

EIGHT STEPS TO GETTING A DIVORCE: UNDERSTANDING THE DIVORCE PROCESS

Hi. This is Natalie Hoffman of FlyingFreeNow.com, and you're listening to the Flying Free Podcast, a support resource for women of faith looking for hope and healing from hidden emotional and spiritual abuse.

NATALIE: Welcome to Episode 219 of the Flying Free Podcast. I spent the first twenty years of my first abusive marriage never once thinking about divorce. It was so far off my radar screen it was like it didn't exist, because it didn't exist for me. I grew up in an environment where divorce was the cardinal sin and the only people who got divorced were failures and sinners, and I was a good girl. You would not come across my path and find a "T" uncrossed or an "I" undotted. Now, I did think about killing myself. I also sometimes prayed my husband would die in an accident or illness of some kind, so death and destruction were always on the table as potential options, but divorce? Never crossed my mind. Did I mention I was a good girl?

So when I finally broke out of my cult bubble and started seeing what I had been living in and that it really was as bad as the words in my journals seem to indicate and I wasn't crazy, I was just living in crazy land, which makes anyone feel crazy, I also woke up to the possibility of divorce. Maybe nobody had to die in order for me to be able to breathe the rest of my life. This was a hopeful prospect, and the more I thought about it, the more realistic it seemed to be.

But how does one get a divorce? I had never seen the inside of a courtroom other than Judge Judy's on TV and I didn't know any attorneys, and those two things right there were the extent of my understanding. Beyond that it was a mystery that, quite frankly, scared the bejeebers out of me. Now, since then, I've learned a few more things, and several years ago I taught a course inside the Flying Free program called "Divorce Basics." Just this past February I finished up a high-conflict divorce coach training through Tina Swithin's "One Mom's Battle." It was an excellent course.

And I'm going to be reteaching the "Divorce Basics" course every Saturday throughout the month of May inside the Flying Free program and bring in a lot of the new things that I've learned over the past five years since I taught it the first time. So if you're interested in learning more about the ins and outs of divorcing a narcissist or an emotional and spiritual abuser, this is definitely a great time to join us. You'll not only get to take this course as I'm teaching it live, but you'll also have access to weekly coaching, a private forum where you can interact with me every day, and eleven other courses that will give you the clarity and skills you need to figure out what's going on in

your marriage and how to move forward when you're married to a man who refuses to take responsibility for his behavior.

So in this episode I'm going to talk about the divorce process. I'm just going to give you a high view of the process to sort of demystify it a little bit for you. We tend to be scared and overwhelmed by things we don't understand or things that are unfamiliar to us, so this episode may help alleviate just a little bit of that anxiety that's surrounding divorce. Now, if you're new around these parts, you may be wondering if divorce is even biblical. And while we are not going to be covering that here, we do cover that in episodes 9, 28, 35, 63, 65, 156, and 178 just for starters. If you go to my website, flyingfreenow.com, and you put the word "divorce" in the search bar, these episodes should come up for you. I also highly recommend the work of Gretchen Baskerville over at lifesavingdivorce.com for some incredible resources in this area.

Please keep in mind that every divorce is as different as the folks who go through it. Your divorce might take three months or it might take three years or longer. When you're divorcing a personality disordered person, expect it to take longer than usual. They will cooperate in divorce the way they cooperated in marriage: not so much.

So what are the steps to getting the divorce? Number one, the first thing you're going to need to do is to retain legal representation. This is an attorney. Is it possible to get a divorce without one? Technically, yes. If you are both very cooperative, agreeable individuals who enjoy working together, and if your assets are pretty straightforward and uncomplicated involving no custody, no businesses, no investments or real estate, and so on and so forth, why then, yes, you probably could. But chances are you're listening to this podcast because one of you isn't so cooperative and agreeable, hence the divorce.

So what you want to do, first of all, is interview attorneys and then pick one that you feel like you can work with. In the divorce course, we will devote an entire lesson to picking a good attorney. I picked my attorney a year before I actually filed for divorce. When divorcing an abuser, having a good attorney is an absolute must. If you aren't working and you don't have your own income, you may be able to negotiate to have your attorney fees covered by your spouse. That doesn't usually work out very well when you're married to an abuser, but it's possible, and I have seen it happen. But no matter how you get your money, you're going to need to pay a retainer fee upfront in order to secure your attorney and get started. Some women do get money from their families, some take out a loan, some put it on a credit card, some end up getting a job and saving their money in a separate account in order to basically purchase their freedom.

Now, retainer fees are different from each attorney. It really depends on what part of the world you live in as to what they're going to charge. Mine at the time, several years ago, was \$3,000. That's what I had to come up with upfront. And then they basically use up that money, and when the money's all used up, then they say, "Okay, you need to put down another retainer — chunk of money." So then I would have to pay another \$3,000 to keep the process going. So I ended up doing this four and a half time during the course of my divorce.

It doesn't have to take that much money, but my ex and a lot of the exes of women that I talk to who go through this, they do a lot of tactics, I guess, to drag it out, like regularly canceling hearings at the last minute, not signing papers until the last minute. Mine forced my attorney to spend a lot of time talking back and forth with his attorney with really dumb things, and so every time my attorney gets involved, I have to pay. And this is actually a very common tactic that abusers will do to make life difficult for you. But that is step number one, is interviewing attorneys and picking one that you can work with, okay?

Now, once you've got the ball rolling and you've picked an attorney, you've put down the retainer fee, step two is that your attorney is going to give you the necessary paperwork that he needs you to complete in order for him, him or her — I say "him" because I had a male attorney, but it can be male or female — but for that attorney to draft the divorce petition. And so once you get that paperwork, you're going to fill it out. It's a pretty straightforward process. Does it feel overwhelming? Yes, it does. There's a lot of things that you have to go find, especially if you haven't been involved in the finances at all. And if you were anything like me, I was a stay-at-home mom, homeschooling mom, and I knew everything that I needed to know about homeschooling and being a wife and mother, but I didn't know a lot about anything else as far as where our finances were and stuff. So I had to learn. I learned some of those things by filling out that paperwork. So you'll need to do that. That's step two.

Step three: Once you've turned that paperwork in, then your attorney will draft the divorce petition. This document simply lets the court and your spouse know that you want a divorce. So one copy will be filed with your county's courthouse, and then the other copy will be served to your spouse, and he will have a designated amount of time to respond. If he doesn't respond, well, there is a chance that you would get everything you petitioned for. That usually doesn't happen, but technically that's a possibility.

Now, in my case, where we live, my ex had thirty days to respond. He waited until the thirty days were over. He made some fascinating excuses for why he wasn't able to respond before that time was up, and then about forty-five days into it, after he was

served, he finally responded. And that's also just another one of those stalling techniques that they often do.

So during this grace time of waiting to respond, your husband will be able to hire his own attorney and he'll be able to do some research on how to get revenge on you for messing with his life. There are entire websites devoted to helping men get revenge on their victims for getting away. And abusers have a way of finding their way to their own kith and kin online. Now, at this point in the process, I just have to say I still felt really sorry for my ex. I still loved him so much and wanted the best for him. I was still bending over backwards to try to make things easy on him even though I knew I had to get out of the relationship. I still didn't fully get it. And you just need to know this is normal. The divorce process itself, as you continue moving on with it, will almost always fix this last vestige of confusion and brainwashing by revealing more and more of what's underneath the mask of these men.

Step number four: Pendente lite orders are established. Now, "pendente lite" means "while the litigation is pending," so these are the rules that will be in place during the course of the divorce process. They include rules about where each spouse will be living, where the children will be living, necessary child support, spousal support, any restraining orders involved, and who will be covering what bills while the divorce is going on. If both parties can agree on these rules without this court order, great. But often in cases where one party is adversarial, these rules will need to be ordered by the court, and your attorney can help set this up for you.

In my case, my husband at the time agreed to keep things status quo. So we'd already been separated for two years, and he was covering the mortgage and utilities and I was paying for everything else. We had nine children and I still had eight of them living with me in our home. Some of them were going to visit their dad on the weekends, so we just decided to keep everything status quo during this... Our divorce lasted for nineteen months. But if that wasn't the case, if we couldn't agree on who was going to be paying what bills, then we would have to have had these pendente lite orders put into place. So that's step number four.

Step number five is called "discovery." And this is where both parties lay all their cards on the table. So all the bank accounts, retirement funds, liquid assets, property debts, investments — all of these things are accounted for. It is illegal to hide assets during a divorce process, but there are loopholes in the system, and abusive men learn about them online if they aren't aware about them already. Many abuse survivors are still believing the best about these guys, and this is when they often get sideswiped because many emotional abusers are often financially abusive, and they've already

invested a lot of thought and time into hiding the truth about the finances. Remember, they are all about power and control, and money is a huge weapon of control.

The longer each step of the divorce process takes, the more opportunities your soon-to-be ex will have to play interesting games with everyone involved — games that will benefit him and hurt you. It is in your best interest to cooperate, but if you suspect your spouse is withholding information, make sure that you hire a financial investigator, especially if your spouse has his own business and you've been left out of the financial loop during the course of your marriage. A financial investigator can make a huge difference in what you end up getting as your share of the settlement, and that can end up making a huge difference on how you end up rebuilding your life as well, afterwards, financially.

Number six: conflict resolution. Now, there's a number of decisions that need to be made regarding your estate and your debt, as well as your children. These decisions can be made in private meetings without a lot of drama, but when you're divorcing an abusive person, drama is the name of the game. This is their chance to exact revenge on you for daring to get away from them. You, your joint estate, and your children are their property, and they will make sure you pay for trying to take it away from them.

Most divorce can be resolved through mediation. Mediation and forming your strategy for mediation is covered in depth in the “Divorce Basics” course. Mediation involves one to two third-party neutral mediators. Often these people are of the mental health profession, especially if there are children involved, or it could be a financial professional. Now, in my case, we were able to come to an agreement regarding the financial piece. I had a business, so we had to pay for a business valuation. We also had our property and vehicles assessed and valued. All of these parts, including my husband's retirement fund and all bank accounts, were thrown into the pot and then divided in half.

And that's when you do some horse trading, okay? So it's not divided exactly equally. It's someone might want the house and someone might want the business, and if they're both valued at the same cost or if they're both valued as an equal amount as far as the asset part of it, then one of you could technically take one and the other one take the other. The other option is to sell them both and just split the money.

So what we did in my case is because I had a business, I kept my business — it was valued for a certain amount — so I kept my business and I kept my car and I got half of his retirement, plus a small amount from the equity in our home, and he was awarded our home and his car and half of his retirement. We didn't have any debt, so that was

how our assets were split. I was not awarded alimony and I did not get child support either, which I'll get to in just a minute. So our financial piece was worked out. We didn't even need mediation. We did not need to go to court over it or anything, so that was nice.

But the child custody thing for us was a completely different story. At first he was just cooperating with continuing to have the kids on the weekends from Friday night to Sunday afternoon, and prior to his hiring an attorney, he was also only initiating contact with the kids on Friday nights through Saturday. That was all the time that he wanted to have with them. Once he got an attorney, he began asking if he could have them more. Now, this is a very typical move to establish precedent. Your spouse may do this if he's planning to file for 50% custody, even if he wasn't, prior to that point in time, interested in spending a whole lot of time with the kids. This is very common.

Why? Why do these guys show a sudden renewed interest in their children when before they didn't seem to care all that much? Because it boils down to money. If they are awarded 50% custody, then they don't have to pay as much child support, and in some cases they don't have to pay any. So we did have to go to mediation to help resolve this problem because the kids were used to being with me all the time and he didn't have a home at the time. He still was living in an apartment.

So if you're unable to resolve questions of finance and custody through private meetings or through mediation, that's when you need to go to court. The problem with going to court is twofold. Number one, it's expensive and it drags the divorce out even more. You're at the whims of when the court has time to schedule your court hearing, how long it's going to take, if it's successful, if it's not successful. Usually the other party will cancel the court hearings at the last minute just to drag it out. It can just go on and on and on.

But the second problem with it is that your fate ends up being decided by a judge rather than you and your soon-to-be-ex, and sometimes abusive men who have a lot of money and a lot of time on their hands, they're going to want to go to litigation just to hurt you. Other men will be more motivated by keeping their money in their own pockets and not wasting it on litigation, and that described mine. He didn't want to spend a lot of money in court and neither did I. So he was more open to getting things worked out in mediation. So that is step six: Either go to court or you go to mediation and you get everything figured out.

Step seven is the settlement agreement, and this is the final agreement that is drawn up by the lawyers. It's going to include all of the things that you've decided in that step

number six. Now, there may still be a little bit of back and forth as both parties kind of tweak the language, maybe add a few things they didn't think of before, or adjust things, but once both parties agree, that document is signed by all the different parties.

And then step eight is the final judgment, and that's when a judge signs off on the settlement agreement and you are free. And that is how to get a divorce in eight easy steps. We'll just take out the "easy."

I would love to have you join us inside Flying Free for the whole "Divorce Basics" course. You can head over to joinflyingfree.com for all of the information about the program and a place where you can complete an application. Here are some things that members are saying after just one month in the program: "I love it all. I love the orientation lessons and the boundaries workshop." (At the time of this recording, we just finished that one.) "Natalie's teaching is so clear, practical, and relevant. I enjoy the coaching videos, especially the ones on how to use The Model. I'm learning so much. Thank you."

Here's another one: "My marriage relationship has been my biggest problem, but now I know I can only change myself. That is a hard truth, but at the same time, it's very freeing. I can stop spinning my wheels trying to get him to change and work on myself and finally make some progress. I am hungry to continue in the program. I feel so empowered now, and life is starting to flow back into my veins." And then here's a final one: "I love how the lessons bring you along a step at a time in a way that's clear and easy to understand. I love how everything works together to help you rebuild your shattered confidence. God's love is evident in all the resources available on the membership website."

Hey, this could be you in just a month. Learn more at joinflyingfree.com. And that's it for today. Don't forget to subscribe if you haven't already, and leave a rating and review so others can find us. Thank you so much for listening, and until next time, fly free.