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Separation Anxiety

Category: Mediation & Collaborative Divorce

Every year it always appears near the top of the “list”. I bet you’re personally familiar with this list. It’s the list of life’s most stressful events, up there with the death of a beloved family member, moving, and public speaking. Of course I’m referring to the stress of divorce or separation.

But it doesn’t have to be near the top of your own personal stress list. At least not if you follow my advice. Advice which explodes three of the most common family law fallacies.

By far and away the most common misconception is the belief that going to court is the first and best option, to get what you deserve. But be careful what you wish for.

Sure, you may experience an instant hit of smug satisfaction threatening your spouse to “see them in court,” or words to such effect. After all, surely any judge would take your side. But I can assure you that any such feeling of satisfaction will soon fade, whether following your receipt of your lawyers account, (obviously a mathematical error), or after hearing the judge render their decision, (didn’t the judge read your affidavit?).

My advice is to take a step back from the brink of court action, and consider other, far less expensive, and less risky, alternatives.

For example, don’t overlook the opportunity of retaining the services of a mediator, or collaborative divorce lawyer to help you and your spouse settle matters, without resorting to court. Collaborative divorce lawyers, me included, are family law lawyers who are also trained mediators.

The second misconception is one that I hear all the time. Namely, that your spouse has engaged in some form of inappropriate conduct, (typically an affair),

which should surely disqualify them from (a) any involvement with the children, or (b) any interest in the family assets. Sorry, wrong on both accounts. The whole concept of “blameworthy conduct” has been effectively removed from the law for some years. Unless the conduct directly affects your spouse’s ability to parent the children, it will not be considered either relevant or material. It’s as if the conduct didn’t even happen. So much for the element of revenge.

Lastly, the belief which causes what few hairs I still have on the top of my head to stand at attention, is hearing the words “I don’t need any legal advice.” I know that legal advice can be costly, and simply out of reach for most, but I’m an advocate for what I like to call selective or limited legal advice.

For example, if you are presented with a document to sign, or you’re served with legal papers, it is absolutely crucial that you make an investment in obtaining independent legal advice. Avoid simply listening to the advice of well meaning, but unqualified, friends, or neighbors about what you should do. If even paying for such limited legal advice is not an option, check out the agencies which provide access to free, or low-cost legal advice, such as lawyer referral or Access Justice.

I don’t believe there’s anything that you could ever do to totally eliminate stress during your own separation or divorce. But if you follow this advice you can at least move it down the list. 🌿