

10 frequently asked divorce questions

Get answers to some of the most important questions about separation and divorce.

By Anne Bokma

Divorce procedures and telling the kids the truth



Deborah Moskovitch wants others to learn from the mistakes she made when she got divorced. And there were plenty, not the least of which was allowing the **divorce** to drag on for seven years. "I realized there were huge lessons to be learned and I wanted to share them with other people," says Moskovitch, a 48-year-old mother of three who began her divorce odyssey 11 years ago and now operates her own divorce consulting service in Toronto.

Moskovitch sat down with *Homemakers Magazine* to give anyone contemplating or just beginning a divorce the benefit of her 20/20 hindsight. Here are the answers to all those questions you never thought to ask, are too embarrassed to ask or never knew whom to ask.

1. **My husband and I don't love each other anymore, even though we don't fight. Should we stay together for the kids?**

"You have to do your own soul searching," says Moskovitch, who urges people to have at least a few sessions with a marriage therapist before calling it quits. "If you realize you just can't make it work, at least you know you tried everything you could to save your marriage."

She points out that studies show children who grow up in intact families tend to fare better in life than children of divorce. On the other hand, the majority of children adapt to divorce reasonably well. Eighteen months after divorce 75 per cent of kids are indistinguishable emotionally and behaviourally from kids whose parents aren't divorced, says Moskovitch.

The other 25 per cent are at risk for poor academic achievement, drug and alcohol abuse, and depression. How well your child accepts the divorce depends on how you handle it. "War between you and your ex is the main factor in kids not adapting," she says.

If your child is having a difficult time accepting the divorce, a therapist can help. "Children don't always share their feelings around divorce and may need a neutral, third party to talk to and help them cope."

2. **Don't my kids deserve to know the truth -- that my husband cheated on me?**

No, they don't. "It will only confuse the children, may destroy their relationship with the other parent and could have a monumental impact emotionally," says Moskovitch. Although you may be feeling victimized, remember your job is to look after your kids, not the other way around.

"You have to put your own emotions on the shelf to help your children with theirs," says Moskovitch.

3. **How do I find the right divorce lawyer for my case?**

Do not just pick the first lawyer you find in the Yellow Pages and do not hire your cousin the tax specialist. Moskovitch advises you build a list of lawyers who specialize in family law, also called matrimonial lawyers. Ask divorced friends and their former spouses for their opinions on who had the better lawyer, and get his or her name. Narrow down your list to three and have consultations with each of them. "You need to see if you can have a good-working rapport with this person," says Moskovitch. "You are in this for the long haul and you need to be able to trust the lawyer you choose."

4. **Can we get divorced without going to court?**

"Smart divorces" don't usually end up in court. In her book, Moskovitch outlines the many noncombative ways to dissolve your marriage, including do-it-yourself divorces, mediation by an impartial third party, arbitration in front of a retired judge or senior lawyer, and collaborative law, in which lawyers work together toward settlement. "Most lawyers know what the financial outcomes of most divorce cases will be, and that this outcome will be roughly the same no matter what form of resolution is used," says Moskovitch. "The emotional impact of each process, though, is significantly different."

Emotions, too, are factors in helping it all happen faster (although couples are required to live separately and apart for one year before getting divorced -- they can live in the same house but not share the same bed). The quickest divorces are those in which both parties are able to work out child custody and financial support issues amicably.

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A new living situation, the ex's new girlfriend and loneliness



5. **My ex spoils the kids and has few house rules. What if the kids turn against me for being more strict?**

Kids usually respect the parent who sets reasonable boundaries, reassures Moskovitch. In some cases parents actively try to destroy a child's relationship with the other parent. "The worst thing is for children to feel torn -- the message parents need to give their children is that it is safe to love both parents, not that they cannot love one parent because the other will be upset," says Moskovitch. If your ex's behaviour continues to be a concern, Moskovitch advises resisting the urge to enlist family friends or clergy. These are serious issues best handled by professionals. Your lawyer can put you in touch with experts such as co-parenting counsellors and parenting mediators who can appraise the situation and offer advice.

"Your spouse may not listen to you, but might listen to an outside person," says Moskovitch.

6. **Help! I'm jealous of my ex's new live-in girlfriend.**

Accepting the fact that your ex has moved on and is with someone new can be difficult, but it's best if your children like this new woman since your kids will likely spend a lot of time with her. Don't make your children feel they must be loyal to either you or her, or they may resent you for putting them in this position.

You certainly don't need to be friends with this new woman, but you should be civil. Try having a short but friendly phone conversation and share information about the kids -- like your two-year-old has lost his teddy bear.

"Swallow your pride," says Moskovitch. "You want this person to be good to your kids."

7. **Why are my old friends avoiding me now that I'm divorced?**

"It's a Noah's Ark society -- four people fit around a table better than three," says Moskovitch, who kept all her old friends after her divorce, but tends to socialize with them individually instead of as couples on a Saturday night. People naturally avoid situations that make them uncomfortable and your divorce is likely to do that. Don't make matters worse by expecting your friends to choose sides or by going on about the messy details of your breakup.

Understand that you might just maintain your friendship with one member of the couple and go out for lunch together.

8. **I want custody of the children. At what point should I state this?**

Issues such as who has the decision-making authority regarding the children and where they live should be brought up as soon as possible following separation.

Divorcing couples should make a parenting plan that clearly defines such things as the children's religion or education, how to celebrate birthdays and what steps to take if the parents don't agree on certain issues. When the split is amicable, parents can usually work this out themselves, sometimes with the help of a parenting mediator.

If divorcing spouses don't agree on parenting responsibilities or if there are allegations of abuse, the courts will order a custody and access agreement. Even with a plan, the children's piano recitals may represent awkward social situations for you. But Moskovitch urges parents to overcome their discomfort and put the children's needs first. "After divorce, both parents need to be more involved than ever," she says.

9. **How do I deal with my family's disapproval of my divorce?**

Let your family know this is your life and you will deal with the consequences of your decision, says Moskovitch. Your overall message might be something like: "I know you are concerned and that you might not approve, but I am doing what I need to do and I'm putting my children's best interests first."

If your family is interfering or pushing you to make decisions you don't feel are right, it may be best to share as little of the details of the divorce as possible. Try to find emotional support elsewhere, such as through a community support group (you can find one near you at divorcecare.com).

10. **I'm lonelier than ever when the kids are with my ex. How do I fill the empty hours?**

"Evaluate what you want your life to look like from now on and develop strategies to get there," says Moskovitch. "Start doing those things now and happiness will follow. If you wait until you feel happy to do those things, you may be waiting a long time." As devastating as divorce is, it can also be freeing for women, allowing them to pursue their own interests.

For her 40th birthday, Moskovitch trained for six months for a five-day bike tour in California's Sonoma Valley. "I'd never traveled on my own and it was a great adventure," she says. "I'm not sugarcoating the message of divorce -- you will have periods of loneliness and frustration. But you need to realize the sun will shine again."