

DOES ANYONE WIN IN A DIVORCE?

Fear. Sadness. Loss. Anger. Resentment.

These are just some of the negative emotions that a person may be feeling when he or she is faced with the prospect of a divorce.



Given these emotions, it is easy for anyone to use the process of divorce to try to get one up on the other party or even to try to hurt their former partner. People in these circumstances often are so blinded by the negative thoughts that they seek unworkable outcomes. For example, a husband may insist on keeping the marital residence even though he knows he cannot afford to keep the house, just so that his wife cannot stay. Or a wife may seek sole physical custody of the parties' children even though her husband is a capable and willing father. In the end, the couple fights it out in court, they each pay high attorney's fees, the family unit is damaged, the children are traumatized and no one wins.

But, if parties are able to set these negative emotions aside and work reasonably together, everyone (except for the attorneys) will be better off for it.

Whether a divorce requires the division of the assets and debts of the marriage, the custody of the children, child support and/or alimony or spousal support, you can better control your outcome and save a significant amount of money if you keep these claims out of court. Most importantly, you will do far less damage to the relationship going forward. This is particularly important if there are children. Let's face it; if you have kids, you are not getting rid of one another. And imagine trying to co-parent effectively while you are preparing to testify against your spouse in court. That is not very helpful.

And, if you go through court, you are in far less control of the outcome. Nobody likes the prospect of a complete stranger making decisions about your money, your children or the assets and debts that you have accumulated over your married life together.

If the parties can set aside the differences which got them to this place, focus on shared goals and try to be fair to one another, it might be a stretch to say that everyone wins. But, you will undoubtedly be in a better place.

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Amanda C. Cook

COOK & ASSOCIATES
106 Arcadia Court
9380 McKnight Road
Pittsburgh, PA 15237
(across McKnight from the Outback)

(412) 366-8980
www.pittlawyers.com