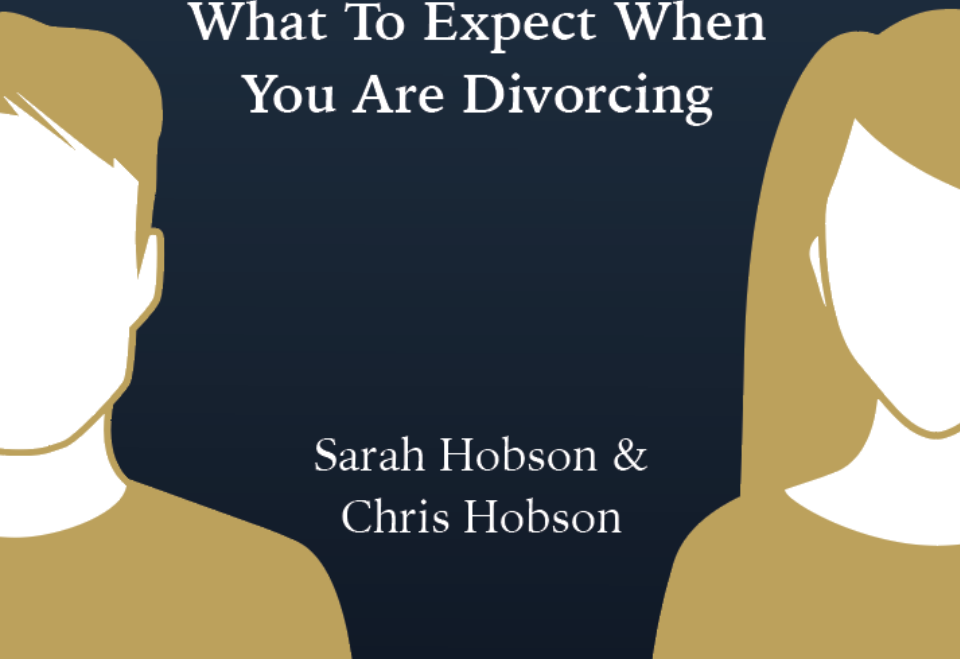


The Simple Divorce Guide

What To Expect When
You Are Divorcing

Sarah Hobson &
Chris Hobson



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You Are Divorcing

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Sarah Hobson

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Introduction

If you are considering a divorce, or if you've been served divorce papers, there are critical questions you need to ask yourself. So many times in the office, when meeting with a client, they are looking at divorce as the fastest option to get out of a bad situation. Yes, it is one solution, but there are many other solutions to consider before deciding whether divorce is the best way to resolve your conflicts.

Divorce is rarely simple. If you enter into it with the mindset that it's a "one and done" scenario, you are often setting yourself up for disappointment. Divorce is a process. Just like the time and effort that is required to enter a marriage and all the steps that lead to a wedding day, in divorce, it also takes a process to exit the marriage.

If you are considering a divorce or have been served papers, it's safe to say the marriage is at risk of ending. However, even when the divorce is complete, and the marriage is over, the family will not end. The expectation should not be to have a painless divorce, but when one or both parties choose to not overcomplicate the divorce process, it can be less traumatic than what parties who choose to complicate the process with unnecessary drama experience.

Divorce is often used as a tool to hurt the "other side" instead of a way to create a better life for you and your children. There are a lot of feelings that accompany a divorce. Whether it's betrayal, fear, shame, or guilt, all of these are powerful emotions that can bring lasting wounds to you and your children. But it doesn't have to be that way, as many of our clients can attest.

While you can't control the behaviors of your spouse during a divorce action, these tips/strategies will cut the complicated fat on your end and keep you focused on what matters to simplify your divorce. The process will be simplified if you let go of guilt and shame, let go of using the divorce as a weapon, and clarify misunderstandings about the process.

As you read this book, our hope is that you will take the time you need to answer these critical questions for yourself. Divorce is not the end of a bad situation. It can be the beginning of a new life, a happier life. We encourage you to follow

through with reading the book to the end so that you can be properly prepared to enjoy every little thing your new life has to offer when you dare to have the courage to start over.

Here's to better tomorrows,

Christopher & Sarah

Chapter One

Is Divorce Right for You?

Questions You Need to Ask Yourself

You are reading this book because you value efficiency and straight shooting, so here it is. We like for people to think in terms of three areas of their life when considering divorce: time, finances, and relationships. What does your life look like right now in terms of your time, your finances, and your relationships?

Time

How are you spending your day?

- Are you spending your day with frequent fights with your spouse?

- Are you spending your day as the only person who's really contributing to the household (i.e. taking the children to their doctor's appointments, meeting with the school counselors, etc.)?

How are you spending your time?

- Is your partner supporting you?
- Is your partner contributing to the tasks required to keep the household running?

Finances

What do your finances look like right now?

- Are you the only one contributing to the household income?
- Is your partner purposely not earning at their highest earning capacity?
- Are they spending money in a way that is harming your family?
- Is one partner very frivolous with the spending of the family's finances?
- Are you completely in the dark as to how your family finances look?
- Do you worry your partner is secretly hiding money or assets from you?

Relationships

With your relationships, where are you right now?

- How is your relationship with your spouse's parents? Do they bring you and your spouse closer or attempt to tear you apart?
- How is your relationship with your children?
- Are you having frequent arguments with your spouse in front of the children?
- Does your partner disparage you in front of the children so that they can pit the children against you?
- Does your partner physically or verbally abuse you in front of family or friends?

After they look at these areas, we want people to look at situations they absolutely cannot tolerate in terms of their time, finances, and relationships. What is the absolute limit where you don't want to go, and what you don't want to happen? Everybody's rock bottom is different. How deep and for how long are willing to lay in the canyon before you decide to take the outstretched hand ready to help lift you out of it?

For example, let's say this relationship continues. You're the only one who's running around picking up the house, fixing things around the house, or taking the children where they want to be. The questions get deeper, in terms of your time, your finances, and your relationships. Where do you not want to be, or what are you trying to avoid experiencing?

- **Time:** Where is that place, that dark hole where you just don't want to go? Is it that you don't want your day full of emotional abuse? Do you want to spend your time doing something other than being your partner's punching bag? Are you wasting your best years on someone who just repeatedly hurts you? Define your line your now. Put it in writing.
- **Finances:** If you continue down this path, what is your fear? Are you going to run out of money or finances? Are you going to accrue a lot of marital debt because your partner is just spending frivolously? Could you lose your home and/or everything you've worked so hard for? At what point will you say enough is enough? Put a number on it and write it down.
- **Relationships:** Do you have a healthy relationship with your child? Is your relationship with your partner a good model to your child as to the way a

healthy, loving marriage is supposed to look? Are you setting a good example? Are you staying in a relationship you would never want your child to tolerate? How is your relationship with your spouse in front of your children?

How is it alone? Is this just a rough patch? How long has this been going on? Have you tried counselling? Is your partner open to therapy or substance abuse treatment if relevant to your situation? Ask them! Describe your “rock bottom” and put it on paper. Use the margins of this book if you want.

Finally, we want people to sit and really think about their dreams. This is probably the harder question to answer, because it requires more thought and really opening your mind.

- **Dreams:** What is your dream? What are your goals and desires in terms of your time and the way you spend it, your financial situation, your relationships with your spouse and children, and perhaps even with other extended family members?

Take the time to sit, think, and really open up your mind. Any time you start saying to yourself, “That can’t happen,” “That would never happen, I don’t deserve that,” really stop and ask, “Why?”

Why do you feel that way? How does telling yourself that story serve you and the one's you love?

It's important to spend a lot of time on this question because many people who have been in a toxic relationship or an unhealthy marriage can't even imagine things getting better. They can't imagine having a healthy relationship or a healthy financial situation, where both partners are on the same page about how the family's finances will be utilized. They can't imagine displaying a healthy relationship in front of their children because it's just been so bad for so long.

We want you to develop this good lifestyle in terms of your time, finances, and relationships in terms of the way your dream life looks. And you must realize that for so many, the dream is their baseline right now, but they started right where you are.

3 Strategies Before Deciding

1. Responsibility

You need to take responsibility for your situation because, to some extent, you have created this situation. You have allowed boundaries to be crossed. You have allowed your partner to treat you this way. You have allowed the fights and arguments in front of the children. Take a moment to take responsibility.

When you do this, it is also very empowering. When you accept that you have something to do with what happens to you, you are empowering yourself to realize that you can also be the one to create the change. The first step is to take a moment and take responsibility; to get out of the victim mindset. Next, really engage in study. Get on the internet and study the victim mindset. Study attachment styles. Empower yourself to realize that, because you have allowed some of these behaviors to happen, you can also be the one to create the change that helps you to reach that better life.

2. Personal Development

Next, really look at what you can do in personal development.

- What room is there for you to achieve personal development?
- Would that create the changes you want to see before filing for divorce? Are you committed to growing as a person regardless?
- How would that create the changes you want to see in terms of your time, finances, and relationships?
- What can you do to create that change?

3. Marital Counseling

Obviously, the next strategy is to consider marital counseling. See if your partner is open to it. Accept that you cannot change their goals and desires and their dreams concerning your time, finances, and relationships, but certainly extend the offer to go to marital counseling.

That counselor can also guide and help you understand their experience. Is this marriage capable of being saved, taking into consideration both parties' level of commitment to personally grow and heal, their willingness to heal the relationship and build a healthy relationship?

One Important Thing to Consider

There are many things to consider before getting a divorce. We can provide you with resources to start that thinking process, but the main thing to consider is your commitment level, in doing the work required to manifest that vision in your life. How committed are you to achieving that goal, that vision for your relationships with your spouse and your children? Either way, whether you stay in the marriage or you decide to hire an attorney and get a divorce, there's going to be work required in the area of personal development.

Either way, you're going to have to be open to change. You'll have to really become introspective, to look at your habits and patterns

for ways to nourish the good habits and patterns, break the bad ones, and be honest with yourself. The more committed you are to creating positive, healthy change in your life, the more you can wrap your mind around that vision and constantly focus on it, and the better results you will have. Just take time to really understand your goals and make a commitment as to how much you're going to invest in doing the work to achieve that vision.

Changing Your Mind

Much of what we've just covered is about how to make the decision to divorce. What if you decide to divorce, but then you change your mind and put it off? This recently happened with a client. When this gentleman visited the office, we had a good discussion about why his marriage was failing, why he wasn't the father he wanted to be, and why his marriage was not the example that he wanted to set for his children. He could not make the decision to file for divorce and set a new example for his children because it violated his Christian beliefs. He did not believe in divorce. It was not part of his fabric, so to speak, and he decided not to move forward with a divorce.

Over two-and-a-half years later, we got a call from the same gentleman. He realized that he'd made the worst decision he could ever make because his family was in ruins. Everything had

gone further in the hole. Since he couldn't get over the hurdle and make the decision, because he couldn't move on, things had actually gotten terribly worse. It was affecting his children, his money, his finances, and his business.

His children were in therapy and on medication, which is not a bad thing, but it was just sad that the situation had progressed to that point. His marriage had been completely destroyed. They had stopped going to church because it was a source of argument. He felt even further away from God. His business was being ruined; he was not able to spend the time in it that he needed because he was holding on to something and working on this marriage that had been broken for so long.

When he looked back, he said, "If I'd only made this decision two years ago, I could have spent the last two years saving my children and showing them what a good life could be after divorce." Instead, he was starting over. He really started to beat himself up for not leaving sooner. The ironic thing was that in the beginning, he was beating himself up for wanting to leave in the first place.

That was a prime example of his desire for a better life for himself and his family. Trying to ignore that desire for two-and-a-half years just made an already bad problem much worse.

Chapter Two

Making an Educated Decision

The Top 3 Things You Should Know

While there is a long list of important things you need to know, we will share three of the top things we would want people to know before they decide to divorce.

1. Divorce is Not a Quick Fix

Divorces take time; it is a process. Don't go into it thinking you're going to file something on Monday, and on the following week, you're going to be done with this toxic relationship. It simply does not work like that in Georgia, even in an uncontested divorce scenario when both parties agree exactly on everything: how every marital asset will be divided, who will be with the

children on Easter in five years, who will keep the house, who will keep the vehicles, and how the marital debt will be distributed.

Even when the parties agree on all of those things, the judicial system still requires documents to be filed, the other party to be served, and appointments made on the judge's calendar. That judge has many hundreds of cases that have been filed before your case. That process can take months, even with an uncontested divorce. Get rid of that notion of a quick fix right now. Just like getting married required certain steps, and it took time to get into the marriage, it will also take time to get out of it.

2. It's Time to Ask for Help

Also, this is not the time for you to think that you can do this on your own. This is the time when you really need to grasp the idea of asking for help. It's a great opportunity to really get professional help because, either way, you're going through a very emotional time. Do not be too proud to ask for help. Don't try to keep secrets from your closest friends or relatives, about what you're going through emotionally, physically, and financially.

If you do decide to go through the divorce, even though you may be taking the healthiest path that you can right now, you're still going to

grieve. That's still true if you're doing this for all the right reasons: improving your life, improving the lives of your children, setting a better example of boundaries for your children, etc. You need to allow yourself to go through the stages of grief: shock, denial, anger, bargaining, depression, and then acceptance. On an intellectual level, you may realize that you are getting yourself and your children out of a bad situation, but you still need to give yourself the time and emotional bandwidth to grieve. This is really the time when we would encourage you to get professional counseling. Even if your partner does not participate in the counseling, do it for yourself.

3. Have a Financial Plan

To have a financial plan, you need to start thinking about how you will look financially, post-divorce if you decide to go through with it. Many people come to us with unrealistic expectations. If money was an issue before, divorce creates two households. Now you're looking at two payments that need to be made for everything: two water bills, two power bills, two internet bills, and two mortgages or rent payments.

Be realistic and understand that for a short period of time, you may have to take a step back from your current lifestyle until you get back on your feet. Give yourself time to do that. Don't put

unrealistic expectations on yourself financially. When you are making the decision to get out of a toxic relationship or an unhealthy marriage, you will need a little bit of time to get back on your feet financially. Really consider that when you're deciding your commitment level in taking this big step to improving your life and the lives of your children.

Removing Yourself and the Children from Toxic Situations

A lot of people who are considering divorce understand the importance of getting out of a toxic situation. There may be verbal abuse or even physical abuse; maybe you're constantly being put down, abused, and harassed. If you are working, this has a huge impact on your ability to perform. If you have professional goals and big ambitions about improving or advancing your career, but you're coming home into this toxic wasteland of abuse, it will affect your mindset. You're going to take that with you to your work situation. You're going to take that into your other relationships with your parents, your siblings, or your friendships.

It's even more important when a child is in a toxic family environment. They're seeing the roadmap of what they should be doing when they grow up and get into a relationship. If you're allowing someone to constantly ridicule and berate you; if the other partner is getting

inebriated every night and they're taking it out on you emotionally, your children will think that's normal. Especially when they're younger, their subconscious mind is absorbing everything they see, and that becomes their normal. As an adult, they may unwittingly pursue bad relationships and abuse because they grew up with it and it feels familiar.

They may even meet and get into a relationship with a healthy person and then begin to sabotage that relationship, without understanding why, because their young subconscious mind was told that it's normal to have huge blowup fights frequently. As an adult, they'll actually feel comfortable in a place of familiarity, without understanding they're carrying baggage that never had anything to do with them.

Jumping In Without Making an Educated Decision

Some people jump into a divorce without having gone through this evaluation process of really evaluating where they are right now, where they could not tolerate being (in terms of their time, finances, and relationships), and where they want to be. On a very basic level, they may understand that it's a toxic relationship, but they haven't established a clear goal about why they are pursuing this divorce. When people jump into a divorce without a goal, and without really making an educated decision, it's very difficult

for attorneys to advocate for them. The target is always moving because the client doesn't really know what they want.

Also, they haven't taken the time for introspection about what they're trying to avoid or leave. They just know, "I have to get out of this." They take the leap of hiring an attorney, and they think it's going to be quick. Typically, in those situations, they will end the divorce and go right back into the marriage, into a horrible situation. We've seen people do this, even when they know it's a terrible situation for their child to be witnessing, or for them to be taking emotional abuse.

It really can hurt your legal case to do things like that, like making a knee-jerk decision to file for divorce without having a clear goal, and then going right back into that relationship. As the attorneys who are trying to help you and to look out for your best interests, it can have a lot of legal ramifications of which most people are not aware.

Chapter Three

Divorce Mistakes to Avoid

Why Agreeing to Everything your Spouse Requests is a Huge Mistake

As attorneys, we often have discussions with people who have gone through a divorce. When they're looking back and wanting to change things, they often tell me they just agreed to everything because they wanted to get it over with. The biggest problem when people just agree to everything is that they haven't addressed their goals. They did not dig deep into their goals other than just wanting it to be over with and done.

Everyone wants it to be quick, to be smooth so that they can move on with their lives. However, people can cause such damage to themselves financially, emotionally, and relationship-wise with their kids, because they just wanted it gone.

When you agree to everything that the other partner wants, you are appeasing them, with the hope that this will make it better. The problem is that it causes so much turmoil. When you're going through a divorce, remember that when you have children and assets together, you will still be a family after this divorce.

Now, you may not be together, but you're still family. By just agreeing to everything, by appeasing someone else, you're not taking your future and your needs into consideration: your financial needs, your emotional needs, and the relationship you want to have with your kids.

We're not saying that people need to fight for everything, but you need to analyze what your future will look like and what is important to you. That includes the amount of cash you will need from your paycheck, and the time you really want to spend with your kids after the divorce is done. This is the one opportunity you have to think of yourself so that you can be able to stand on your own two feet when this marriage is dissolved.

Can't I Just Get a Cheap Internet Divorce?

The truth is that fixing a problem costs double if it's not done correctly the first time. We often hear that people just want it cheap. If you want to consider the cheapest option for divorce, you will likely get less value and less quality out of

the representation or the process. You have to consider what you value and what's important to you.

Most people find it's important to become educated, to have an advocate on their side telling them what they are entitled to, what they will likely see out of it, manage their expectations, and communicate with them. Usually, people want someone with a team of staff and a business designed to make sure the clients' goals are met. At the same time, a good advocate has the respect to let clients know when their goal is not likely to be achieved because it's contrary to the law. This is not the time to be looking to hiring a yes man. You want a straight shooter so that you aren't unnecessarily pursuing unrealistic outcomes and paying for it all the while.

If it's important to have quality representation, someone who's there from start to finish; someone who will answer your questions and be attentive to your goals, then you have to make the decision that you may spend more initially, in order to get quality representation the first time around. How much are you willing to compromise on access to your attorney? Some people end up hiring two or three attorneys on the cheap before they realize they just should have been willing to invest more in a quality divorce and custody firm initially, as it would have been much less expensive in the long run.

Why You Shouldn't Use Divorce as a Weapon Against Your Spouse

Using the divorce as a weapon does nothing but cause more damage for you emotionally and financially. Most importantly, it will cause the most damage to your children without accomplishing any goal. If your goal is to protect your children, there has to be a reason behind that. Maybe the father or mother is damaging the children or setting a bad example. Only one thing gets accomplished by you staying angry and using the divorce against the other side, out of frustration and anger: you will spend more money and likely get a worse outcome. The courts will see that your actions prolong the case and cause more financial ruin to the family.

Family Repercussions

At the end of the day, you'll still need to co-parent. Your children will see what you've done and the damage you cause to a co-parenting relationship. When the courts are seeking to determine who will be the best person to care for these children, the number one thing under discussion is who will be a better co-parent.

If you're weaponizing the children against your spouse, the courts will see it. They will see you're not willing to communicate. They will see you're damaging your spouse's relationship with the children.

The worst thing that can happen is for you to lose custody. It's possible for you to do so much damage that the judge or courts determine that the only way to reverse it is to give your spouse custody of these children, to allow him or her to mend the relationship with the children. In fact, he or she may be a better co-parent by allowing you to continue to have a relationship with your children, but because you did this, you have now lost the future custody of your children.

Financial Repercussions

Also, if you use the divorce as a financial weapon, you will end up losing more money to the attorneys. At the end of the day, the courts generally divide up assets. They call it an 'equitable division of assets', but this generally means that each side will get an equal share of the assets and debts. If you use the divorce as a weapon, you will be spending thousands and thousands of dollars on attorneys' fees. Your attorneys will be doing things you're asking them to do, but at the end of the day, the result will likely be the same.

For example, let's say you have \$100,000 combined in assets. If you and your spouse spend a total of \$10,000 on attorneys' fees, you will have \$90,000 of assets to divide. If one of you is using the divorce as a weapon, you spend a combined \$80,000 in attorneys' fees fighting for that same \$100,000, only \$20,000 will be left.

Do you want to weaponize the divorce and have only \$20,000 left for your family to divide, or do you want to spend \$10,000 in attorneys' fees, amicably and reasonably, with \$90,000 left for your family? To some degree, it takes both parties to agree to avoid unnecessary loss of assets to attorneys.

Chapter Four

Common Myths about Divorce

The Myth of the Uncontested Divorce

So many potential clients visit an attorney's office, and probably 90% or more of them come in saying the same thing, "I have an uncontested divorce." What potential clients mean by an uncontested divorce is not what attorneys would categorize as an uncontested divorce, because the potential client is just saying, "My partner and I agree that we need to get divorced." It goes much deeper than that. For the attorney, the legal definition of an uncontested divorce is that the parties have already agreed upon these things: division of assets, division of marital debt, division of property, and division of the custody of any children until they become adults. In a truly uncontested divorce, both parties have to agree upon all of these things.

- Where will the parties meet to exchange the child or children?
- Where will the child go to school?
- On Christmas or Easter in the next seven years, with which parent will the child be?
- On the parents' birthdays, where will the child/children visit?

Myth of the Affidavit of Election

People have a belief that, if a child signs an affidavit of election stating that they want to stay with one parent, that's it. You just file it, the court rubberstamps it, and you're going to get custody of that child. That's not true at all. In the State of Georgia, the court wants that child to be of a certain age: 14 years old. Sometimes courts will consider younger children's affidavits of election, but more importantly, courts really frown upon using an affidavit of election unless the scenario is very extreme or particular, such as allegations of substance abuse, physical abuse, or extreme emotional abuse. The court may see the willy-nilly use of an affidavit of election as either putting down the other parent or forcing a very difficult statement on a child because you're forcing the child to choose between two parents.

The courts may think you are disparaging the other parent in front of your child. The reason courts are very opposed to either scenario,

either putting down the other parent or making a child choose the parent they want to live with, is because they understand the psychology and mindset of children. A child thinks, "I came from Mom and Dad. These are my parents. I am half of each of them."

When one parent is trying to influence the child to avoid having anything to do with that parent, the child sees it in this way. "Part of me is that, so I need to avoid it. Part of me is evil or mean because that's who I came from." The child is looking to both parents for identity. So an attorney is best suited to advise you if an affidavit of election is right for use in your case.

Myth of the "One and Done" Divorce

A lot of clients ask, "Why is this taking so long?" Again, in Georgia, a Superior Court Judge is handling divorces. These same judges are also responsible for hearing all felony criminal hearings, meaning people who have been charged with murder, rape, child molestation, and then divorce.

There is a backlog of cases that have been filed before yours, between a few hundred and 1,000 cases. Many arrests have been made prior to your decision to get divorced. It does take time to find availability on the judge's calendar, and to have your hearing, to have your grievances addressed by a judge.

It's not that the judges necessarily see divorce as less important than murder trials. However, when they're deciding which situation is more urgent, unless your divorce involves situations where a party is left destitute, or a child is in a very dangerous situation, judges will give more urgency and more attention to more serious felony crimes that are also on their docket.

Some of our clients have come to us after leaving other firms because they felt it was taking too long or costing too much, but it's best if you go into the situation with a realistic expectation. If you don't acknowledge the reality of the situation, you're really setting yourself up for disappointment. On average, it will take nine months. Some cases take 12 to 18 months, and some cases take three to five months. The average lies somewhere between nine and 12 months for a divorce to be finalized, or for a modification of custody to be finalized.

Myth of the "Cheap Divorce"

If you're thinking like this, "Oh, my friend only spent \$3,000 or \$5,000 on a divorce attorney," it is really situational. You get what you pay for, and perhaps that couple was more willing to compromise or give in. If you're willing just to give away the farm, you will spend much less money in attorney fees, but if there's an issue on which you're not willing to compromise, that will require more time and money.

Chapter Five

What to Expect Once You Decide to Divorce

What is the Benefit of Filing for Divorce?

When you file for divorce, the benefit received is that you get protection from the court as far as creating stability and moving forward. When you file for divorce, the courts will typically enter something called a Standing Order that applies to both parties. Essentially, this lays out terms about what you will do financially, that the parties will be responsible for maintaining the status quo. If one party is responsible for paying the bills, that party will be required to continue to pay the bills. Neither party will be allowed to liquidate their assets. Neither party will be able to open any debts without the approval of the other side. Per this order, both parties are on notice that they have to follow the same rules

and the same guidelines set out by the court, to ensure that the marital estate is not disrupted.

“Should I Move Out Because My Spouse Asked (or Told) Me to Move?”

People ask this question all the time. Our answer is this: “Do not remove yourself from the house in order to appease your spouse.” When you remove yourself from the house, you are setting a precedent for the court. Once you leave the house, it will be very hard in the future for you to get back into the house. If your children remain in the house with your spouse and you move out, you are setting a precedent; the person staying in the house is likely going to be the primary parent. Keep in mind that the person who stays will likely remain in that house after the divorce, so you have to consider some things. Are the kids in the house? Can you financially afford to pay for two households?

You also have to consider a caveat to this. Suppose you are afraid that you will be hurt or harmed by the other side, physically or emotionally. If you’re going to remove yourself from the house because you’re in physical or emotional danger, that’s a whole different conversation. Consider whether or not you need to remove yourself so you can be the better person you need to be.

What Will Happen to the Children?

Also, when you file for divorce, you will establish a parenting plan. Essentially, that parenting plan will lay out exactly where the children will be with either parent until they turn 18 years old. The best parenting plans are put into a safe or saved on your computer, and hopefully, you won't have to look at them again.

Under that scenario, two parents can co-parent together and communicate without having problems. They know the children will be at Dad's house on this day and Mom's house on these days. You can always refer to it if there is a problem or an issue. If the parents are working together, if they can communicate without having any decision-making arguments, then the parenting plan is not needed per se.

However, when you have a disagreement, then you can always revert back to the parenting plan. Do you have answers to your questions about who takes the kids on spring break or Halloween, or when there are concerns with co-parenting? That's what you agreed to, and that's what the court will acknowledge and enforce.

What Documents Should I Have Prepared for My Attorney?

When you decide to go forward with a divorce, it's most important to provide your attorney with the most recent statements of all your

assets and debts. Then your counsel will create a one-page or two-page marital balance sheet. It's a single document, which will show you the family assets, the debt, and how the marital estate will likely be divided in the end.

It's important to do that as soon as you can, upfront, so you can visualize what you should expect moving forward. Then you can make decisions about what you will fight for or what you will compromise on, based on how much money you want to spend to get there.

Once you see that visual demonstration of the marital estate and what it looks like, you can set your line in the sand. "If I don't get X, I want to pursue litigation." Then you will get the value out of litigation. If you can't see what you're advocating for, then you won't know if you're receiving value from litigating the issue.

The Most Important Thing

Once you decide to move forward with a divorce, the most important thing is to prepare yourself. That doesn't mean you need to wait to file for divorce. That means you need to take the necessary steps, to talk and work with your counsel to prepare yourself for going through the divorce. Educate yourself about what you're entitled to and what will likely happen to the children, so that you can make reasonable choices when negotiating through a divorce.

The best thing your legal counsel can do is to look at this as a business decision or business transaction. It's easy for us to separate the emotions because these are not our children, this is not our money, and this is not our home. Because you will have the emotional strain and upheaval of the divorce, it's best for your counsel to be your guide in bringing it to a rational end. Emotions are powerful. They can often overshadow a decision that, if seen in a rational manner, would shed light on the fact that the decision is a good one.

Chapter Six

What You Need to Know About Child Custody

The Difference Between Physical Custody and Legal Custody

After the divorce, the courts will consider two types of custody for the children: physical and legal. It's important that you recognize and understand the differences between both types. Physical custody is where everyone puts their focus. "Where will my kids be?" Determining the physical custodian means you will determine where the children will be on a day-in and day-out basis. If you have primary physical custody, the court has determined, or you have agreed that one parent will have the children at least 50% plus one.

How does that look?

A general or typical parenting plan will have the children with one parent during the school week, and with the other parent on weekends. They can define the weekends however they want, whether it be Friday to Sunday, Thursday to Sunday, or Thursday after school until Monday morning on return to school. The parents would develop a physical custody plan about where the children will be on a daily basis.

The Other Type of Custody is Legal Custody

When both parents agree their children are a product of the marriage, both parents are legal custodians of the children. Within legal custody, you're going to have final decision-making authority.

The legislature has decided that the court needs to determine who will have the final say for the kids in four areas: education, religion, extracurricular activities, and medical decisions. Both parents will be required to communicate about decisions related to the children's education, religion, and medical decisions. At the end of the day, if you can't agree, one side has to have the final decision-making authority.

For example, if one parent wants to put the kids in private school and the other parent does not want that, you will be required to communicate about that topic. The parent who retains the final decision-making authority will be able to decide

where that child will go to school over the objections of the other. It's important to think through what is more important to you, especially if there are disagreements. Is it more important for you to be involved in medical decisions? Is it more important for you to be involved in educational decisions? Each parent can have the final say in one or two areas, so they have a voice in their kids' future.

Which is Better, Sole Custody or Shared Custody?

So many people come in and say, "I want sole custody of my kids," without understanding what that means exactly. Sole custody means that one side has the kids 100% of the time while the other side does not get to see the kids at all.

Clearly, it's better to have a shared custody arrangement, but realistically, the shared custody arrangement will be determined based on your schedules. You will have to consider the one who's primarily taking care of the kids on a daily basis, taking them to doctors or to school. That person will likely be the primary caretaker, the person who is typically around when the kids are home from school. Then you will fashion a plan that will work with both parties' schedules.

If one spouse travels two to three days out of the week, that spouse will have to change his or her work schedule to be at home when they have the kids, let's say Thursday through Sunday. It's very important for everyone to understand, (absent emergency issues such as substance abuse or physical abuse), when going into a divorce, that both parties have a shared custody relationship. You need to fashion a plan that makes sure your kids have plenty of time with both yourself and the spouse and that it works for both of your work schedules.

Things to Consider in a Custody Battle

When you're going through a custody battle, where both sides are seeking primary custody of the children, the number-one thing to consider is this: always being the bigger person. If one side is being extremely difficult, the other side will always have to be the better co-parent, because the fact remains that the court will see that when your day at court comes.

It's always important to document your communication, print off your emails, and screenshot and save your text messages. The court will want the ability to get a snapshot of a day in the life of your family, the way this communication is hurting the children, and how this communication is hurting your ability to co-parent. If you can save all the evidence and present it to the court in an organized fashion,

then you can prove this to the court: Not only are you the better co-parent, but also the actions of your spouse are causing damage to the children, as well as an increased inability for you to co-parent moving forward.

This reminds me of a recent interaction with one of our clients, we'll call him John, who needed to get away from a toxic relationship. His wife was very mean to his kids. He needed to divorce his wife to provide a safe and healthy environment for his children. He could not let them grow up thinking it was normal for them to see this type of marriage. During his divorce, our firm secured 50/50 custody for him, but we learned that our client was no longer able to balance it out for the kids when they were with the mother.

When they were married, he had taken the brunt of her abuse, but now that they were divorced, no one was around to protect the kids from her when her anger turned towards the kids. It got so toxic that a physical altercation occurred between the mother and child, and our client came to us in desperation. We instigated a modification of custody and secured sole custody for the dad. The kids are thriving now, and that's what really matters.

Before the divorce, he didn't understand that he was the buffer when she was having these maniacal outbreaks of emotional abuse. He didn't realize how much of the brunt he was taking off of the children, or its impact on them,

until he had already agreed to the 50/50 custody and it really blew out of proportion. If you are willing to be very open to co-parenting, consider, and evaluate the effect that will actually have on the children.

Chapter Seven

Guilt and Shame, the Emotions of Divorce

Guilt and Divorce

Generally, and all psychologists will say this, there's nothing wrong with experiencing a broad range of emotions. Emotions are not bad or wrong; they are just an experience. However, guilt and shame are useless emotions. They are a dead weight, which keeps us from stepping into our full power and potential. It is very common for someone who is going through a divorce to feel guilt and shame.

One example is if one partner discovers that the other partner had been unfaithful and having extramarital affairs. They may feel ashamed or like a fool for not having caught onto this sooner. When someone is making the decision to divorce, that loss of the marriage may cause

them to feel like a failure. They'll feel shameful or inadequate like they weren't able to keep the marriage going. These are useless emotions that won't allow you to step into a better life. They won't allow you to accept the reality of the situation and look at the situation rationally.

Shame and Divorce

There is a lot of shame surrounding divorce. You may feel it in the presence of your parents who have been married forever, or around your friends who are having healthy marriages. Another common reason for feeling shame surrounding divorce is religion. Even in that situation, I would argue that your infliction of guilt or shame based on religious ideologies is a useless emotion. If you believe in God, or in a Creator, when you look at nature, a tree never asks, "Am I growing too large? Am I too healthy? Are my leaves too green?" There's no guilt or shame in nature. It doesn't exist.

Humans are not born with guilt or shame. It is something we learn when it is used on us to try to control our behavior. As adults, we begin to inflict shame and guilt upon ourselves. When you're looking at religious reasons for staying in a toxic or abusive relationship, really stop and think. Did God or the Creator of the universe really put you into that marriage or relationship and put a stamp of approval on it, or is that marriage something you stepped into and then

built this religious basis that wasn't there at the beginning of the marriage? You're putting a religious explanation for why you're with someone that wasn't present when you entered that relationship originally. Just be really honest with yourself about that, and consider seeking counseling about whether or not you should be feeling this guilt or shame. What does it do for you? How is it serving you to feel these emotions?

Guilt and Shame of the Parents

Again, when you're discussing your guilt or shame in front of your children, you're teaching them that they should feel bad, that it's how they should react if they are ever in a situation where someone has mistreated them. You are programming them about how to behave in future relationships.

Most people in a healthy mindset would never want their children to feel bad about getting out of a dangerous or emotionally abusive situation or relationship. You would never want your child to feel bad for bettering their lives. If you are displaying that emotion in front of your children, if you are constantly disparaging yourself and presenting yourself as a very weak-minded person, you're programming your child to react the same way. Statistically, at some point in life, your children may be in a toxic relationship situation that they need to end, so now is the

time to show them how to do it with strength and intention.

Why It's Important to Focus on a BETTER Life

It's important to focus on a better life because that's where you will get better results. You're not responsible for anyone else's feelings. You are only responsible for yourself, and that's a great thing. If you were responsible for everyone else's actions or feelings, you'd probably do a very horrible job. You will see, as you're going through this process, it's difficult enough just to keep yourself on a healthy footing with your own emotions, thoughts, and mindset. It's better for you to focus on the results. The more you start getting that image and that vision in your mind about what you want your life to look like, the more you will actually manifest those things in your life.

Picture yourself having a peaceful home with a healthy relationship between you and your children, teaching them healthy behaviors and habits. When envision creating healthy patterns, that emotion you experience will actually cause that type of life to come to you because you're putting yourself into that place. If you're thinking about this vision for your life, you will be in a good mood with your child. Therefore, your child will feel comfortable around you. That means you will start manifesting the life you envision for yourself and your child.

Chapter Eight

How to Have A Better Life After Divorce

We would like to share a few key points of focus during the divorce, as far as the better life that you want to achieve. You will get the best results by focusing on the better life you're envisioning, whether it's your 'why' for wanting to initiate this divorce or your 'why' for trying to be the bigger person in this divorce. When you focus on that, you're not dwelling on what has been.

Now, you've done the footwork and taken off the blinders. You've really sat down and thought about your situation, what it looks like right now, and where you don't want your life to go. You've taken the time to process, to really study and think about where it will go if you don't take any action right now. You've done the homework to

focus on and build out a vision of your post-divorce goals.

Once you start focusing on taking the actions and doing the personal development work, when you really educate yourself on how your post-divorce financial situation needs to look, you will be able to achieve those results. It will go much more easily than if you're just dwelling on all the bad things that have happened. That won't move you forward personally.

Legally, it really won't move you forward either. It won't help your goals for the type of relationships you want your children to be exposed to and to mimic when they are adults. The more clarity you have surrounding your goals for a better life, the more likely you are, statistically, to see those results come into your life.

Empowered by Focusing on Your Better Life

Again, it is so empowering to really grasp your goals when you have clarity around them, and you understand your 'why' and know that it's not coming from a place of destruction. You want to be very clear about your 'why' for getting this divorce. Be very clear about asking for the things you want financially, or if we're talking about custody issues, as far as the time to have a relationship with your children. It is so much more effective for the attorney to advocate on

your behalf when you understand your ‘why’ when it’s meant to improve everyone’s lives and not to cause destruction. It’s very empowering because you’re not forcing yourself to stay in the victim mindset. You’re discovering ways to improve and to bring good things into your life and your child’s life.

Focusing on a better life will relieve you of the emotions of guilt and shame because you’re letting go of those useless emotions. Guilt and shame are dead weights that will keep you from stepping into your full power and potential. Instead, you’re taking action. You are using positive momentum to start bringing good things into your life. When you decide to let go of guilt and shame, then you’ll be able to progress.

Our Encouragement to You

We at the Hobson Law Firm would encourage you to really make a commitment. If you are committed to having a better life, to growing as a person, to becoming a better parent, you can do that through self-study. Really commit to doing the work to lay the foundation for that vision of a life you have. There are a lot of resources online, as well as coaches and counselors who can help you. This is such a key area to having a successful divorce that doesn’t tear you down and doesn’t destroy your child.

Chapter Nine

Here's How We Can Help You

Perhaps you've been served with a divorce, or you're wondering as to whether or not you should move forward in pursuing a divorce. If you have found this information to be useful and you want to take the next step by getting some advice, we want you to understand our process. The first step would be to schedule an initial consultation with one of our attorneys. We do charge a nominal fee for this consultation. It's not meant to increase our revenues, but to make sure that we are filtering in people we want to work with, people who are invested in having a great outcome. This consultation is going to be extremely valuable to you especially, if you've done some of the work outlined in the book.

We also want to make sure you're going to show up since we are blocking off time to be available for you and one way to do that is to charge a fee. At the initial session, we will be discussing your real goals. It's impossible to give any quality of representation and advocacy at our firm without knowing our client's goals. We understand that you don't just want a divorce. You are looking for certain things to show up in your life by having this toxic, unhealthy marriage dissolved.

We want to know what your goals are, specifically, and why. If we understand the reason, we could have many different avenues of getting you that result, as opposed to just assuming that you want the car or any other item without understanding why. Understanding your 'why' might indicate some reason behind it, so we could say, "Oh, you just need a car. You're not really tied to this specific car." Understanding your 'why' can also give us a lot of flexibility in coming up with the outcome and the results you want, perhaps through different avenues.

After that initial consultation, if you choose to retain our firm, we operate with an evergreen retainer. This basically means that you would put a security deposit into our trust account, and then our firm bills off of that retainer biweekly. The invoices are very detailed, so you know how every penny of your legal fees is being spent.

Your second meeting, a strategy session, will be scheduled at the time when you retain our firm. The attorney will start discussing the roadmap with you, showing how we can legally advocate on your behalf to achieve the results you are hoping to show up in your life. We can also have a very candid conversation as to what will likely happen in front of this particular judge or court, based on our experience. We will give you realistic expectations and discuss the costs. We can really review the nitty-gritty particulars of your situation, such as whether or not it's worth pursuing that vehicle in terms of legal fees, or if it's better for you just to allow the other side to have it.

After you leave that meeting, the attorney will email and mail you a plan based on that strategy session, with the understanding that we have to be flexible. Things will change throughout the divorce process, and that means our strategy constantly has to be changed, improved, and reevaluated. This will let you have some peace of mind, that this is our game plan for right now.

If this is a highly contested divorce, the next step usually means initially talking with the other side or their attorney to see if any issues are able to be resolved outside of court. We may even choose or be required to go to mediation to see if this can be resolved without going in front of a judge. If not, then we'll look at dates to schedule a temporary hearing, and the discovery process will begin. We'll be collecting evidence from you

to be used if there is a hearing, and really coming up with the particulars of the financial outcomes for your case.

Once you and the opposing party have worked out all the issues, either through mediation or through the attorneys working together, we will either prepare to go to trial for a final hearing or work on a settlement agreement.

If you'd like more information, there are three things you can do.

1. If you know you are ready to have a consultation and work through whether or not you want to take the next step, or if you need legal advice because you've been served with a divorce, you can contact our firm to schedule an initial consultation. You can schedule yourself by clicking on the scheduling calendar on www.hobsonlegal.com. If you prefer, you can call our office at (770) 425-3373.
2. If you're not quite ready to have a consultation, but you want more information, you can email info@hobsonlegal.com. You can request a copy of our other book, which is over 140 pages. It can give you even more detailed information about things you might need to be thinking about right now or evidence you need to be gathering.

3. If you'd like to be on our newsletter mailing list, you can also email or call our office, and we can get you onto that resource list.

Our truest wish, whether or not you decide we are right for you, is for you to have a better life after your divorce. Although the marriage has come to an end, your family will go on. It's our hope that you'll be a happier family afterward. Here's to happier tomorrows.

What to Expect When You're Divorcing

The American dream has always been to get married and have a couple of kids, get a dog or cat, and own your own home and cars. We all know that's not how it works out sometimes. The problem is divorce is never going to be a painless experience, but it can be less traumatic than people make it out to be.

Oftentimes, divorce is used as a tool to hurt the "other side" instead of a way to create a "Better Life" for you and your children. It's far too easy to get wrapped up in the pain and hurt of a failing marriage. There are a lot of feelings that go with getting a divorce. Whether it's betrayal, fear, shame, or guilt, they are all-powerful emotions and can bring lasting wounds to you and your children.

There is no easy way out, but there are steps and processes that, if followed, will allow you to make the best decisions for yourself and your children. These steps will help you focus on the important reasons you are considering a divorce and will also guide you through the process of finding answers for yourself and your family.

If you would like to learn how we can help you take the “Better Life” steps towards divorce, here’s what you do next.

Step 1: Download a copy of our *21FAQs about Divorce* at **www.thehobsonlawfirm.com**

Step 2: Subscribe to our resource library on Hobson & Hobson PC Youtube channel
www.youtube.com/channel/UCD6ajB_olF64SnH9yvpgDkQ

Step 3: Schedule a call or appointment at **hobson scheduling.as.me/schedule.php**

We can help you keep your family together, even though your marriage has fallen apart.

What to Expect When You're Divorcing...

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