
DIVORCE

By Alex Poulos

Divorce. Nerves fray at the mention of the word, and for good reason. After 21 years practicing law, including 7 years as a Homicide and Organized Crime prosecutor, I rank divorces number two just under murders as the most stressful types of court cases.

National statistics show that as many as 50% of new marriages end in divorce. The percentages are higher for couples without children and for second and third marriages. Those are tough odds – and certainly none that smart gamblers would wage their fortunes on at the roulette wheel. Yet, couples marry every day and stake their livelihoods on the outcome.

Clients come to me believing they were foolish in failing to protect against a divorce. I gently tell them they are being too hard on themselves.

When love calls, reason falls. And that's how it should be. If we all approached our love connections like dispassionate investors, we might never marry; might never have the beautiful children who bring meaning to our lives.

Sure, precautions can be taken under the right circumstances, like signing premarital agreements. But 99% of couples probably never consider them. Prenups tend to chill hot romances. And they can't dictate child custody matters.

Typically, couples divide the marital duties. One spouse might handle the finances; the other might care for the children. Sometimes the roles are shared. There's no shame if one spouse knows less about a particular marital duty than the other. After all, it is a partnership.

Whatever their roles, both spouses have the same concerns about divorce. Who will have custody of the kids? How do we divide the property and debts? Are there wasted or hidden assets? Who pays support and how much? Am I employable after so many years out of the work force? How can I afford to live while paying support? Will the house sell or go into foreclosure? How much will the divorce cost? What about mediation? Can I do it on my own? How do I handle my soon-to-be ex's drug, alcohol, domestic violence, and/or psychological problems? How do I stop my ex from stalking or hurting the kids or me? Can I relocate with the kids out of state? Do grandparents have visitation rights?

These questions cause many sleepless nights. And they relentlessly dog those who delay finding answers. Consulting a lawyer early on is a good start. Much like doctors, lawyers can identify legal ailments and help cure them.

Divorce is a lonely journey. And there are hills to climb along the way. An experienced guide can help the weary traveler reach the light at the end.

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