

REFLECTIONS ON DIVORCE

by Cynthia L. Golomb

Statistics remind us that divorce is a common occurrence in our community. In 1995, the Maryland Department of Health and Mental Hygiene reported that in Howard County for every 1,578 marriage licenses issued, there were 746 divorce decrees granted.

While separation and divorce occur frequently, as the old song goes, "breaking up is hard to do." Not only are the husband and wife affected by the separation and divorce, but obviously, any children of the spouses are affected as well. What may not be so obvious is the impact that separation and divorce may have on grandchildren of the spouses. Depending on how matters are handled, future generations may be either severely or moderately affected by the particular actions of their ancestors in a divorce action.

In resolving family difficulties, it is the goal of an attorney to help clients make decisions so that they can move forward with their lives in the most positive and productive way possible. For example, it may not be unusual for a client to consult with an attorney about family law and conclude that a separation or divorce is, in fact, not what he or she wishes to pursue. For others, however, the marital relationship is in such disrepair that there is little anyone can do to salvage the situation. In such instances, while each case has its unique features, certain typical themes in domestic relations cases emerge.

To begin, getting a divorce in Maryland usually takes a long time. Unlike other jurisdictions, Maryland has no "quickie" divorce. Most people usually obtain an absolute (i.e., final) divorce on one of the two "no fault" grounds available. The first, the ground of voluntary separation, requires the spouses to agree voluntarily to live separate and apart for at least one year before becoming eligible to file an application for an absolute divorce. The second, the ground of a two year separation, does not require a voluntary agreement of the spouses to live separate and apart. However, this ground requires that the spouses live separate and apart for at least two years before becoming eligible to file an application for an absolute divorce. Upon becoming eligible to file for an absolute divorce, even in uncontested actions, it is not unusual for the entire process to take an additional three to six months from the date of the filing before the final divorce decree is completed.

In addition to the time involved, it is expensive to get a divorce. Establishing two households so that the spouses can live separate and apart, fulfilling child support and alimony obligations, or simply paying ordinary bills that need to be paid are costly undertakings for most people. Financial difficulties are often one of the causes of the



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disintegration of the marital relationship. Separation and divorce can provoke other negative financial consequences such as foreclosure or bankruptcy.

After contemplating one's situation and the many negatives associated with separation and divorce, what can a person do if a reasonable marital relationship cannot be sustained? Before doing anything, it is helpful to learn about the possible legal consequences of one's actions. Usually, this is accomplished efficiently by consulting an attorney. An initial meeting need not be an expensive undertaking. Many attorneys offer a free initial consultation. An attorney can explain the meaning of legal vocabulary, the process of divorce, and answer individual questions specific to the situation of the client.

Second, it is important for a person to become knowledgeable about his or her financial affairs. Many people, some of them with significant incomes, have limited information about their family's budget, assets and liabilities. While this information can be obtained through formal pre-trial discovery procedures, it is less expensive to retrieve as much of this information as possible informally.

Third, it is helpful for a person to find a safe place to vent feelings of anger, hurt and disappointment. Having a counselor or working with a support group may alleviate the pain associated with this difficult time. For someone who is a parent, there is a wonderful organization located in Columbia called Children of Separation and Divorce, Inc., which provides these services.

~~Fourth, although not always possible, attempt to reach a negotiated settlement with the spouse. There are many ways to achieve a settlement, and many professionals, including attorneys and mediators, can assist. While settlement is desirable, it is probably not a good idea to sign a settlement agreement without consulting an attorney beforehand to be sure that the~~

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Fourth, although not always possible, attempt to reach a negotiated settlement with the spouse. There are many ways to achieve a settlement, and many professionals, including attorneys and mediators, can assist. While settlement is desirable, it is probably not a good idea to sign a settlement agreement without consulting an attorney beforehand to be sure that the document is understood. If settlement does not appear to be an option, before embarking on a course of litigation, be aware that litigation is expensive. Litigation can also be a roll of the dice. What appears absolutely clear and proper in one person's view may not be so clear and proper to a stranger listening to the case. If the stranger happens to be wearing a black robe and deciding the matter before him or her, results may be very different from what was initially anticipated.

Lastly, it is useful for a person contemplating separation and divorce to think about where he or she would like to be five years after the separation. Priorities evolve, and what was initially important may change. Keep in mind what may be the most difficult thing to remember: maintain a perspective that divorce is a process, not a single event.

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