

[Music playing in the background]

[No other audio]

[Image of a man slumped over on a table with a wine bottle]

Divorcing an Alcoholic Husband or Wife

Smart tips for husbands and wives when divorcing a spouse who continues to abuse alcohol

Presented by: [farzadlaw.com](http://farzadlaw.com)

[Image of a mountain range]

[Image of an iPhone reminder alarm]

Reminder:

Divorcing an alcoholic has its challenges but you can overcome them.

I cannot do this

[Image of a cursor selecting "I can do this"]

The number one truth about divorcing an alcoholic who continues to abuse alcohol is that they are unpredictable.

[Image of a woman submerged in water]

Staying in a marriage with a substance abusing alcoholic who refuses to get help may break you or the children.

We want to show you the way out.

[Images of note paper and a sticky note]

This video is not legal advice about your specific case. These are tips we believe may help a spouse who is divorcing an alcoholic and needs general but valuable information on the subject.

What we include is validated through our significant experience with California divorce cases that involve substance abuse.

[Image of a character icon]

A five-star client review by S.J. that reads:

"...In addition to a deep knowledge of the technicalities of California family law, Robert and his team did an excellent job with the personal side, guiding me through the difficult process of divorce. They always made sure I understood our strategy, why it was what it was and how it helped me. I am very grateful for their expert counsel and would highly recommend them to anyone in need of legal advice concerning family law."

[Image of an open book]

## Alcoholism

Merriam-Webster defines it as "...a medical condition in which someone frequently drinks too much alcohol and becomes unable to live a normal and healthy life."

We are not referring to divorcing an alcoholic who is no longer using or abusing alcohol.

We are referring to someone who continues to show the same consistent and often compulsive alcohol abuse.

[Image of a couple arguing in front of their crying toddler]

## Divorcing an Alcoholic When You Have Children

If your spouse denies the alcohol abuse problem, then proving it becomes a priority

California Family Code section 3011

Section states alcohol abuse is a consideration when evaluating the children's best interest.

"(4) The habitual or continual illegal use of controlled substances, the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances by either parent. Before considering these allegations, the court may first require independent corroboration, including, but not limited to, written reports from law enforcement agencies, courts, probation departments, social welfare agencies, medical facilities, rehabilitation facilities, or other public agencies or nonprofit organizations providing drug and alcohol abuse services. As used in this paragraph, "controlled substances" has the same meaning as defined in the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code)."

Independent corroborating evidence takes many forms when divorcing an alcoholic:

- alcohol-related criminal offenses,
- medical records,
- past attempts at rehabilitation,
- witnesses to the alcohol abuse,
- admissions of the alcohol abuse, and
- similar evidence of past and ongoing alcohol abuse.

[Image of medical records]

Some of these pursuits may run into privacy objections.

Random alcohol testing can be a valuable resource to protect the children

[Images of a hair strand, a file folder, a calendar, and a blood sample]

This random testing can be customized for the case and there is no one size fits all when it comes to the testing procedure and the result's agreed upon impact.

Those alcoholics who refuse to get help are the most dangerous

[Image of a supervised visitation facilitator and a child]

The most dangerous type of case as it relates to the children is that which involves the spouse who refuses to get help.

In such situations, the most effective way to protect the children is for there to be supervised visitation, if the court is going to make any visitation orders.

Supervised visitation is an extreme measure but if the alcohol abuse is so serious that the spouse who suffers from it cannot reasonably be trusted to be alone with the children, there are few measures that are more protective of the children and their best interest.

[Image of a character icon]

A five-star client review by Clarissa that reads:

“I could not have asked for a more supportive, thorough and professional experience during a very difficult family court experience. If you are searching for a family law attorney, you are undoubtedly in the midst of choices you never prepared for or thought you would have to make. Throughout my experience from initial phone call through the literal final day in court, I felt well taken care of and I was confident the best interest of my children was always at the forefront of the case. Robert leads a team of amazing attorneys and instilled in me the trust that helped me have the courage to move forward. I am eternally grateful for not only the legal expertise, but the care of my family.”

[Image of a working man carrying a bag of money]

[Image of a wine bottle]

Divorcing an Alcoholic Who is Also the Family's Financial Support

The functional alcoholic privately suffers but publicly shows little to no evidence of it

[Image of a woman looking out of her living room window while drinking wine]

The law does not provide any advantages to a supporting spouse just because he or she abuses alcohol.

However, the reality is that a divorce can cause such a high level of stress to someone who suffers from this disease that this person's conduct in their personal lives, professional lives and now divorce could become more unpredictable.

The functional alcoholic privately suffers but publicly shows little to no evidence of it continued...

[Image of a parent lashing out at a terrified child]

This unpredictability may be deliberately sabotaging employment or their ability to earn an income within the work environment.

We have seen such situations devolve toward physical abuse against the other spouse or children.

Strategic planning is essential

[Image of an attorney meeting with a client]

What we believe is most important is for the spouse who is divorcing an alcoholic to sit down with the chosen family law attorney, financial professional, therapist and others who are involved and plan ahead.

What those steps are that should be taken requires diligent communication with your professionals.

Together we will form a strategy that makes sense for you and your children

[Image of a happy daughter and mother holding one another]

Of course, just because a spouse is divorcing an alcoholic does not mean he or she should sit on the sideline and be pressed into a lack of financial support.

When divorcing an alcoholic who is the primary wage earner, both child support and under many circumstances spousal support may be available.

[Image of a man with empty pockets]

Divorcing an Alcoholic Who is the Lower Income Earner

Different challenges arise when an alcoholic is the lower income earner or does not earn any income

[Image of a man passed out and surrounded by beer bottles]

Sometimes, the alcohol abusing spouse is not able to hold down a job or is simply unwilling to work due to the abuse's debilitating nature.

The alcohol abusing spouse may simply be unable to motivate him or herself to become gainfully employed.

What can the employed spouse do? The answer depends in part on how serious the alcohol abuse may be.

[Image of a character icon]

A five-star client review by Z.A. that reads:

"This law firm has stuck with me through a lot and has helped me out in so many ways.

This firm will be as invested in you as you're invested in your family. I feel that there are not enough words in the English language to express how grateful I am..."

[Image of an ill man in the emergency room]

What To Do When the Alcohol Abuse is Debilitating

What to do when the alcoholic spouse is simply unable to function on a day-to-day basis

[Image of a woman sitting outside of a drug rehabilitation center]

A rehabilitation program may be the best course of action.

In such a situation, the spouse without the alcohol abuse problem will likely get sole custody on at least a temporary basis. This also affects child and spousal support.

[Image of a man drinking beer and smoking a cigarette]

What To Do When the Alcohol Abusing Spouse Refuses to Assist in the Family's Financial Support

Situations where the alcohol abusing parent does not suffer in a debilitating way and is capable of earning income, but refuses to become employed.

[Image of a prohibited sign over online job applications]

In such situations, the wage earning spouse and his or her lawyer should consider whether the spouse's vocational examination is reasonable and necessary.

A vocational examination is authorized by California Family Code section 4331 .

An Addiction Expert's Role When Divorcing an Alcoholic

[Image of a man organizing educational materials]

A five-star client review by Erica that reads:

"Robert and his staff are very forthcoming with information. They are very straight forward and always kept me up to date on new developments. I felt completely safe and knew that every person working on my case had my best interest at heart; as well as my daughter. I wouldn't have had the outcome I did without the care and representation of Robert Farzad..."

Addiction experts can explain this often contested, complex subject

[Image of a professional testifying in court]

Such experts may perform a court ordered assessment of a spouse who may suffer from alcohol abuse and give a recommendation to the Family Court as to the family law issues related to addiction, past abuse and potential, and ongoing alcohol abuse.

Any addiction expert's opinion is just that. Such experts do not make orders. Similar to child custody evaluators, their opinions and recommendations may be given certain weight in court but ultimately the family law judge decides the amount of that weight and whether the recommendations are followed in whole or in part.

The Child Custody Evaluator's Role When Divorcing an Alcoholic

[Image of a professional making a presentation]

Private child custody evaluations

[Image of someone filling out forms]

Child custody evaluators can be appointed to give an opinion and recommendation on the children's best interest in cases that involve substance abuse of any kind, including alcohol.

Such opinions and recommendations may be in addition to and in harmony with that of an addiction expert.

We hope you enjoyed reading this video on divorcing an alcoholic

[Image of an attorney meeting with a client]

Those who have lived with the spouse who long suffers from alcohol abuse know very well the emotional, psychological and sometimes financial toll it can take on a family.

To those spouses, we know the ups and down you have been through and we know the courage it takes to finally reach a point that you realize it is best to move forward with your life through a California divorce proceeding.

If your matter is here in California and specifically any of the seven Southern California counties and you wish to have an affordable strategy session with one of our experienced attorneys, please contact us.

[Image of a security badge]

Testimonials are not a guarantee, warranty or prediction regarding the results you may obtain.

[Image of a gavel]

But, they do help you see that good people can get fair results in family court.

[Image of documents]

We hope you enjoy our written guide on divorcing an alcoholic husband or wife.

[Image of a Wi-Fi symbol]

Visit us today at [farzadlaw.com](http://farzadlaw.com).

[Image of an outline of California with three office building photos]

We have offices in Los Angeles, Orange County, and San Diego.

[Image of the U.S. Bank Tower]

Los Angeles Office  
633 W. 5th Street, 26th Floor  
Los Angeles, CA 90017  
Phone: (213) 201-1199

[Image of our Orange County office building]

Orange County Office  
1851 East 1st Street, Suite 460  
Santa Ana, CA 92705  
Phone: (714) 937-1193

[Image of our San Diego office building]

San Diego Office  
402 West Broadway, Suite 400  
San Diego, CA 92101  
Phone: (619) 929-3040

[Farzad & Ochoa logo]

California Family Law Attorneys For Good And Honest Men And Women.