

A Little Less Pain

Judge John Narsutis
Judge, 16th District Court
Denton, Texas

Several years ago my wife and I went to the movie “War of the Roses” with another couple. The movie examined an extremely hostile divorce in which the divorcing couple finally died as a consequence of their bitterness. My wife and I found the movie to be filled with black humor. The couple we had taken with us thought the movie to be “too far fetched” to capture their attention. If our friends had been lawyers or judges, I am certain they would have felt differently.

Divorce related deaths are uncommon although not unknown. Any judge who has heard family matters for at least ten years will probably be able to relate tragic stories in which a divorcing party was murdered by the other or one of the former lovers committed suicide. What is more common in divorces than physical death is the destruction of the soul, the financial devastation of both parties and the child sacrifice that takes place. Most of these undesirable consequences of divorce would be avoidable if people were capable of making rational decisions during divorces.

The greater number of divorces heard by judges are uncontested and there is little reason to remember them. Nearly every contested divorce is identifiable by pathological characteristics. Most of the characteristics are attributable to the litigants but some result from unscrupulous lawyers and bad advice from helpful friends.

I.

Et tu Lawyer?

Most lawyers want to provide the best possible service for their clients. They understand legal fees are a tremendous strain on litigants whether the divorce is one costing five hundred dollars or five hundred thousand dollars. It is also understood by them that the time of a divorce is an extremely difficult time for the client. The client is feeling betrayed by his or her spouse; a sense of failure, fear and uncertainty; anger; helplessness; despair and a need for vengeance. It is a competent lawyer’s responsibility to his or her client and to the legal system to help the client recognize and deal with the emotions evoked by the dissolution of a marriage. The unprincipled or incompetent lawyer will either ignore or fuel one or more of the debilitating emotions. These lawyers

can be identified by various means. It is almost unimaginable that a lawyer would recommend custody litigation. If such litigation is recommended, the lawyer should be examined more closely. The story of Solomon determining who the parent of a child is by offering to divide the child in two with a sword and giving each purported parent one half would not work in today's courtrooms. Despite overwhelming evidence that it is emotionally crippling to deprive children of either parent, for one reason or another our courts are busy arenas in which judges are asked to divide pieces of children between their parents. It is unheard of for these custody disputes to be finally resolved for less than twenty thousand dollars and it is common for the litigant to spend fifty to one hundred thousand dollars. Usually people marry someone who is qualitatively much like they are. The exact characteristics of the partners may not be the same but chances are if one parent is likely to be a good parent, so is the other. If one parent is a bad parent, in most instances so is the other. People litigating custody are unable to see this. Competent attorneys should require potential custody litigants to see a mental health professional prior to filing a custody action to determine how important it is for the children to be placed in the primary care of one parent over another. Usually it is more important for the parents to maintain a working relationship with each other so that the children can enjoy the benefits of having two parents. Juries have recognized how devastating it is for children to endure continuing custody litigation and have terminated the parental rights of parents who continually bring allegation upon allegation against the other parent. A second warning to examine the lawyer more carefully is when he or she tells you the fee will exceed the amount in controversy between you and your spouse. For example, it is fairly common for people with a negative net worth, that is their debts exceed their assets, to spend thousands of dollars to determine who should be responsible for the debts. This is wasted money. The court can order one party to pay certain debts and the other party to pay others, but if there are not sufficient assets to pay the debts at the time of the divorce, payment cannot be compelled by the court and the court's determination is meaningless. The creditors can pursue either party since the creditors rights were not determined in the divorce action. A third sign of attorney trouble is an attorney who becomes your champion in his or her office instead of the courtroom. "We'll make him/her pay for what he/she has done to you," is the battle cry of this charlatan. The truth is no lawyer can make a spouse compensate you for all of the suffering your spouse has imposed upon you in the ordinary course of a marriage. Only in a few jurisdictions may the court order extra compensation

for the intentional infliction of emotional distress. In those jurisdictions, this can ordinarily be done in only the most egregious of circumstances. Name calling, sexual infidelity, lack of affection, indifference, alcoholism and drug abuse probably do not qualify as the “intentional infliction of emotional distress.” Even if the conduct of one’s spouse does qualify as a remedial intentional infliction of emotional distress case, the claim is probably not worth pursuing because the claim is not covered by ordinary insurance policies and most people do not have the assets from which to pay a substantial judgment. Thousands of dollars can be spent pursuing this type of claim with little chance of recovery. Most often property divisions are made somewhere between a fifty-fifty and sixty - forty basis. If the net estate of the couple is one hundred thousand dollars in cash, property readily convertible to cash or less, it is an absolute waste of the couple’s time to have a contested divorce. For example, an agreed divorce can probably be obtained for between a thousand and two thousand dollars. If one thousand dollars is subtracted from the one hundred thousand dollar community estate, ninety nine thousand dollars remains to be divided. A fifty-fifty division gives each party forty nine thousand five hundred dollars. If the matter is contested and one party prevails to obtain a sixty-forty split, each side will probably have spent approximately five thousand dollars and perhaps more on attorneys fees and costs. The net estate is now ninety thousand dollars. The prevailing party will receive fifty four thousand dollars and the losing party will receive thirty six thousand dollars. The time, expense and heartache of litigation has earned the prevailing party four thousand five hundred dollars and cost the other party twelve thousand five hundred dollars. It should be carefully noted that the example used related specifically to cash. When personal property is mixed into the equation, the results are far more disastrous for the litigants. I remember handling estates when I was in private practice. One recently deceased man had been very proud of his possessions. He had paid over a thousand dollars each for several pieces of art, and his twenty-eight hundred square foot home was overflowing with furnishings he had considered to be very nice well kept pieces. When they were new the items had cost over a hundred thousand dollars. I contacted a dealer to see if he would purchase the furnishings. He said over the telephone that he would pay five thousand dollars for everything in a nicely furnished twenty-eight hundred square foot house. I declined the offer. I finally managed to sell everything for about seven thousand five hundred dollars. The time and labor spent in selling the items was worth well in excess of the twenty-five hundred extra dollars. Jewelry can usually be sold for about one fourth to one third of its appraised

value. The lesson is personal property is not worth what most people think it is and individual items are rarely, if ever, worth litigation. A three year old television purchased for seven hundred fifty dollars probably has a cash value of one hundred fifty dollars or less. If a couple allows their lawyers to argue about that television for half an hour with each lawyer charging \$150 to \$200 per hour, the couple is suffering a financial loss over the television. Sometimes, despite the best efforts of their lawyers, the parties will not succumb to common sense. In one incident a young couple settled everything between them except who should receive their framed print of Jesus which was probably purchased for less than \$25. What made the situation more ridiculous was one of the people was blind! Montesquieu's advice," Let us honor the Deity and allow him to avenge his own cause," is both practical and wise.

Occasionally people attempt to represent themselves in divorces. When the parties have no property, no children and no contingent benefits such as retirement or pending lawsuits they can with assistance usually adequately file the appropriate papers and represent themselves. Commonly people who represent themselves expect the judge to assist them. Judges are not allowed to assist in any way. The same rules of law and court apply to people who represent themselves and lawyers.

A final and absolute give away to an incompetent lawyer is manifest when a lawyer tells his client, "Judge A is partial to lawyer B" or "Judge A does not like me and I'm telling you I'll do everything I can to help you but we have the cards stacked against us." The truth is good divorce lawyers can assess a case to the point that they know how property will be divided by the court with a great deal of certainty. The good lawyer will probably negotiate to the point where a substantial benefit will accrue to his or her client if the parties go to court if the last offer is not accepted. The incompetent lawyer will believe he or she is treated unfairly because the ruling of the court is more favorable to the other side than the other side's last settlement offer. Most judges are extremely consistent in their rulings. That is perhaps the best indicator of the quality of a family law judge. The personal philosophy of a judge may be manifested by his or her rulings, but if the rulings are consistent regardless of who the attorneys or litigants are, the judge is fair. During my years of practice, I had occasion to practice before judges who would be far more favorable to one gender than another. With those judges, fairness was never an issue. Those judges exhibited fairness by consistently treating one gender more favorably than would most other judges. Only a subjective determination can be made whether the property and child support awards of those judges

were fair. It cannot be argued that every male was not treated the same as every other male and every female was not treated the same as other females be those judges. Lawyers who knew the propensities of those judges were able to settle cases to their clients best advantage. Lawyers who did not know the propensities of those judges were often shocked, bewildered, amazed, and suspicious when they failed to reach a settlement, tried their cases and left their clients' expectations unfulfilled. Fairness was not the issue. The issue was the incompetence of the lawyers in assessing their cases. Unless it is finally mandated that judges have no discretion to award unequal divisions of property, the differing values and attitudes of judges are going to result in different results in divorce cases heard before different judges. The results are fair within that context as long as the results in a particular court are consistent. There is less diversity among most family law judges than this paragraph might indicate, but differences do exist.

II. Friends, Relatives and Significant Others

It is wonderful to have the support of friends and relatives when one is stricken by the pain of a divorce. Divorce is not easy for anyone. Your children and the love and counsel of those who care about you is sometimes all you feel you have left in the entire world. It should be remembered that your children are not there to support you through the divorce. Most likely, if it were left up to them there would be no divorce. Psychologists tell us it is harmful to bring children into the divorce. It is the duty of the parents to remove the children from the reasons for the divorce and the emotions between the parties as much as possible. Relatives can be a good source of emotional support if you are able to put their support in perspective. Your parents cannot be called unbiased. They love you and they do not want to see you hurt. They will do everything they can to help you through this difficult time. They will probably see the divorce issues from your point of view and they will probably believe you to be the proper person to have custody of the children. This is partly because of their love for you, partly because they have a great deal of pride in the job they did rearing you and they believe you to be a better parent than anyone other than themselves. It is also probably in part because they see themselves as having a greater role in the lives of their grandchildren if you have custody.

Besides, they probably believed all along that your soon to be former spouse was never good enough for you. While you need your parent's love, emotional support, and possibly financial support, you do not need their advice on important divorce issues because they are not seeing things any more clearly than you are. Your lawyer and mental health professional are in a far better position to advise you than are your parents. Your parents are in a far better position to emotionally support you than your lawyer. Your lawyer is best able to assess your legal rights and remedies. Your mental health professional is in a better position to help you understand your thoughts as being rationally or emotionally originated.

The influence of friends can be just as dangerous as the well intentioned person in Candide who upon seeing someone looking over the edge of a cliff and believing the person preparing to jump screamed "Don't jump!" effectively scaring the person who was simply looking down to the extent that his balance was lost and he fell over the side of the cliff. Friends do not know all of the circumstances of your divorce, they do not understand the legal issues and you probably have only told them the parts of the story you wanted them to hear. Good advice cannot be obtained from them under these circumstances. Experience and attorneys have given me story after story on how well intentioned friends have cost their clients thousands to tens of thousands of dollars in divorces. The most common way this is done is when the friend knows little to nothing about the financial situation of the divorcing couple and makes assumptions as erroneous as those made by the well intentioned screamer in Candide. The friend typically says, "In A's divorce, A got the house paid for, the Mercedes, and 100,000 cash and A's spouse wasn't even having an affair. You should be able to get more because your spouse treated you worse than A's spouse treated A and your spouse is having an affair." What the friend doesn't know is that you have three credit cards charged up to the limit, you only have \$15,000.00 equity in your \$200,000.00 house and neither you nor your spouse can afford the monthly payments on a single salary. In fact you have been struggling to make the payments with both of you working. If you are fortunate enough to get the house sold before you become too delinquent on the payments and the house is foreclosed upon, there will not be a dime after closing costs. Your automobile is leased and you are paying \$399 per month on it with no equity. A's spouse on the other hand made more money in six months than you and your spouse made together in a year, A's house was paid for and the A's had \$250,000.00 cash in the bank. The fact that your spouse is having an affair and A's was not does not make your family

any better off financially than it would be if your spouse weren't having an affair and happened to be a fairly decent human being like A's spouse. You cannot look forward to maintaining your life style the way A's spouse did. You and your spouse could not afford your life style while you were married as evidenced by your credit card debt and lack of cash and savings. You will certainly not be able to live in the same neighborhood, drive as fancy a car or live the life style you lived on one half the salary or one half the salary plus child support if you are receiving custody of the children.

The psychology of friends giving advice in divorces would be an interesting study, but the bottom line is in over twenty years as a judge and lawyer, I have never seen following a friend's advice on custody, property or visitation in a divorce do anything other than exacerbate an already difficult situation, cost the divorcing couple several times more money than the divorce would otherwise have cost, and adversely affect any children involved.

New love interests are the most common "others" who give input and sometimes the impetus for divorces. The motivation and effect of these people in a divorce is varied. For some, encouraging the divorce is a part of their game. They have an emotional need to "win" their lover completely and the final divorce is their final victory. It is common for these people to lose interest and seek out someone else once the divorce is accomplished. Others are desperately seeking an absolute commitment which means the absolute and immediate exclusion of the spouse. This person will usually resent the former spouse more than the former partner will. Children from the terminating marriage will seem a threat to their relationship. Contact with the children will be discouraged. Sometimes the discouragement will be subtle and may be evidenced by encouraging unpleasantness when the children are picked up and delivered for visitation periods, trying to limit the role of their love interest in the lives of the children by attempting to make the children believe they are not wanted or don't fit in when they visit or even inappropriate discipline may occur. The other extreme may be manifest by a type of "final victory" mentality that seeks custody of the children for their love interest because that would be the ultimate defeat for the former spouse.

The bottom line is most new love interests are not suitable people to give advice during a divorce because the needs of that person are foremost in that person's conscious and unconscious mind. The time of your divorce is a time of emotional bewilderment for them as well as you. If you are long time lovers, the nature of your relationship is changing significantly as a result of the divorce. New expectations and demands are being developed. If your lover has been

acquired during your separation, your relationship is probably not based upon the “real you” being loved by the other person or the “real you” loving the other person. Divorce is a time of emotional aberration. Your long term emotional needs are hidden by short term emotional survival reactions. You cannot expect good advice from someone whose only understanding of you is what they have seen at a time when you are not your usual self.

III.

“We have met the enemy and they are us.”

-Pogo

If we weren't people, there would be no reason for divorces to be painful, complicated or destructive. In legal terms, a divorce is nothing more than the termination of legal relationships between the parties and providing the best situation possible under the circumstances. for children of the marriage. Family law is perhaps the least technical area of law practice. It does not take minds like those of Stephen Hawking or Albert Einstein to be a great family law practitioner. What it does take is someone with outstanding skill relating to people. To be a great divorce client requires extraordinary self control and objectivity. Most family law judges care very little about why the litigants feel a need to divorce or what the litigants may or may not be doing with their genitals in their private lives unless it can be shown to have had some undesirable physical effect on the litigants or the children know about it. If the court's interest in the subject of extra marital sex is based upon the children knowing about it, the court's concern is then how the children came to know about it. If the accusing spouse told the children about the situation, that is a mark against the accusing spouse. If the accused spouse told the children about it or was indiscreet in his or her activities or the activities involved the children, the marks would then fall against the accused spouse. In either instance, it is hard to imagine the facts of such infidelity having a great effect of the division of property or upon the needs of the children to continue to have as much contact with both parents as possible. Such acts, when they have weight at all, usually relate to custody matters. Despite television dramatizations, judges and jurors seldom use sexual infidelity as a basis for custody decisions.

Litigants often view sexual infidelity as reason enough for the imposition of a death penalty in divorce cases. In instances in which a disease has been transmitted, the nature of the disease and harm shown to the wronged party will have greater weight than in other circumstances of sexual infidelity. The

transmission of a sexually transmitted disease is an intentional or negligent wrong committed against a spouse that results in physical harm to the spouse. It should be noted that proving whether certain diseases such as herpes simplex virus have been transmitted to a spouse is an extremely difficult task because of the nature of some viruses, the various means of infection, and the ability of some viruses to remain dormant for years. The emotional harm occurring as a result of sexual infidelity is probably no greater than and indistinguishable from the cumulative effect of those other harms resulting in the breakdown of the marriage. Judges and juries usually take the position that sexual infidelity is not as much a cause of the divorce as a symptom of the decayed marriage. Usually the adulterous spouse and the non adulterous spouse feel they have been wronged by the other. Bringing the facts of any incident to the courtroom may give the non adulterous spouse a fleeting moment of vindictive self righteousness, but in the long term it will only add to the hurt of both parties. If a need for vengeance is felt, chances are a divorce is needed more than the vengeance. Chances are each and every vindictive act will lead to a reciprocal act and additional attorneys fees for which the only benefit will be the embarrassment of your spouse and perhaps your children.

Anger, for whatever reason in a divorce can be costly. In one case, a husband believed the family home was the most important thing in the world to the wife and to make his point how angry he was, he burned the house down. The judge awarded the husband the house and the wife all of the other property including the insurance proceeds. If you seek to hide or destroy property to keep it from your spouse, there is a good chance the judge will award much more than you are hiding or destroying to the other spouse from what you otherwise would have received.

Often a party who knows what property the other spouse wants or wanting a particular piece of property will assign an unreasonably high or low value to the property. One typical judicial response is to award the property to the party who thinks it is worth more regardless of the expressed desire of one party or the other for the property. The rationale for such a division is the monetary value placed on items of property reflect the value of the items to the parties. If A states equity in a house is worth \$100,000 and B states the same equity is worth \$50,000 the judge can safely assume if the house is awarded to A that A has received property worth \$100,000 to A. If no other assets are available, the judge can then require A to execute a note to B for \$50,000 and each party will receive as much property as either could possibly have expected to receive from the property division.

Remembering that to the court divorce is the severance of legal relationships with provisions made for the children as best as circumstances will allow is the most important thing for a successful divorce litigant to do. The court has none of the emotional involvement with the case that permeates you, your friends, your family or your spouse. There is nothing you can say, do, or present to the court that will make the court have such an involvement.

Paranoia is common in hotly contested divorces and custody cases. If one begins to feel powerless and believes the legal system is unfair, one should seek professional counseling to place one's feelings in perspective. The legal system probably will not give you the result you desire in your divorce but the result will be easily predictable within a limited range .

IV. Child Custody Is Paris Burning?

Adolph Hitler believing World War II to be lost issued orders to burn Paris rather than surrender it to the allies. I often think of those orders when litigants come back after a divorce for contested custody modification cases. Many books have been written on child custody. Some advocate joint custody, others say more consideration should be given to naming the custodian of the child based upon matching the gender of the parent, some recommend that the significant interaction of one parent justifies placing custody with that parent, others would base placement on the age of the child, and another position is the custodian who would be least disruptive of the child's current status should prevail. While the experts disagree about what factor is most important, they all agree children need two parents. Your spouse is probably a lot better parent than you believe him or her to be. My wife and I once argued about how frequently she or I put our daughters to bed. My wife surreptitiously began keeping records of who put the children to bed each night. Shockingly, she found I did it far more often than she thought and far less often than I thought. My wife's findings can probably be related to most aspects of parenting. Neither parent does nearly as much as they believe.

One theme that appears in most child custody books is how hurtful it is to children for a parent to belittle the other parent. Children realize *a priori* that their essence comes from both parents. Derogation of a spouse by the other destroys the self esteem of children in a way that cannot be compensated by all the love in the world from the other parent. Further, the experts are in

agreement that children need continued frequent contact with both parents to affirm their identities. Nevertheless, our courtrooms are filled daily with people who choose to treat children as chattels or psychological tools for the selfish purposes of the parents. Judges and juries are not oblivious to these hurtful acts by the parents.

Parental rights have been terminated when the destructive attacks of one spouse upon the other have been so relentlessly vitriolic that the emotional health of a child is jeopardized. Sometimes the result is not as just. A case found a parent continuously blaming the divorce on the other parent leaving no opportunity unfilled to tell this to the child. The blaming parent managed to subvert visitation by the other parent while always blaming the other parent for the missed visitation. The noncustodial parent went to court, had the custodial parent held in contempt of court but asked that the custodial parent not be incarcerated. The custodial parent took the opportunity to tell the child the non custodial parent was attempting to incarcerate the custodial parent out of bitterness. The non custodial parent continued to attempt visitation, the custodial parent found it easier and easier to convince the child the child did not want to have anything to do with the “bad” non custodial parent. Ultimately, after many years and several contempt actions, the non custodial parent agreed to have the non custodial parents rights to the child terminated. If a person hates strongly enough, their desires may be accomplished at the expense of the person’s children and ex spouse.

Social studies done by court order should be as helpful to the litigants as the studies are to the courts. There are people who do social studies whose results are for sale. They will, unless the conclusion would be incredible, find reason to place custody with the person who hires them to do the social study. In a few instances the competence of the person making the social study may be suspect and in others the social agenda of the person making the study may taint the result. These are reasons the court appointed social study should be important to the litigants. The person making the study for the court has no reason to be anything less than objective and experienced judges and attorneys are usually capable of identifying and adjusting for any social bias. There are some social studies that courts will use as empirical evidence and others that courts will view as subjective or intuitive studies. The more empirical studies are of greater consistent value than the subjective or intuitive studies although some health care providers who may not be good social scientists are able to give the courts valuable assistance. Experience with a health care provider allows a judge to determine what weight should be given to the provider’s

conclusions. A judge who has experience with the health care provider knows the likes and dislikes of the provider and is able to place the study in perspective. In instances in which both parties have been evaluated by the same court appointed health care provider, it is extremely rare for a judge or jury to reach a custody conclusion different from that of the health care provider. The instances when the recommendation of the health care provider and the court differ occur most frequently when there has been a sudden significant change in circumstances since the study was done or in those instances in which the underlying data relied upon by the health care provider has been found to be bogus. It has been my experience that there is usually little difference in the general ability or desirability of one parent or the other to have custody of the children. When the decision ultimately has to be made by the judge or jury in such a case a subtle balance of the criteria set forth by experts in the field and many of which are identified in the first paragraph of this section is used to make the custody determination.

WHAT TO DO IF YOUR SPOUSE IS A “NUT CASE”.

_____Most contested custody cases should not occur. Either parent would be a good custodian and both parents should work together to ensure the children have as much contact as possible with both parents. The custody case is an absolute waste of the party's emotional and financial resources and the legal resources of the community. Disinterested parent v. good parent custody determinations are almost always worked out between the parties unless one parent attempts to hold a child for ransom to get an advantageous property settlement. Ransom custody cases inevitably result in tremendous financial and emotional losses to both parties.

Custody cases involving crazy people are unavoidable. At one point in my career, I presided over mental health cases. People appearing before me told me they were the devil or a god, that they were harassed by space aliens and many other fantastic stories. Some small number of these people were dangerous to others because of their delusions and many more of them were dangerous to themselves. It was the rare mental case that rose to the danger level of a psychologically disturbed divorce litigant. Lawyers and judges face a much greater personal risk from emotionally disturbed divorce litigants than they do from participants on their criminal docket. The newspapers are replete with stories of trial judges, appellate judges and lawyers being attacked by disgruntled custody litigants. It would be unusual for a criminal law judge to

have had his or her life threatened as frequently as the life of a family law judge. A small percentage but frighteningly large number of people going through divorces and custody disputes are extremely dangerous. From the view of the bench, these people have lost all contact with reality and are functioning on an almost instinctive level. In the courtroom, these people seem to view law as being practiced by a series of incantations. They will take sentences out of context from several cases and believe that the magic of the words will carry the day for them. An analogous situation would be to take whatever individual words you chose from this paper, place them in your own sentences and then say the sentences were the opinions of this author. Their view of the world is paranoid. In their minds, they have done nothing to cause what has befallen them. Their spouse has turned on them for no reason. They have done their best to keep their marriage intact and something evil has happened. Their spouse has filed for divorce and seeks custody of the children.

“How can this be? It isn’t my fault. A fair court system will vindicate me. I probably don’t even need a lawyer. The right thing to do is apparent to everyone.” At this point, he or she will probably seek out people to reinforce his or her position. They seek out other disturbed people as well as people who know them from another context in which their behavior is sometimes rational. Some of these people will function quite capably in employment situations although more frequently they will have been fired from their last job and no longer be employed. They will fabricate stories of sexual abuse, drunkenness, drug abuse, devil worship, and conspiracy. They will become consumed with their case to the point they have no other purpose in life. They believe there to be political plots to ruin their lives. It appears to be this type of person who most often resorts to kidnapping children. They believe health care professionals to be involved in the plot against them. Finally, when a court determines the spouse to be the better custodian, they believe all of their suspicions are confirmed. If the children are protected and the paranoid spouse does not obtain custody, one might think all is well. It is not. The mentally ill non custodial parent will continue to harass and harangue the former spouse directly, through the former spouse’s employer and through the children. If the mentally ill ex spouse refuses to obtain help, extreme restrictions on visitation or even termination of the ill person’s parental rights may be necessary as a last resort to protect the child and the custodial parent. In the courtroom it is common for these people to begin reciting lists of people they believe to be important and governmental agencies that are on their side in the case. These statements are manifestations of their delusions.

Mental illness in divorce is not always a factor to be feared. Like those people whose non divorce mental illness cases I heard, not all untreated mentally ill people are dangerous or incompetent to handle contact with their children in a positive way.

Family law judges know and appreciate that help is usually needed by divorcing couples and their children.

V.

Do you still want a divorce?.

To a judge or jury, a divorce is nothing more than the termination of legal relationships between the parties and providing the best situation possible under the circumstances. for children of the marriage. To you a divorce is losing a part of your time with your children, creating emotional problems for your children, no longer being able to afford your home, using your vacation money to transport your children for visitation or using half of your vacation time driving between your home and your ex spouse's home, lowering your income at retirement, possibly engaging in an emotional war with your ex spouse during the entire childhood of your children, spending a large amount of your savings for lawyer's fees, facing the feelings of loss and failure that accompany any divorce, paying child support or damaging your income and career with the extra responsibilities of being a single parent. Many of the problems associated with divorce can be ameliorated with the assistance of good professional help. Professionals can offer you assistance. They cannot solve all of the problems associated with divorce. You and your spouse, with the help of professionals can solve many of the problems but not all of them. Every status of life in which we find ourselves is encumbered by problems, burdens and difficulties. How we meet the problems, burdens and difficulties determines the quality of our lives. Your single life prior to marriage was simpler than your single life following divorce will be. You found that your unmarried status did not offer what you sought in life. You chose marriage. Your decision to divorce will return you to a more complicated single life with many residual problems and difficulties from your marriage. The philosopher Heraclitus stated, "An ass prefers straw to gold." It is your decision whether you should attempt to find gold with the ass you are married to or take the straw and run.