

**Dotsie Bregel,
Founder and CEO of
The National Association of Baby Boomer Women
(NABBW)**



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Presents

**The Modern Woman's Divorce Guide
For Boomer Women**

With

Helene Taylor

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The Modern Woman's Divorce Guide With Helene Taylor

Dotsie: Welcome to the call. For those of you who don't know me, I am Dotsie Bregel, founder of the **National Association of Baby Boomer Women**, which is www.NABBBW.com and **Boomer Women Speak** www.boomerwomenspeak.com, the number one site on major search engines for baby boomer women. I am passionate about educating and empowering my generation of women, and since launching www.boomerwomenspeak.com almost five years ago, actually it has been five years, I have been connecting, encouraging and supporting boomer women on a daily basis. I dedicate a great portion of my time to creating opportunities that inspire women to explore their passions and live them to the fullest. My prayer is to embrace all women and provide them with the means to soar. If you are not a member of the association, we certainly encourage you to join and we will be happy to have you with us.

The topic of our call is, **The Modern Woman's Divorce Guide for Baby Boomer Women**. Presenting and sharing her information with us this evening is **Helene Taylor**, the founder of the www.modernwomansdivorceguide.com. She is a member of the *State Bar of California*, the *Hawaii State Bar Association*, and the *International Academy of Collaborative Professionals*. She's been featured on www.entrepreneur.com, www.More.com, www.Lovetoknow.com and has appeared on *Healthy Life Mat Radio*. She received her law degree from *William S. Richardson School of Law* and as a divorcee, has first-hand experience with divorce. She's litigated issues related to child custody, child support, spousal support, prenuptial agreements, property division, paternity, and more. She also has successfully settled many cases before both public and private judges in California and Hawaii. She founded the **Modern Woman's Divorce Guide** in 2005 to empower women in divorce by providing information and support, and that's exactly what she does on her site. That's why I was most impressed when she joined the Association and I browsed her site. I just thought it was so exciting to have someone who had a wealth of information on her site for free. She is passionate about equal rights for women at home and at work, and she supports many women's organizations including, *Equality Now*, *The National Council of Women's Organizations*, the *National Women's Law Center* and the *National Association of Women Business Owners*.

Through her website, she strives to reach millions of women and positively affect their homes during and after divorce. For the call this evening, we do have a disclaimer that was written by Helene and I'm going to share that with you. **The legal information provided in this teleseminar is not legal advice. The laws in each state, and the circumstances in every divorce case differ; therefore, please consult a lawyer in your state for personal legal advice. Also, participating in this teleseminar with Helene Taylor does not create an attorney-client relationship. So please do not disclose any confidential information relating to your case during the questions and answer session.**

If you live in California or Hawaii, you may contact Helene directly to determine if she may be able to help you with your divorce. You can reach her at 415-505-1031. Okay, Helene, hello again and welcome to the call.

Helene: Thank you so much Dotsie, it's a pleasure to be here. Ladies thank you for joining us.

Dotsie: Okay, what shall a gal do who is thinking about divorce?

Helene: Well, any woman that is actually thinking about divorce should start planning for it and start doing a little research before she actually takes any steps to initiate the divorce. So if she is in a situation where her husband isn't necessarily aware of the fact that she's thinking about it, it gives her a little bit of extra time to look into the divorce laws in her state, find out what the residency requirements are, what the grounds are, and what the divorce laws are. What this means is that in order to get a divorce in all of the states you have to meet certain requirements. Some of those requirements are a lot more stringent in some states than they are in others. For example, in California it's very simple, you can say that your marriage is irretrievably broken and you will be granted a divorce, irrespective of whether or not your husband agrees. If you live in another state, for example New Jersey or New York, or a few others, you actually have some very stringent requirements that you have to meet in order to file for a divorce in your state. And sometimes that includes legal, physical separation from your husband for a significant period of time, as well as showing other grounds. So if you're thinking about divorce the first thing you'll want to do is either personally research or speak with a lawyer to find out what the grounds are for getting a divorce.

Also, what the residency requirements are, and this means can you file a divorce in the state that you are currently living in, or have you not yet met their residency requirements if you've recently moved. Another really important aspect if you're planning for divorce is to take some time to find out what your divorce laws are like, and how they will treat you if you divorce now. I always recommend, no matter if you're going to represent yourself, no matter if your husband is reasonable, that you always see a lawyer at the onset of your divorce or your divorce planning, to really understand your legal rights, to know what you are entitled to, what you may lose, and how to go about it.

Dotsie: Excuse me one second, but is there information about this on your site? Say you live in Maryland and you're interested in considering divorce; is there something on your site that can help you?

Helene: Yes there is, you can go to the State Resources page. If you go on to the website on the top navigation menu you'll find *State Resources*, click on that and click on your state, and we have divorce laws, divorce forms, and a variety of other resources in each state. And we are actually in the process of adding a

very simplified *Grounds for Divorce and Residency Requirement Summary* for each state because although the laws address it, they can be quite complicated and difficult to peruse.

Dotsie: Well, you're going to put a simplified version on there for the everyday person to be able to read and comprehend?

Helen: Correct, we are adding that shortly.

Dotsie: Okay, anything else you want to add to that about what you should do and then we'll get into the three different kinds of divorce?

Helene: There are two other things that are really important. While you are talking to a lawyer you want to ask, especially if you're a boomer woman who is either retired or soon to be retired, you really want to find out what your rights are regarding Social Security benefits. Because there is a possibility that if your husband earned more than you during marriage that you can receive the same amount of benefit that he does after divorce. So you want to talk to a lawyer about that and address that point in particular, as well as retirement, and the rehabilitative maintenance, which is a form of spousal support if you left the career world during your marriage. And lastly, the biggest obstacle that most women face time and time again in divorce is that they don't have financial information about their assets and really when you're planning, this is when you want to be a detective and start figuring out, look at your tax returns if you never have before, look at your husband's bank statements if he has been maintaining them, and really start figuring out what you're going to do and how you're going to do it moving on into the next phase of your life if you do divorce.

Dotsie: Yes, because I would think for boomer women, finances are more of an issue at this stage of the game than children. I mean, I remember twenty years ago if we were doing this for our generation it would be more about what to do, I mean finances are also important, but at this stage of the game not too many of us, some but not too many of us, are really dealing with who will get the children, that kind of thing.

Helene: Exactly, it really at this point is more of a financial transaction and that's why it's really important to even speak with a financial advisor to tell you what you will need in the forthcoming years.

Dotsie: Okay—and you know it's interesting because there are women who have no idea of the financial picture within their marriage. So you recommend going through and trying to find everything you can and making notes, even if you have to do it behind his back, so you have something to share with your lawyer.

Helene: Right, exactly. And one other thing that I forgot to mention is a lot of women are still under the notion that they have to ask their husbands for a

divorce, and that isn't the case any more. So if you are thinking about divorce and you haven't told your husband about it yet, take some time before you do to do your homework and your research, and understand, and plan. Don't think of it as being sneaky or tricky, but think of it as giving yourself a little more breathing room and time to prepare and reconsider your options before leaping.

Dotsie: I have to tell you, I feel awkward having this teleseminar because I do not promote divorce; however, unless there are people who are in abusive or just really down right rotten situations, but anyway, I just had to throw that in there. Lets talk about—you mentioned that there are three, I guess, methods of divorce. You want to tell us what they are and then we'll talk about the pros and cons.

Helen: Sure, definitely. There are basically three types of divorce now in a general sense. One is the *traditional method* which involves the courtroom, judges; it can include hearings and adversarial approach. It's something like you see on TV, except a little more, a milder version. What it requires is for people to go in and file all of their court papers and then file a request for hearings if they need to get spousal support, or if they need to have assets frozen or divided. It's definitely a more combative approach and this is the method that is often used when husband and wives no longer get along.

The second method is *divorce mediation*, and this involves, usually three parties, it's the husband, the wife and a neutral mediator. The mediator may or may not be a lawyer. Now in all of these different types of divorce you always are required to file for divorce in your state court and you do want to file any agreements that you come to, and your final judgment will be entered by the judge. However, in the divorce mediation method, what you do is you'll usually meet with your neutral mediator and try and work out an agreement without going to court and fighting over it. It is recommended; I always recommend that even if you are in divorce mediation each party should have their own lawyer to discuss their agreement before it is signed.

The third method is *collaborative divorce* and this is a relatively new phenomenon in the last fifteen years and there are three primary components to collaborative divorce. It's a voluntary and free exchange of information, so there is no hiding anything. Everyone just openly says here is the information that you need, whether it's regard to finances or anything else that's involved in the case. There is a pledge not to litigate and so this means the husband and wife agree, as well as their lawyers that they are not going to go into court and try and ask the court to order something to be done. And the third principal is a commitment to settlement. These parties are basically going in with the intention of trying to settle their case. The difference between the *collaborative divorce* and *divorce mediation* is that in *collaborative divorce*, each party does in fact have a collaborative divorce lawyer who is present during the meetings. There is no neutral third party mediator, however, the parties often gather a team to help them, which include a financial advisor, a mental health advisor if children are

involved, and then divorce coaches that help each of the parties deal with the emotional aspect of divorce.

Dotsie: Okay, is it possible to start with one style or one method, and then have to switch to another, does that happen?

Helene: It does and it's absolutely possible and acceptable. Usually, the more traditional transition is litigation to divorce mediation. Because litigation gets so expensive, which we'll talk about in the pros and cons, and so people get tired of fighting and want to try and settle it. And the majority of divorce cases actually do settle out of court, but what happens often if they start with the traditional method, at the last minute after they have spent far too much money, people transition over into divorce mediation. And hopefully, with the boomer generation, hopefully I say, more parties are able to participate in *divorce mediation* or *collaborative divorce*, instead of the traditional litigation approach.

Dotsie: Can you tell us the pros and cons of each?

Helene: Sure. The *traditional litigation* method is the best method to use if you are in a relationship where your husband is abusive or is not very flexible in the sense of, he's not willing to disclose information; he's not willing to enter into a fair equitable settlement. The upside to litigation is that if you can't afford to hire a lawyer or you choose not to hire one, you can represent yourself in court, and if your husband is inflexible or abusive, a judge will make the decisions for you so that they will become court order. If it's an uncontested case, basically you both agree to how your assets are going to be divided, and you agree to support, etc., it can be relatively inexpensive. It's basically the filing fees plus your time, and if you do in fact have a lawyer help you just prepare the documents.

Dotsie: That's interesting. I would have thought that would have been the most expensive.

Helene: That's the next part, it can be. If you're in an ideal situation, the pros are, if you are in an uncontested case, it can be very inexpensive. So that's if you're not fighting and you basically agree to everything and you do it yourself, then it's inexpensive. If you're fighting, if it's a highly contested, or a complex case, it can be extremely expensive and I mean hundreds of thousands of dollars in some cases. In one case we represented, the clients were exceptionally wealthy, in my last practice, they probably had fifty million dollars in assets, and just to get through the discovery phase, which was handing over documents, the opposition spent four hundred thousand dollars.

Dotsie: Oh, my gracious. Wow.

Helene: It doesn't usually go that high for the average person, but it does get into the tens and twenty thousand dollars, so it is not the most desirable method. The

other cons to this *traditional method* are the court system is usually back logged, so it takes a lot more time to go through the divorce. You will be assigned a judge who could have biases or opinions that work against you; and you're basically putting your fate in someone else's hands, and that is never the best thing to do in divorce. Ideally, you want to be able to come to an agreement yourself so that you're making your own decisions. And lastly, once the divorce judgment is entered, if the judge did have biases or something went wrong in the case, there are very few options for changing the court's ruling. So those are the cons of *traditional method*.

Dotsie: Okay, good. Now how about *mediation*, if some was to choose that route, what are the pros and cons?

Helene: The pros are it's usually non-adversarial because both parties are meeting to try and work things out amicably. It's also usually less expensive than the *traditional divorce method*, because both of the parties will go in and meet with a neutral mediator without lawyers, and so the only cost is the parties share the cost of the mediator. And the other pro is it does allow you to resolve your divorce quickly, and it will be in a private setting. The other thing about the *traditional method* is it is in a public forum.

Dotsie: Right so it's in a court house and in a court room and anybody can walk in if they want to.

Helene: Yes. So the cons of *divorce mediation* are that the mediator can not give you legal advice. So if both parties are in there, and you might be trying to determine who gets the 401K and who gets the IRA, or who is entitled to the house or the equity in the home, the mediator is not going to give you that legal advice. Another con is that *divorce mediation* may not work if your husband is stubborn, untrustworthy, or abusive. I strongly urge any women who are intimidated by their husbands, or unable to stand up to him, or just have a hard time saying no and not doing what he wants, to forego, do not use the *divorce mediation* method, because you don't want to be steamrolled. And the last con of the *divorce mediation* process is that unless and until the mediated settlement agreement becomes a court order, it's not binding as a court order, and you would have to try and enforce it under contract law. So let me explain that. If you and your husband are sitting in a room with a mediator who is not a judge, and you come to an agreement, and you sign a piece of paper, and it says that we agreed to A, B, and C, until that is incorporated into a judgment, that your husband agrees will be submitted to the court, it's not going to be enforceable by the court.

Dotsie: So then you would have to have your lawyer do that piece for you?

Helene: You can actually do it yourself, but you want to make sure that's done simultaneously so your husband can't back out of the mediated agreement

before the judgment is entered.

Dotsie: Okay, oh wow that's an interesting little piece, but huge.

Helene: It has happened where parties have signed mediation agreements and then one of the parties have backed out and said they're not going through with it and then they end up in the traditional process in the courtroom.

Dotsie: Okay, now what about a *collaborative divorce*? How about pros and cons of that?

Helene: Okay, so again one of the pros I mentioned earlier is that the primary goal in *collaborative divorce* process is settlement. And that means both parties really want to go in and they make a commitment, there is an agreement that they sign saying that they're going to do everything possible to settle the case. It's a non-adversarial situation again, where no one wants to fight. You also have a team of professionals that will help you. You don't have to, so if your case isn't that complex, you don't necessarily need to bring in extra players into the game, you can just work with your lawyers. The other benefit is that you actually do have a lawyer present with you to help you. So say if your husband is not abusive and most of the time he's reasonable, but he can be stubborn at times, then this a better approach than *mediation* because you have your strong wing woman or wing man with you, which is your lawyer.

Dotsie: Right, that makes sense.

Helene: And it can be a much quicker process. It usually takes about four to eight sessions which is anywhere from four to eight hours, depending on what you decide to tackle on that particular day and how complex your case is. So it is done relatively quickly. The cons of *collaborative divorce* is if you do not reach agreement with your husband, and you decide it's just not going to work, you step out of the *collaborative divorce* process and you have to start afresh in the *traditional method*. Your collaborative divorce lawyers will not represent you in litigation. They won't go to trial for you, they won't go to court for you, so if you step out, you essentially have to re-start the process.

Dotsie: With a different lawyer?

Helene: Yes. So that also leads to the possibility of the case being very expensive. Because if you've already paid a lawyer, you've each paid your lawyers, and maybe a divorce coach, or a financial neutral to help you, and then you step out, you basically have to start all over again, hire new lawyers, new advisors and go through court. So that is probably one of the biggest cons, even in my mind, to the *collaborative divorce* process. But the *collaborative divorce* process also has the highest success rate for resolving cases. I think it's about eleven percent that don't actually make it and end up in court.

Dotsie: Okay, now it just seems to me that so much has to do with the personalities of the two couples.

Helene: It does, it always does.

Dotsie: Yes, and I think you've given a good overview so that people can say, oh I know this is the way my husband is, or oh, I think we can agree on something, so they should be able to choose which method. Now what about finding the best lawyer for your case? Is there something on your site that can help you do that, or is there some knowledge that you can share about trying to find the best lawyer for your case?

Helene: Actually, both.

Dotsie: Okay, good.

Helene: On the website there are actually really extensive articles that I've written, and the majority of the articles on the website I've written. Probably about ten percent are guest articles that have been written by other lawyers or professionals. So if you go on to the website, there is a category called, **Find a Lawyer**. And that actually breaks down. I have guidelines for the first calls to lawyers, it lists all the different associations and lawyer referral services that you can use, and it walks you step-by-step through the process. Finding a lawyer is a challenging thing to do at times. And the reasons are that a lot of good lawyers are busy, so it's challenging to get them to be interested in your case, and so when you start out trying to find a lawyer, the best thing to do is actually ask your friends, and family, and colleagues if they can recommend anyone that they've worked with successfully.

Dotsie: Just learn from your girlfriends, right?

Helene: Exactly, and name drop. So if your friend went through a divorce and had a great lawyer, you pick up the phone and you call that lawyer and you say, my friend Susan, or Jan, or Sally whom you represented for years had recommended you, and it will get you in the door quicker. So that's always the best way. As I mentioned, you can go to the website. There are a variety of other organizations. **The American Academy of Matrimonial Lawyers**, now this is kind of the very, esteemed group of matrimonial lawyers in the United States who have been reviewed by their peers, and gone through a lot of trials, and they've been around for a long time. The downside to those lawyers is they're usually more expensive than non-association members. And there is **Association of Certified Family Law Specialists**, which is on my website and lastly the **State Bar Association Lawyer Referral Services**. So all of these resources and links are available online and will take you step by step through the process in your state to find a variety of lawyers. So that's under **Find a Lawyer**, on the website.

Dotsie: And then how do you choose the best lawyer? I mean just because someone was great for your friend, does that necessarily mean they would be great for your situation.

Helene: No, not at all. The number one key to choosing a lawyer is to interview, interview, and interview them. Don't go with the first lawyer even if you like them or someone else recommended them to you. Interview them, put them on the side, and then go and interview other lawyers, at least three to five lawyers. Go out and meet them, speak with them, see how you feel when you're speaking with them. Do they listen to you, what's your instinct, do you feel comfortable? Now lawyers, your lawyer should be brilliant. Your lawyer should not be condescending, should not make you feel uncomfortable, and should not treat you poorly. No matter what, it's really important to remember that because divorce is such an emotional time, and your lawyer should really make you feel comfortable.

Dotsie: Well, is it, I'm just thinking, are you paying for these interviews?

Helene: There are still a number of lawyers that do offer free consultations and I recommend that you try them all out if they do. Other lawyers will charge you and don't run away from that lawyer simply because they want to charge you a fee, because in that hour, you can ask as many questions as you want, and you should. On my website under the **Find a Lawyer** section, and also in the **tool box** section, you'll see I have pre-initial consultation questionnaires and also initial consultation questionnaires. So these are questions that you can ask the lawyer in the first setting.

Don't shy away from a lawyer just because they charge a fee. If you can afford it and it is reasonable, go ahead and take the session. But make sure you take full advantage of it and feel free to take notes. So look at the initial lawyer consultation questionnaire. I've tried to address almost every question you could possibly want to ask them, which would include the grounds for divorce, the residency requirement and other things really specific to your case about different assets or how long you've been married and if you've signed a Prenuptial agreement, or a post nuptial agreement, and whether or not you can challenge that.

Dotsie: It sounds like you've got a ton of information on your site.

Helene: Well, the goal is really to help you with the practical things. When I was practicing law, I would leave the office each night and I would think to myself, gosh if only that gal had known this. Or, I might have seen a woman in court who just had a terrible day and I thought gosh, I wish I could have told her this, but she wasn't my client and so that's how this website was born. It was really to give you the practical information that you need to find a lawyer, and what kind of

questions do you ask the lawyer once you have found them? You know, what do you do when you're thinking about divorce? Another great article which I hope you don't need, but in case you do, it's *Divorce 911*. You can find it on the homepage, and that's what to do if your husband has told you that he wants a divorce. Just a word of caution there also, and I don't have anything against men. The other reason I started this website wasn't because I don't like men. It was more because I found that women were less prepared than men. Typically, when a man goes into a divorce, he has been planning it for a long time. He's been thinking about it, and if he's not trustworthy, unfortunately, he may have been moving the finances around and setting this up for a long time. So it's really important that you pay attention and take care of yourself if you're thinking about it, also.

Dotsie: Okay, very good. Gosh, actually I think I'm going to dig deeper in your site for some friends. But anyway, let's see, so we've talked about finding and choosing a lawyer. What about, are there any people who go the do it yourself route these days? Is there such a thing?

Helene: There are. I actually did my own divorce which may not sound like much being a divorce lawyer, but you'd be surprised. You can handle your own divorce and this is if you and your husband agree, then what you can do is actually find free downloadable forms that the courts—each state court has made available online—and if you go to the state resources on my page and select your state, there is a link to your state's free forms. Another option is you can actually go to a physical state court self-help center. There are a few state courts that have dedicated parts of their courthouse to people who are representing themselves. And you probably have a local law library where they'll have resources to help you do your own divorce. There are document preparation companies that you can hire that have state lawyers that will actually fill out the forms for you and make sure you don't miss anything. Those can run about a few hundred dollars, maybe \$299 is the average. The upside to that is you don't have to figure out what all the little words, or the information that they're requesting, what it means, which sometimes can be challenging if you're not familiar with it. And also, you have the lawyer preparing it so you don't miss any documents, and you get them in when you're supposed to. There are also a lot of state specific divorce books and general divorce books that are out there that are very detailed and can help you through the process.

Dotsie: Now why would someone choose to do it yourself? Is it less expensive? I'm not sure why somebody would do that. It seems like it would be a huge task.

Helene: If children are not an issue, perhaps you have no property that is going to be divided, and maybe it was a short term marriage, doing it yourself is definitely less expensive. And if it's non-contested, it can be done relatively quickly and simply. If you have bigger issues with retirement accounts and support, it's generally not recommended that you do it yourself because it's more

complex.

Dotsie: Okay, well that's a good thing to find out.

Helene: The other reason sometimes people can't afford lawyers. My response to that is though, that there are lots of no and low cost legal services and lawyers out there that will help you. And I try and plaster that all over my website because for me, it's more important that women find and speak to a lawyer before they do anything themselves, and there are a lot out there. There's a variety that make services available based on age, disability, your situation, if it's income, or an abusive situation they offer free services. And that's right on the homepage of my website, there's a link for finding free legal help.

Dotsie: Wow, that's awesome. Okay, what about risks and pitfalls that women getting divorced need to avoid?

Helene: The biggest pitfall I think is that women are not aware of the financial situation in the marriage, and they perhaps don't dig deeply enough. They take their husband's word for it and they take what he may say, this half of the estate, when actually it isn't. It's an obstacle because I know a lot of women for years have basically divided the work in the household, and there is nothing wrong with that, but the man has basically controlled most of the financial information and so it's really important to find out what you have, what needs to be divided, and then make sure it's divided equally if you're doing it without going to court, and not waiving any of your rights unknowingly.

Dotsie: Okay, because I did a boomer panel discussion and moderated it at the *International Women's Business Conference*, and one of the questions we posed was, what are some of the biggest legal mistakes made by boomer women, and I wondered if you might think any of the big legal mistakes might have to do with the divorce.

Helene: I think one of the biggest mistakes that I see is that a lot of women waive spousal support, or alimony, or maintenance, depending on which state you're in, it has a different name. The biggest thing is that some women think that either, 1) they are not entitled to it, or 2) it's a stigma. Well, I can do it on my own, I don't want to take that money, it doesn't look right, or even they get some pressure from family members saying, "How could you make him pay you or make him give you a monthly amount of money?" And my response to that is that there's nothing to be ashamed of when you're getting divorced, and if you have been a stay-at-home Mom, a stay-at-home business woman, whether it's just maintaining your personal lives or caring for your children, or other family members you know, don't just off handedly decide that you don't need that money. Because especially later in life, it's harder to go back into the career world and you need to think about that. And you need to think that while you were taking care of the home, and raising your children, and dealing with other

personal issues, that you too were working. And so, it isn't just that the earnings that your husband brought home were his.

Dotsie: Boy has that changed. I remember back in the '70s, it used to be "rake them over the coals," and "get everything you can." And now, it just seems that with more women working, I guess that's not the same.

Helene: Yes, definitely. It has changed a lot, but I just want to make sure that women think twice before they say no, and about agreeing to terminate their spousal support indefinitely, or infinitely. It's always worthwhile to think twice about that.

Dotsie: Yes, I guess women might be kind of, you know, just trying to keep peace and just want to get things settled.

Helene: Right, and to address your other point, raking them over the coals, the other legal mistake I see is that a lot of people chase nothing. So they may think there's more there, they may be upset, and so they get embroiled in this battle where good money is being thrown after nothing. So it's really important to try and separate your emotions from the termination of your marriage, which as cold as it sounds, for purposes of divorce, is terminating a business transaction, or a financial relationship. So you really have to try and separate those and take care of yourself whether it's to hang in there and fight for what you need, or whether it's letting go of what doesn't exist, or isn't worth your emotional well being or the attorney's fees involved.

Dotsie: Very good. Now, if you're talking about how this has to do with finances, is there anything to consider as far as taxes. Whether it would be for that year that you are getting divorced, or later years?

Helene: There definitely are and actually, we just posted a new article called *Tax and the Single Girl*. It's written by a great tax attorney in, I think she's in Philadelphia, I forget, she was in two places. Anyway, that's on the homepage, *Tax and the Single Girl* and she goes down a whole list of details, tax issues that you should consider. Two of the most important right now would be that at the end of the year, your filing status is determined by whether or not you are legally separated or divorced, depending upon your state, there may be some benefit to remaining married through the end of the year. Or there may be some benefits in your case for being single by the end of the year. And right now the big red warning flag is up because we are so close to the end of the year. If you don't know the answer to that, you definitely want to talk to a tax attorney and your family lawyer to see if you can and should terminate your marital status before the end of the year. And in most states, you have to do that at least thirty days or fifteen days, you have to get the papers in before the end of the year.

Dotsie: That's something I never would have even thought about, but I really

don't do finances well, so I'm glad you mentioned that. Okay, I just have two more questions and then we'll see if anybody else has any questions on the call because we're running out of time. Now we're really switching gears here because we're going to talk about the holidays, and what are the traditions, and how all that changes during and after divorce. So can you give any advice on creating new holiday traditions, for during, or after divorce?

Helene: I'll relate my personal story after I got divorced. The first holiday that rolled around I was so busy that I hadn't taken any time to figure out what I was going to do. I had moved away from my family, so I didn't have any family nearby, and I hadn't even thought about it until the day of Thanksgiving. And suddenly, I was at home by myself had nothing to do, didn't have to go to work, didn't have any friends around, hadn't pre-planned, and I was miserable. I just couldn't believe it; I was so sad and so lonely. The second year after divorce, I thought okay, this year I'm going to plan ahead. I am not going to be alone. So I made plans to be with friends, and we went out. It was a bunch of girlfriends, all single. We went out for dinner and I was actually in San Diego then, down in the beach town of Lahoya, and had a great time. The third year after divorce, I was thrilled to have the days off alone and loved it. So it really depends on how you feel, whether you're raw, whether you're excited about being single again, and if it's a very tough situation. Some creative ideas are, don't have the traditional Thanksgiving dinner or Christmas morning that you've always had with your family of eighteen years. Try something different; maybe perhaps go to a vacation town, or even go out for a dinner or a brunch somewhere else. Go to a friend's house, or family member's house, something different. If you're completely single and flying solo, perhaps a beach vacation or something fun just to get you out of it. If you're not raw, then live it up.

Dotsie: Okay, lets see, I guess we talked a little bit about your site, but is there anyway in particular that women can best use your site, or should they just get on there and just start clicking around and following links for anything that interests them?

Helene: I think we're always featuring new guest spotlights. It's on the homepage. There are issues relevant to divorce, and that's always fun to peruse no matter what time, which part of the divorce process you are actually in. We also have a blog that is updated many times a week, whether it's daily, or every other day. We have weekly divorce tips and family lawyer interview series that we are currently running. So every Monday, you can get a random weekly divorce tip, and usually every Wednesday, we feature a family lawyer in one of the states. We're currently working on getting through all fifty one states, so if we haven't already covered your state, keep checking back every Wednesday, or let me know at the end of this call, or send me an email, and we can tackle your state next. Otherwise, the website basically is laid out to help you through each step of the divorce process and the planning. If you go and look on the website, you'll see there's divorce planning, and there is mediation, money matters, life

after divorce, finding a lawyer, so that as you go through the process you can just click on the topic that is relevant to you; and definitely use the tool box PDF. These are all forms that you can print out and fill out. There are check lists. There's a lawyer evaluation worksheet, so you can answer some questions by your own introspection to see whether or not the lawyer is best for you. And something to keep in mind, my fiancé, believe it or not, recently had to find a family lawyer for a child custody issue and you have to really be persistent. Because even though I have connections with a great number of lawyers that are excellent lawyers in our area, it was still challenging for us to find him the right match, and that was just given his case of circumstances, and availability of the lawyers. So you really have to be persistent, don't give up, and don't get discouraged. And if you have any questions where you want us to address new topics, send me an email and we will see what we can do.

Dotsie: What a resource. You should be so proud of yourself. I'm sure you are just helping a tremendous amount of women, you know, walk through this, which can be horrific, but kind of holding their hand and helping them along the way, and I think that's commendable. Helene, I just want to see if anybody has any questions for you. Sometimes it takes people a couple seconds to get up their courage, and then sometimes there are no questions because you did a really thorough job and people can also just go to your website and even behind the scenes, because it is a pretty touchy topic.

Helene: Yes, it is. It's definitely very personal, and that's an important thing to remember if you're facing divorce, keep your head up and don't be too hard on yourself, because unfortunately, it happens to the best of us.

Caller No. 1: I have a question. What if you think your husband is planning it, which I think he is, and I don't have any preparations, if he would spring it on me?

Helene: Do you have access to start looking at the financial information?

Caller No. 1: Yes, I have done that.

Helene: It depends on your situation. I mean as horribly stressful and unnerving as it can be, you can just sit and wait, if that is in fact the case. If you do that, I would keep a close eye on your bank statement.

Caller No. 1: I have been.

Helene: Okay and you may want to actually consider and perhaps talk to a lawyer, and even talk to your husband about saying I'd like to set aside some money into my own account. If you suspect it, you might want to make sure you've got some money earmarked, and you know, if you have to give it back later in the divorce process because you took more than allocated to you, that's

fine. But just make sure that you're keeping an eye on the finances.

Caller No. 1: I do, and what you said earlier is right, they plan ahead.

Helene: They do. I mean you can be up front with him and just say, hey, I'd like to – you don't have to say to him, I think you're thinking about divorce. Just say, I'd like to put some of this money aside for a rainy day just in case I have an emergency, and then go ahead and do it.

Caller No. 1: I was more worried about that he would have filed the papers, hand them to me, then what I would do? This is a lot of good information.

Helene: If he hands you the papers then just go ahead and contact a lawyer.

Caller No. 1: Thank you very much.

Helene: You're welcome.

Dotsie: See you're helping somebody, just like that. Anybody else on the call want to ask a question?

Caller No. 2: Hi, this is Jennifer, I'm in Arizona and I'm actually not a baby boomer, but I have a question regarding child custody. It would be just regarding—I have concerns about the potential environment that my husband is living in currently, and if you have any recommendations on different types of groups or resources that you could contact to find out your rights based on that, within my state, I guess.

Helene: Child custody is a very challenging aspect in a divorce, especially when it comes to what's happening in different households. Usually those issues are addressed by custody evaluators or mediators after they've taken a look at the situation. If it's an abusive situation, then I would definitely recommend you contact the child abuse agencies in your area and those are available online if you look under divorce resources on my website, there is some information about that. If it's just other concerns, probably the best thing is to contact a custody lawyer to ask about requesting an evaluation by the court.

Caller No. 2: So would you have to go forward with the custody evaluation if there isn't anyone that you could speak to about that process before starting that?

Helene: Usually, the court, if it's a – what you could do is there are private attorneys or trained social psychologists that actually provide custody evaluation services to parties who are in divorce, and they are independent. So if you find an independent custody evaluator in your state, then you may be able to go and consult with him or her, and ask your questions about what the general

parameters are in Arizona.

Caller No. 2: Okay great, thank you.

Dotsie: Okay, does anyone else have a question for Helene?

Caller No. 3: Yes, this is Roslyn from New York. I'm trying to find on your website the questionnaire on what questions to ask when interviewing the lawyer.

Helene: Okay, if you go on the website and the top navigation bar, there's a link to toolbox; if you click on that at the very beginning, divorce planning tools, there is a pre-divorce consultation questionnaire, and that's if you haven't initiated divorce yet. And if you scroll down further, there is, let me just find the title of it for you. It's called the *Initial Consultation Questionnaire*, under the subheading lawyers.

Caller No. 3: Okay, thank you.

Helene: You're welcome.

Dotsie: This is wonderful. Does anybody else on the call have a question?

Caller No. 4: I have a question. I'm Lisa from Minnesota. And mine has to do with more of I've been contemplating a divorce for several years, and been waiting for the right time because I have older children. I have two in college and one is a senior, and it's never a good time for their studies, or where they're going. So is there ever a breaking point, or do you just say, I've got to do it, or is there really not that big of an impact on kids? My husband actually knows, but he wants me to wait until the last one is graduated, so there isn't any extra stress on the kids.

Helene: Unfortunately, I'm not trained in child psychology, per se.

Caller No. 4: And they're not really like the young kids.

Helene: Right, no they're not. I think usually, sometimes older kids when you say you're getting divorced; they're actually, oh, thank goodness.

Caller No. 4: You know what though in this case, they're going to be shocked. They don't know. I've put up with stuff way too long and kept it a secret. I had an unfaithful spouse who is a great husband, I mean not a husband, and he's a great father, but a lousy husband. He travels on the road, so they don't have a clue. In a way it's going to be shocking.

Helene: Is your senior going to be going away to school next year?

Caller No. 4: Right, he will be going; so and yet I'm looking at it to get filed, so I get this done. But then we're looking at the only time they're not really studying is right after Christmas. So it's like do you want to be the Scrooge and file after Christmas, or wait another six months again.

Helene: Well, the natural instinct in terms of what's easier on the children in my mind is when they've left the nest, and then perhaps they are less susceptible. There's also, at the risk of sounding like it's sneaky, you could initiate the divorce process privately, and kind of start addressing matters, so you're not waiting.

Caller No. 4: Once you file, isn't it public record?

Helene: Yes.

Caller No. 4: Okay, so do everything but file. Because I know, pretty much it's going to be bizarre. Everybody is going to be just shocked, because they think that I have the extreme husband of America, it's like yes, if you only knew.

Helene: You could start, I mean if you wanted to go through mediation, and you can, or if you're going to hire lawyers, if you did the *collaborative divorce process*, you could each get your lawyers and actually start discussing the process. There may only be a certain—the risk there is that if you haven't filed it yet, and you don't come to an agreement, and you've basically got all your cards on the table, it could be more challenging later when you actually file.

Dotsie: Helene, may I add something? I'm just thinking, you know I have one who just graduated from college, two in college, and I'm just thinking for the caller that, gosh, it might be better to do it while your senior is at home instead of when you're senior is a freshman and away from home, and when he thinks about home. Believe me I'm just throwing this out there. I'm not giving advice. And my other thought is the reason your husband wants you to wait for the sake of the children, and this sounds really horrible, or is it because he's in the process of getting his things in order? I'm just throwing that out there.

Caller No. 4: Well, I know what he's hoping is that I change my mind. It's kind of weird because he hasn't - when he's on the road, he's actually been with prostitutes, and so he hasn't got a relationship. So to him, he thinks, oh, you know what, all the guys are out having sex with prostitutes, it's not a big deal. Well, you know, to me it is. And so, I've been married twenty five years and I've put up with it forever, for my kids. Well, he thought I just never knew. He knew a while, but then he just lied about it, and then finally a few years ago, I said you know what, we need to get a divorce. Well, then he went into, I can change, you know I haven't done this for so long, it's been five years. And it's like it's just trashy.

Helene: There's also there possibility that your children know?

Caller No. 4: I doubt it, because we do everything together. We do family trips; we're a really happy family. The only who is living—the only one who has really been affected is me, because he lived this lie thinking that he got away with it.

Helene: It's definitely a personal judgment call on your part.

Caller No. 4: He could be doing something, but he still thinks it can work. He's not a bad guy.

Helene: As I mentioned, keep an eye on the finances. If you are planning, start figuring out what your next steps are going to be, so that when you do tell them, you know whether he's moving out, or how you are proceeding, or if you're moving, what's happening there. Start looking at all of those issues, as well.

Dotsie: I recommend spending some time on Helene's site.

Caller No. 4: That's what I'm going to do. Then you recommend credit checks, like credit checks, to get a credit reading and everything.

Helene: That's actually on my website. It's a good thing to do that because you'll find out if there is any other debt out there also that you need to know about or any other bank accounts, so it gives you a good clean picture.

Caller No. 4: Luckily with the facts though that you do with the college students, I'm pretty on top of it, because I fill out our taxes. At least I'm ahead of the game there.

Helene: If you go to www.myfico.com, you can order one for I think for \$12.95 and it doesn't put a ding on your credit.

Caller No. 4: What site is that?

Helene: It's www.myfico.com.

Dotsie: You know what we are over time, but I kind of did that because we got a late start. So, I apologize, and I hope people are still hanging in there. We'll take one more question and then we're going to call it.

Helene: Okay, and then after that, ladies if you have any other questions, please feel free to email me and again, I can't give you legal advice, but I can give you general legal information, and of course, it's always wise, there are lots of free lawyers out there, or even that you can call for consultation that won't be very expensive, so it's always worth it to know where you are and what your rights are.

Dotsie: Okay, does anybody else have any other questions? Okay Helene, this has been I think a tremendous help for all the people on the call, and for all the people who will listen in the future, so I can't thank you enough for all of this excellent advice. I know I learned a ton and you know for those who are still on the call, be sure that you visit Helene's site, in case you haven't gotten it so far, **www.themodernwomansdivorceguide.com** and also feel free to visit **www.NABBW.com** and **www.boomerwomenspeak.com** and if you're interested in joining the Association, we do similar teleseminars monthly and some times more than once a month, and we have lots of member benefits other than these teleseminars of course, and we have a lot of great members who are really, who are like Helene, who are just so interesting, and just really helpful and interested in doing great things for the good of women. So again, thank you for being on the call and have a great evening. Good night.

Helene: Thank you Dotsie, and thank you so much ladies.

Dotsie: You're welcome. Good night.