



Texas Guide to Divorce:

How to Divorce Your Spouse Without Destroying Your Family

You're considering divorce—what now? You undoubtedly have lots of questions. Is divorce right for your family? Will your children resent you? Will you have enough money to get by each month? While divorce is the end of a relationship, it isn't the end of your family. By approaching this process carefully, it is possible to bring an end to your marriage that protects the dignity of your family, shields your children from ongoing conflict, preserves your hard-earned assets, and maintains an effective co-parenting relationship post-divorce. As you explore your options, using these steps may make divorce a little bit easier on you and your family.

Know That You're Making the Right Decision

Before you take this step, make sure that divorce is the right decision for you. Many of our clients are good people who have ended up in broken, unhealthy, or toxic marriages through no fault of their own. Some issues can be worked through, of course; however, some only get worse with time. Utilize counseling resources to help you, and ideally your partner, to explore whether your relationship can be mended and become a healthy one. For instance, there is a specific type of counseling, discernment counseling, that can help you as a couple

come to an understanding about the status of your relationship and help you decide if divorce is the next step. If you've given everything you have to restoring your relationship, and you're looking for a way to protect your best life and the best life for your children, divorce could be the right next step for you.

Keep Your End Goals in Mind

You have a long road ahead of you, so don't lose sight of what matters most. One of the best things you can do when facing divorce is to begin to envision what you want the next chapter of your life to look like. This may be scary at first, as it is hard to envision anything different than your current status quo. However, allow yourself the freedom to begin imagining new goals and accomplishments you want to achieve. Do you want to return to school for some additional education? Do you have a business idea you've been holding back on? Do you want to spend time with some friends you've lost touch with over the years? If you are not sure whether your goals are realistic or not, now is a good time to get a sense of what is realistic in your specific situation by visiting with a lawyer. Goals become the roadmap for your divorce, helping your legal team know what they need to work towards for a final resolution, so you can begin living the next chapter of your life. At the end of the divorce, there's a new future for you—you just have to keep your focus on your goals as you move forward.

Learn New Ways to Respond to Pain

When someone feels hurt or in pain, it is unfortunately a normal human reaction to want to make the other partner feel the same hurt or pain. Often, this comes in the form of legal-type threats.* For example, if your spouse threatens to take the kids away from you or leave you financially destitute because you want to file for divorce, you may be tempted to take the easy way out and call off the divorce. This will have the

negative impact of: giving your partner power through the use of threats, prolonging the pain of living in a broken marriage, and increasing your own levels of fear. A decision coerced through fear is never a good decision. Instead, recognize that your partner is most likely making these threats because he or she feels hurt or betrayed, and making threats gives them a false sense of power. Alternatively, some people respond to threats by making their own threats. This only escalates the conflict and tension, and will inevitably increase the financial and emotional costs to you, and your children.

Instead of responding by giving in, or fighting back in a “tit for tat” manner, allow yourself the opportunity to be armed with information and grounded in reality. When you are armed with information, you can let go of the need to fight back. It is not your job to convince your partner that they are wronged or misinformed - leave that to the lawyers and the courtroom, if necessary. If you are concerned about the impact a threat may have on your legal case, make sure you discuss it with your attorney. More often than not, there is no realistic basis for the threats that are being made. Having information will allow you to respond from a place of peace and a place of strength, and can reduce the stress common in the early days of divorce.

Remember that you and your spouse are both hurting and are likely to respond to this pain in different ways.

**NOTE: If your spouse is making any kind of physical threats, you need to make sure your legal team is made aware of this. Issues involving family violence need to be taken seriously, and a different approach may be required.*

Learn to De-escalate Conflict when Possible

Divorce is painful enough, so don't add fuel to the fire by increasing tension and conflict. Even though you are getting a divorce, you will still need to have occasional interactions with your soon to be ex-spouse in most cases, whether you are discussing substantive issues (e.g., financial budgets), or logistical issues (e.g., moving date, children's schedules). You will find that tensions escalate quickly if, when interacting with your partner, you try to assess blame, admonish behavior, or give advice. Trying to convince the other side that you are "right" will only incite defensiveness, and you will likely soon feel exasperated in fighting the same fights you've fought throughout your marriage. Heightened conflict ends up increasing everyone's suffering in some way, too. Instead, focus on letting go of the need to be right (this is easier said than done, but you will no doubt have lots of opportunity to practice), and instead be present to and aware of the conflict. If you are triggered by something your spouse has said, take a time-out to regroup and think through your response. Make sure any response you give is brief, and is made for the purpose of exchange information only. Fight the urge to argue back - if arguing is necessary, leave that for the lawyers and the courtroom.

Decide to Work Cooperatively—Even If Your Spouse Isn't on the Same Page

There are two ways to approach a divorce. You can decide to view your ex-partner as the enemy, burn your bridges, and set out to harm them as much as possible—or you can choose to work cooperatively to end a marriage that is undoubtedly unhealthy for everyone involved. At Hargrave Family Law, we firmly believe that the latter approach is the one that will lead to the best results for all involved.

Even if your partner isn't willing to work together with you, you can make a commitment to yourself to avoid personal attacks and refuse to participate in arguments. The way you behave during your divorce does not go unnoticed by your children, or by others. If you vow to hold yourself in a dignified manner, your partner may just be compelled to do the same. You may inspire others around you going through their own tough times. At the very least, you can walk away at the end of the process feeling good about you handled yourself, and you will have gained deeper knowledge of how to get through difficult situations with grace.

Lay Out Clear Communication Rules

As you take legal steps to make your physical separation permanent, you and your ex-partner may both start to feel more calm. Often the hope that the current stressful situation will not go on forever, that there will be an end (and therefore a new beginning), may at least partially diffuse the tension between you. This is a good time to set up ground rules for how, when, and why you communicate. Down the road, you may be able to relax these rules and even engage more easily in civil conversation. However, while the divorce is still fresh, it's important to set and enforce strict boundaries.

You may choose to only converse about issues relating to the divorce or your children. If your phone conversations often turn into pointless arguments, you could decide to communicate only in writing unless there's an emergency. You might agree on set times to converse—such as no middle-of-the-night phone calls hashing out the relationship and where it went wrong, conversations that usually do more harm than good. You should absolutely agree not to discuss the divorce in front of your children, and should not disparage your spouse in front of your children.

Clear boundaries make it easier to stop communication that will lead to avoid unnecessary fights that can often make divorce more traumatic for the parties and the children. You don't have to like each other, but reducing your negative interactions will definitely benefit yourselves and your children.

Mistakes to Avoid

The emotional, legal, and financial complexities of divorce mean that mistakes are inevitable. What matters is that you learn from them and try to avoid making the same mistakes again. Watch out for these errors and steer clear—they could complicate your divorce case and in some cases lead to serious consequences:

- **Clearing out the bank account or making any major changes to your finances without first consulting with counsel.** Many counties in Texas have standing orders that go into effect when a divorce is filed. And for good reason. You should become familiar with them and refrain from violating them even before you file for divorce without first discussing them with your attorney. If your assets are determined to be community property, removing your ex-partner's access to a jointly owned account could get you in significant legal trouble. At the very least, you will be starting the process in a position of distrust by your partner, which weakens your ability to negotiate. If changes are needed, your lawyer can advise you regarding appropriate steps to take that won't get you in hot water with the judge.
- **Fighting over things that don't matter.** It's easy to get bogged down by minor issues. If you find yourself arguing over every piece of personal property that has to be divided, you could drag out this process and put yourself through the wringer, not to mention ratchet up the cost significantly. It's not prudent to spend

\$5,000 in legal fees fighting over a \$40 vase. Decide what you really need to take away from the divorce to have a fresh start, what is truly meaningful to you, and be willing to let go of the things that are not important. That vase that now cost you \$5040 will remind you of the fight every time you look at it, and not the joyful sentiment that it may have originally given you.

- **Beginning a new relationship.** Being separated from your spouse may bring about a new found sense of freedom. But in Texas, it is important to remember that you are married until you are divorced. Engaging in an extra-marital relationship could have an impact on the division of assets in your divorce; but more significantly, it can have an impact on the emotional toll on the negotiating process, and make your case more difficult to settle. Instead, it is best to hold off on any new dating partners until the divorce is finalized.
- **Ignoring Court orders.** If there are temporary Court orders for child custody, spousal support, or child support, follow the orders to the letter. Otherwise, at best you could be fighting an uphill battle when you go to Court regarding your final divorce decree. At worst you could be pleading with the Court not to send you to jail.
- **Oversharing with Your Children.** Many parents who feel wronged in a relationship believe that their children have the “right” to know the truth about how the other parent betrayed them. That is simply not true, and can end up having devastating results for children who learn too much about the adult issues in a divorce. The most important thing is for your children to know they are loved - by both parents. There are exceptions, in cases involving substance abuse or physical abuse, when the children will need to know more information about the changes in their

household. However, it is best to bring in a child specialist, who can work with the children and help them learn and process this information in a constructive way.

Consider the Benefits of Collaborative Divorce

If you and your partner are able to agree on working together to find solutions to your disputes, collaborative divorce is an option to explore. Collaborative divorce allows the parties to commit to resolving their issues without going to court. By doing so, they get to maintain control of the outcomes, and protect the privacy and integrity of their family. Collaborative divorce involves approaching this process as a team. Rather than fighting each other for control, you begin by exploring each other's goals and interests, and work together to achieve outcomes that are acceptable to both parties. This is especially helpful for those who prioritize their co-parenting relationship. It helps you avoid becoming mired down fighting over issues that don't matter and instead lays the foundation for effective, respectful communication and conflict resolution moving forward—and that's an excellent example to set for your children.

Collaborative divorce requires that both parties have their own lawyers and that both individuals agree to participate in the collaborative process in good faith. There are also some other important factors to consider when evaluating a collaborative divorce, so it's best to consult with an attorney trained and experienced in that specific type of divorce to determine if it's the right path for you.

Even if you don't choose to use the formal collaborative divorce process, using the same collaborative techniques in a "cooperative" divorce can be extremely beneficial in accomplishing these same goals.

Look Forward to the Future

The work you invest to have a healthy divorce will pay off for years to come. It's easy to give in to your hurt and anger by using divorce as a tool to hurt your partner; it requires strength and foresight to choose peaceful, healthy solutions that benefit your family as a whole. Working through this process in a calm and thoughtful manner helps you come out on the other side with your dignity, optimism, and positivity relatively intact. No matter what goals you have for the future, this is the first step to making them a reality.

Also take a look at some of the blogs on our website at www.hargravefamilylaw.com as well that dive in deeper to some of the points discussed above, along with some other topics that may be beneficial resources for you.

If you ultimately decide that divorce is the right choice for you and your family, we're here to help you get through it with as little stress as possible. At Hargrave Family Law, you don't just get a lawyer—you get a legal team that's dedicated to supporting you throughout your case. Reach out today or at 214-380-3062.