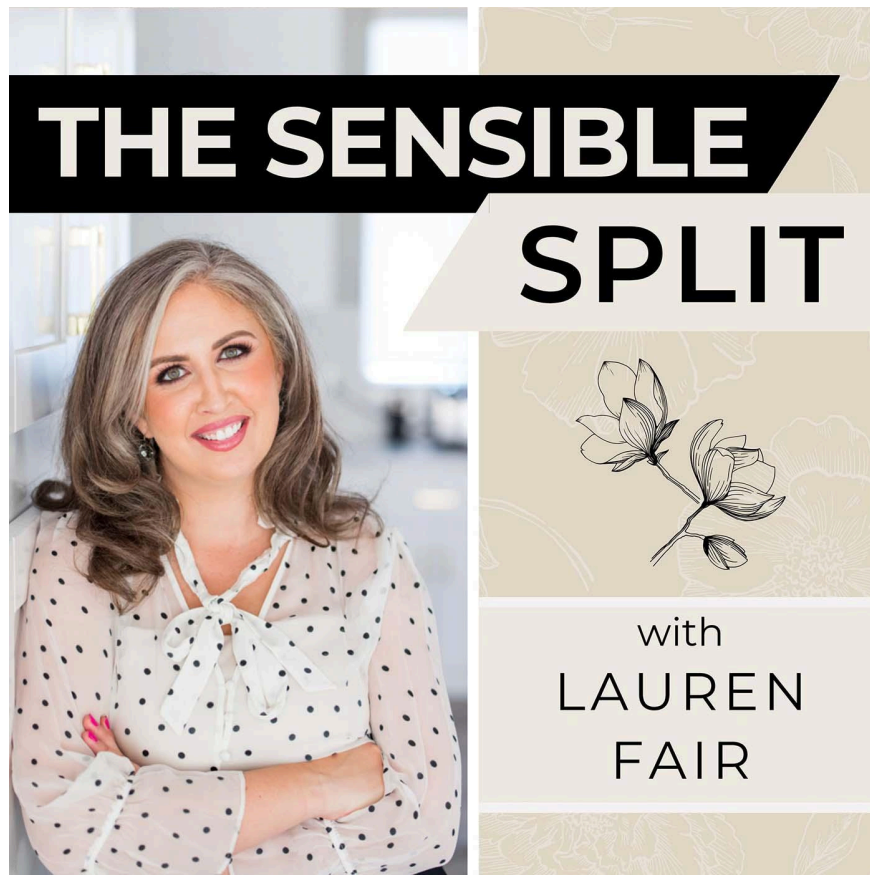


Ep #10: Does Consulting a Lawyer Mean Your Marriage Is Over?



Full Episode Transcript

With Your Host

Lauren Fair

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Ep #10: Does Consulting a Lawyer Mean Your Marriage Is Over?

You're listening to *The Sensible Split* podcast, Episode 10. Today, we're talking about when you're delaying scheduling that first consultation with a divorce lawyer because it would mean the marriage is over, and the potential impact of not having a professional perspective early on in your divorce process.

The Sensible Split is a podcast for smart but overwhelmed women in search of a roadmap to a successful separation and divorce. If you are looking for guidance in navigating the practical, legal, and emotional aspects of divorce with confidence, this is the show for you. Here's your host, Master Certified Life and Divorce Coach, Divorce Attorney and Mediator, Lauren Fair.

Hello, ladies, how are you? Welcome back to the podcast this week. I'm really excited to be back with you. I was out of town this weekend with my family, and had a nice little trip. I always love doing that. It really gets me kind of refreshed for the week, and more excited to dive back into all of the work with the clients that I have going on this week. So, I hope you had a good last few days yourselves.

But today, I want to talk to you about when you're considering divorce, or you can see it's on the horizon even if maybe you don't want it to be, and you just can't bring yourself to schedule a consultation with a divorce lawyer, because reaching out for that consultation, scheduling it, and going to it would mean that your marriage is really over. And, you're just not ready to go there.

If you're in those early stages of contemplating divorce, you've probably thought at least a bit about the idea that having some professional perspective on your situation that you'd be facing if you were to actually go forward with a divorce could be helpful. Maybe you've even had friends or family members tell you they think you should talk to a lawyer, but you just can't bring yourself to make that call because you're not ready to accept that the marriage is over.

If this is you, know that you are not alone in that reluctance to have an initial consultation with a divorce lawyer or other divorce professional. Listen, you don't have to consult with or hire a divorce lawyer ever, if you don't want to. Having the benefit of legal advice is always an option in your divorce, it is not a requirement. That is a personal decision for you to make.

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However, there are situations where it is helpful to the goal of approaching the divorce in an empowered way, when the purpose of the consultation is for you to gain relevant knowledge about what your options are and the likely results of you moving forward so you can make informed decisions for yourself.

And so, what we're talking about today, is when you want to have the benefit of legal advice, but what's getting in the way of that is that kind of conclusion that you're reaching in your mind of, "But if I do that now, there's a certain finality that that conveys," to the state of your marriage. Like, "If I go and I talk to a lawyer, it means it's really over. That feels super final, and my mind is not willing to go there."

So, I want to highlight though, two examples of common effects of *not* consulting a divorce professional early on. One is, threats can be made by a spouse that go unchecked, and then have you intimidated into inaction because of them. The second is, decisions are made without eyes wide open as to what the divorce path would look like, as one option among others.

On the first point, about the threats made by a spouse that result oftentimes in a lack of action being taken, when there are significant problems in a marriage and it's clear that it's broken down to the point that divorce is being considered on some level, there's often a dynamic in the relationship that has developed where threats are being made about what outcomes may be had if a divorce is pursued.

What I mean by this is the following, statements like, "You're never going to see the kids again. You'll never get a dime of spousal support for me, I'll quit my job before I pay you anything. I'll fight you for 100% custody, and I'll win. If you leave, I'll claim you abandoned the house and you won't get anything out of it." Some flavor of a threat about an outcome on one of the issues in the divorce if you were to proceed with a divorce.

These types of threats are often made by a spouse who is trying to control the behavior of the other spouse through fear and who will say anything in that state to try to stay in control of the situation, that they feel like they're really losing control of. They likely feel they're losing control over their own life, and perhaps

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also their spouse, and maybe fearful themselves about what that means for them.

Which results in them making threats to try and get the other spouse to stay, and not take steps to protect themselves, not hire a lawyer, etc. And when presented with these threats you may be tempted to believe them. Maybe you're afraid your spouse... they might be right. They might be right about what they're threatening you with.

Maybe you found a blurb on Google that seems to support what they're saying. Maybe you're not sure if what they're threatening is actually attainable for them, but you're stressed and worried by the possibility that it might be. And when these threats seem so intimidating, you may end up staying out of fear rather than out of an actual desire to be in the marriage.

One of the things I found as a lawyer, was that during many initial consults, the potential client would bring up a threat like this, that was said to them, and more often than not whatever the threat was, in substance was not true. And it was such a relief to the potential client to know that it's unlikely their spouse can actually follow through on that threat.

On the flip side, there were times when I had to confirm that whatever the threat was, actually was true. That probably was the likely outcome. And although that seemed like it would be scary to hear, it actually can be helpful to just know that an outcome you might not love is a possibility. Because then you know. Your brain can have some additional certainty around, "Okay, that is probably what the outcome is. So, now what?" And then we can get into problem-solving mode.

That then became data for the potential client to consider what to do with, in her decision about whether, or even when maybe, to proceed with a divorce. So often potential clients will leave a consultation and say, "Thank you so much. I feel so much better just having talked to you about all of this."

And I think part of that is them having the benefit of the information that helps them to calm certain fears. And to also just have more information in general, about what that divorce path would look like.

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If you can get legal advice early on, to help you learn more about what are actually likely to be your rights and obligations in the event of divorce, that can help inform your decision about whether to stay or go, and have it be based on good articulable data, rather than it be based on fear stemming from threats that may or may not actually be able to be carried out.

So, with respect to the second common effect of not getting legal advice up front, is... Divorce is a legal process, and there are just legal implications of getting divorced. If you're on the fence about getting divorced, one piece of making a mindful decision about whether to divorce at all is understanding what your post-divorce reality may look like.

What might you expect as a parenting schedule with your kids? How much support might you receive, or possibly be obligated to pay your spouse? What might happen with the house? Some of these key questions. Some of which you might not be able to get complete certainty around, but you'd be able to get a lot more information about the range of possibilities of what may happen with these issues.

Simply because you ask those questions, and you're given answers to them, does not mean you have to decide to actually move forward with the divorce. It's important to have your eyes wide open about what all of your options are and the implications of each on your life.

If you're finding yourself thinking about divorce as one of your options, consider what having the information about what to expect your circumstances to look like during and after divorce could do to help you. It is good data for you to use in considering and assessing all of your options.

But if you're not allowing yourself to even get into the consultation, because you're believing that it's a foregone conclusion that you're getting divorced if you do, that your marriage is really over if you do have that consult, then you're never going to get the benefit of that information.

If you think divorce may be on the horizon for you, and you're avoiding consulting a divorce lawyer or other professional... It can be another professional, depending on the information that you're really wanting to have at

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that particular time... but that you know you should consult with them and you're not doing that, I want you to ask yourself why?

If the answer is because doing that would mean the marriage is really over, I have good news for you. It is not absolutely true, that because you choose to get some professional perspective on the legal process and the issues involved, that it has to mean your marriage is over. The truth is, your marriage isn't over simply because you choose to get the benefit of information about what the impact would be on you if it were really over.

The only way that your marriage is really over is if you or your spouse make a final decision that it is over. Just consulting a family law professional does not mean that you have to decide your marriage is over. To the contrary, it can mean many different things. Including that you thoughtfully considered your options. That you did your due diligence about what your options were.

Consider the possibility that some information you get from the consultation might actually result in you choosing to stay in the marriage and recommit to it. Conversely, it may ultimately play a part in a decision to ultimately leave. But what you do with the information gained in a consultation is up to you and you alone.

And if, as you're listening to this, you're realizing that you haven't wanted to move forward with consulting a lawyer because you already know the marriage is over, but consulting with a lawyer would mean you actually have to move forward with the divorce, and it feels too scary to do that right now...

Please know that having a consultation also doesn't have to mean that if you know divorce is the right decision for you, but you aren't ready to actually start that transition yet, or you still think you could use some answers to questions about the process, know that you can also have a consultation without any obligation to take any steps beyond that, until you're ready.

Many people find that having the benefit of that information gained in a consultation helped them feel calmer, less afraid, and better equipped to make decisions about what comes next for them. And that is something that I am really passionate about, is helping people make the decision that is best for

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them. And if that decision is to proceed with a divorce, they'll be as prepared as possible to make a smart exit.

So, if you want support around your decision about whether to proceed with divorce or stay in the marriage, this is an excellent time for coaching to help you identify and fully evaluate all of your options, and make the choice that is best for you. Also, to help identify if there is something that you need, in terms of answers to legal questions, and get really organized and prepared for what it is that you need from a divorce lawyer in order to have those questions answered.

As a divorce coach, I am not pro divorce. I am pro my client making the best decision for herself, with an informed eyes wide open approach, and not from under the thumb of her spouse. Okay?

That's all I have for you this week, my friends. Take care. I'll see you next time.

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