

Divorce: Difficulties Couples Face with Equitable Distribution

Divorce is one of those strange beasts in modern society that no one ever expects to have to deal with or live through. No one gets married with the idea that it is a temporary situation - we all marry with the best intentions and the noblest of goals. This is why so many spouses are willing to make sacrifices for their partners - the spouse who works to put their partner through school, the spouse who agrees to move to an area they find uncomfortable, the spouse who give up a career - without hesitation or thought about how these decision may affect them post-divorce, because in their minds there can be no 'post-divorce' period.

This is often the root of a shock when divorce proceedings are initiated, because people always believe that their feelings and non-financial contributions to a marriage will count for much more than they do. The fact is, marriage is a contractual partnership in the eyes of the law. The law does not require proof of emotion or religious approval for a marriage - it is simply a legal arrangement between two adults, and its dissolution is treated as such in the courts. This means that emotions and more diffuse sacrifices may not be given much weight when the divorce proceedings begin.

This cuts both ways, of course. The courts will always use the lifestyle currently enjoyed by both spouses as a guideline, which means that a spouse who is solely responsible for the finances of the marriage may find themselves in the position of supporting their former partner. This is because the courts will attempt to maintain the lifestyle for both partners regardless of the relative financial contributions of each.

When contemplating divorce or if you suspect your spouse is contemplating divorce, the first and most essential preparatory step is to consult an attorney or qualified mediation expert. Whether you desire the divorce or not, you must prepare yourself for the possible scenarios you will face, whether you are the breadwinner and facing spousal support for years to come, or if you are financially dependent and facing the possibility of having your non-financial contributions downplayed. Both situations are difficult to accept and the solutions the court offers can frequently seem harsh or cold.

This is why preparation, both emotional and practical, is essential. If you are contemplating divorce or fear you will be involved in an unwanted divorce, it is important that you contact a mediation attorney immediately to begin investigating your rights and your options.