

## **Divorce sucks (a view from the trenches)**

### **Part 1**

Make no mistake, there are always two divorces. There is legal divorce, and there is emotional divorce. Although inextricably intertwined, they are distinct and separate with their own life and death, each fueling and affecting the other.

Aside from the loss of a spouse, child or parent to death, it has been said that divorce is the most egregious, emotionally debilitating experience a man or woman may have in a lifetime. The grief to each spouse, regardless of fault or equities, is very real, personal, deep and frequently damaging.

Aside from dispute resolution and collaborative law possibilities, which generally may apply to some people, the judicial adversary system is perhaps the most misplaced, illogical and painful method one might devise to dissolve a bond as culturally significant and historically necessary as the marital compact. Regrettably, it is what we have today to resolve marital conflicts.

The legal marriage is formed either by statute or common law. Statutorily one may secure their priest, Rabbi, or other authorized person to join the parties in union by purchasing a marriage license, taking a blood test and going through the formal procedures and ceremony. Additionally, you may, under statute, marry by filing forms with the state signifying the union. In Texas, flowing from the Mexican/Spanish influence on our statutes and the large distances between cities, the time and effort necessary to find a preacher in days gone by, two parties may marry by common law agreement. Such a marriage is binding upon agreement of the parties to be married (irrevocable present agreement), cohabitating together, and holding themselves out to the public as man and wife ratifying the relationship.

Regardless of which of the three procedures one takes to become married, once accomplished it is binding and can only be dissolved by divorce. Divorce means lawyers, the adversary system, the frequent unnecessary involvement of the children in the procedure, and significant grief.

It has been shown to be very constructive, useful, and therapeutic to entertain marriage counseling and/or divorce counseling prior to, during, and following a divorce procedure. There is no question that securing the services of a quality counselor, properly qualified to assist a husband and wife going through divorce, yields long-term benefits and faster recovery time, though the counseling often leads to serious emotional disruption and further pain before recognizing therapeutic results.

Once married, the divorce rate is over 50%. 95% of the population is married by age 55 versus 72% in 1970. The general life expectancy of a marriage is approximately 7 years, 8 months for the first marriage, and 7 years, 4 months for the second marriage.

The relative costs and expense in dissolving the marital relationship is directly proportional to the acceptance and the decision to divorce emotionally which can occur days, weeks, months, or years prior to the time you meet your attorney to commence the divorce proceeding, or never at all.