbage, house payments, and pool payment.
Q Okay. So $2200 —
A We'll say $2500 with everything, give or take a
hundred dollars.
Q $2500 for the babysitter, the food, all the utilities,
and the mortgage payment?
A Absolutely.
Q And it's your testimony that since April,
you've made those payments?
A Right. Since April? I made these payments since we
moved into the house.
Q Now, have you and Mrs. Stenner ever
separated before?
A No, sir.
Q This is the first time?
A Yes, sir.
you to identify them for me please.

THE COURT: Mr. Dimitri and Ms. Jones, you scheduled this for an hour, and we are just about at the hour mark. How many witnesses do you intend to call other than Mr. and Mrs. Stenner?

MR. DIMITRI: Sally and one other one.

MS. JONES: That’s the 11-year-old child, Your Honor.

THE COURT: All right. Let’s move on.

BY MR. DIMITRI:

Q Okay. Would you identify that for me, please?

A Yes, sir. That’s on the bathroom wall. She was on the phone all night with her boyfriend. I didn’t know it.

I know she was on the phone with somebody, and she wouldn’t talk to me. She wouldn’t be with me, so I got upset and I hit the wall with my hand.

Q That’s your bathroom wall?

A Yes, sir; that’s my bathroom wall.

Q What’s this?
A I don’t know. That’s the side door at the Pizza Hut, and I don’t know what that is.

Q Did you break the window in that side door?
A Never in my life.

Q That’s your side door?
A Yes, sir, that’s my side door.

Q What’s this?
A That’s Sally holding a part of the sword.

Q Did you throw that sword at Sally?
A No, sir, never did.

Q Do you see that mark on the wall?
A Yes, sir. The mark on the wall is from her shoe.

She took her high heel shoe off like this (indicating) and hit the wall like that and punched a hole through it. Because this hole is too big to be a knife hole, if you look at it real good.

Q This hole right here?
A Yes, sir. That’s a high heel shoe hole.

Q It didn’t come from the sword —
A No, sir.
1 Q — that Sally is holding?
2 A No, sir.
3 Q And you never threw that sword at Sally?
4 A Absolutely correct.
5 Q And did you tear off this kitchen cabinet door in a fit of anger?
6 A I closed it. And when I shut it really hard, it fell down, yes.
7 Q Where are the kids when this happened?
8 A I don’t know. I can’t recall.
9 Q Where are the kids when this happened?
10 A I don’t know.
11 Q Where are the kids when this happened?
12 A That was in my bedroom. There were no kids there.
13 Q Were they in the house?
14 A They were in the house.
15 Q And did you break the glass in that hutch?
16 A Yes.
Where were the kids when you broke the glass in that hutch?

I don’t know.

Were they in the house?

I don’t know. I can’t remember.

Why did you break the glass in the hutch?

Because she broke something that belongs to me.

I can’t remember.

I remember now. She tore up my Bible I had from my previous wife. Her father visited Israel and brought me a Bible, a little Bible that was very important to me. And it had a casing, a very nice casing.

She tore it completely up. She tore it so bad that you couldn’t even put the pages together and try to glue them together. It hurt me so bad, and I lost control of myself and I broke the glass.

When was that, sir?

I don’t remember.

Did you break Mrs. Stenner’s nose?
Not that I recall.

Would you identify that, please?

Yes, that’s my wife laying with bandages over her nose. She also got in a fight before that in a car accident, and she hit her nose in a steering wheel when she was driving and she had a fight on a street with a big guy.

And there’s, I believe — I gave you the case number to it — he beat her up while her boyfriend was in the van and didn’t do anything about it.

So you didn’t break her nose?

No, sir, not that I recall. I could have, but I didn’t remember that.

And didn’t she come to your store to get the deductible that it would cost her to have her nose reset by the doctor?

That’s after the car accident and the beat up she had with the big guy on the street.

And hadn’t you promised her that you could give her the deductible?

And I did.
Q       That night?

A       Not that night, but I did later. I didn’t — I did it. I paid her because I loved her, and she needed the money, and she needed the help.

Q       Now, even before court today, Mr. Stenner, you came up to her and were talking to your wife in a very friendly manner?

A       Yes, sir. We have a dinner date tonight. That’s right. I know you can’t make of it, but this is a very odd situation because my wife keeps telling me how much she loves me, and I love her very much. I love this woman more than I ever loved any woman, and I don’t think I’ll ever love another woman like I love her. And I was married twice before I was married to her.

THE COURT: Wait, wait. Let me stop you here.

You’re the one that’s seeking the divorce, as I understand it.

THE WITNESS: Yes, sir, because I found her with her boyfriend naked.

THE COURT: Hold on. Do you think there’s any chance that you all could attend counseling or something that
might be able to patch this thing up?

THE WITNESS: Your Honor, it's going to have to be a real heavy counseling because in my mind just the fact that I found my wife with another man in my bed in my room naked and I found her in December naked in a different van —

THE COURT: Do you think that just causes you — are you able to forgive her for that, or do you think that there's any possibility that you all can overcome that?

THE WITNESS: This is one thing we've got better than animals. We can forgive and forget. But, Your Honor, it's daily.

THE COURT: Well, do you think — you're attending counseling now to help you with your temper?

THE WITNESS: Now, sir. I'm attending counseling to help me with my wife, not my temper.

THE COURT: Do you think that if you and your wife were to attend counseling or she would attend counseling and you separately or together, that it might help overcome the 270
problems that — you claim you love her very much. You claim that she loves you very much. You’re going out to dinner tonight. You’ve been able to interact since you’ve been in court the last time.

Apparently on some level you can interact with each other as civilized people, but on another level, you can’t. Do you think there’s any hope at all that you two could get back together?

THE WITNESS: If there is any hope, sir, it will be done the right way and it will be done after we get divorced because I am not going to jump in bed right away with her.

THE COURT: I’m not talking about that.

THE WITNESS: I don’t mean in the sense I’m going to have sex with the lady. Not that I don’t want to. That’s not — I would not move into the house right now.

THE COURT: I’m not even talking about you even moving into the house. The Court can order that you all still live separately, but I can order that you attend counseling for a certain period of time.
THE WITNESS: I understand that, sir, but I feel that my wife is not ready for it.

THE COURT: Well, she's the best one that can answer that, whether she's ready or not. I'm asking you from your standpoint.

THE WITNESS: Yes, sir.

THE COURT: How do you feel?

THE WITNESS: I feel that my wife did not want to work anything out with me. My wife wants to see her boyfriends.

For example, on a Monday last week —

THE COURT: Let's not point fingers.

Let me ask you, Mrs. Stenner. Do you agree with your husband, or do you think that there's any hope that you and he could benefit from counseling?

THE WIFE: I think counseling benefits any situation. But I do love my husband, but I'm afraid of him.

And every time we've met, I didn't want to let him take the children.
After he filed for divorce, I was afraid because he told my babysitter and he told me one time that he would take them out of the country.

THE COURT: Well, let’s not get into that. I’m talking about do you think there’s any hope for you and Mr. Stenner to get together?

THE WIFE: I’m just afraid to trust him. That’s basically what I’m trying to tell you.

I want to go to counseling with him. He is a good father, and I’m a good mother. We’re both good with our children.

I feel that I’m better, I really do.

THE COURT: Are you afraid of him physically or you just don’t trust him to go through counseling?

THE WIFE: Yes, because he snaps too fast. One minute he’ll be telling me how much he loves me, and the next minute — in the restaurant that night, he was calling me a c-u-n-t and f’ing whore in front of the children, and other customers in the restaurant.
It’s embarrassing with him. He loses his temper and people look at us. And it just doesn’t work. We have got to go to counseling to communicate.

THE COURT: Have you ever gone to counseling at all?

THE WITNESS: I have asked my wife many times —

THE COURT: Have you gone before?

THE WITNESS: I have gone to counseling, and I am going to counseling as of this very day.

THE COURT: Let’s go off the record.

(There was an off the record discussion.)

BY MR. DIMITRI:

Q Now, how do the children get along with Sally?

A Well, children always have little arguments and little fights, but mainly Sally is trying to rule over the little kids.

I guess it’s a little natural behavior the oldest to be like that because my older brother was doing the same thing. And I’m sure most older brothers and older sisters do the same thing.
Q: Do Lisa and Jason love Sally?
A: Yes.
Q: And how does Sally care for them? Does she love them?
A: Yes. She loved them. She does use vulgar language sometimes. She does raise her voice at the kids and tell them what to do.

And Nancy and I told Sally many times not to rule the children. Let us do that. That’s what the parents are for.

Q: Now, you heard Mrs. Stenner say that you love your children. Does she love her children?
A: Yes, sir. She loves the children very much.

Well, you’ve got to understand, sir, that before she knew about this, about me trying to get custody of my children, she was abusing the children daily, neglecting the children daily by leaving them alone and going out in bars. Every night of the week she would be in a different bar.

Q: Now, Mr. Stenner, please. Let me take it one step at a time.
How would she abuse the children daily?

Like I said, she left them alone with Sally all night.

All night. Every night?

Well, other than nights she took them to Jo Ann, but when Jo Ann went on vacation.

Now, you need to be specific for the Judge.

I can't remember the dates, sir. If you want me to write down the dates, I will, but I don't —

THE COURT: Well, give me some time reference, about five years ago, two years ago?

THE WITNESS: No, no. This is since I left the house. Because before I left the house, if she didn't come home, I'm home with the kids, and she didn't come home many nights; many, many nights.

BY MR. DIMITRI:

So it's your testimony that since the separation, your wife has left the children alone many, many, many nights?

Absolutely.