

THE DIVORCE GUIDE FOR MEN

HOW TO SURVIVE DIVORCE
IN WASHINGTON



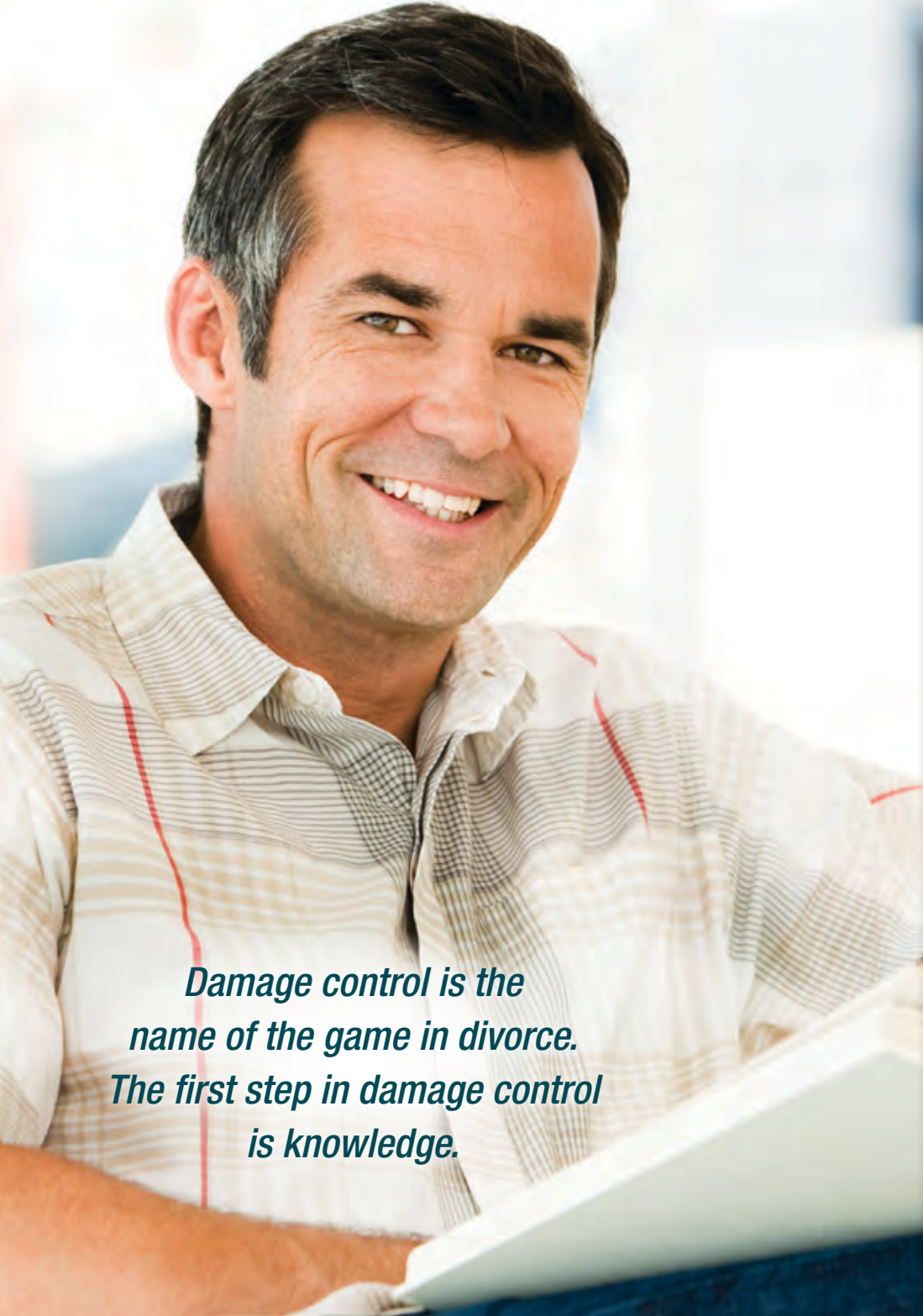
BY DIVORCE LAWYERS FOR MEN
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Damage control is the name of the game in divorce. The first step in damage control is knowledge.

INTRODUCTION

Divorce is going to hurt. Divorce will hurt emotionally. Divorce will hurt financially. You cannot eliminate all of the damage that divorce will cause; but, with proper planning you can control the damage. Damage control is the name of the game in divorce. The first step in damage control is knowledge.

Divorce laws vary from state to state. Divorce actions in the State of Washington are controlled by RCW 26.09. You can reference the statutes for technical information. Washington is a “No-Fault” divorce state. You do not need to prove that one of you is engaging in marital misconduct, like an affair or abuse. It makes no difference to the Court. In Washington the only grounds for divorce is an “Irretrievable Breakdown” of the marriage. You can get divorced just because you want to, and you cannot stop your spouse from going forward if they want a divorce.

Going through divorce can be one of the most stressful and trying times in your life. Your family is being torn apart. There is little or no decent communication with your spouse. Your finances are being turned upside down. It is essential that you make good, logical decisions in that terrible environment. Your conduct, planning, and decisions will make a huge difference in your future and the future of your children. Despite the gut-wrenching emotional experiences that may be impacting you, this is a critical time during which you must do your best to stay level-headed and think through what is important to you, and what is best for your children. Many of the decisions that you make now will impact your life, and theirs, for many years to come.



***Use
Common Sense.
Follow every Court
Order in detail
– even if you
disagree.***

DIVORCE DO'S AND DON'TS

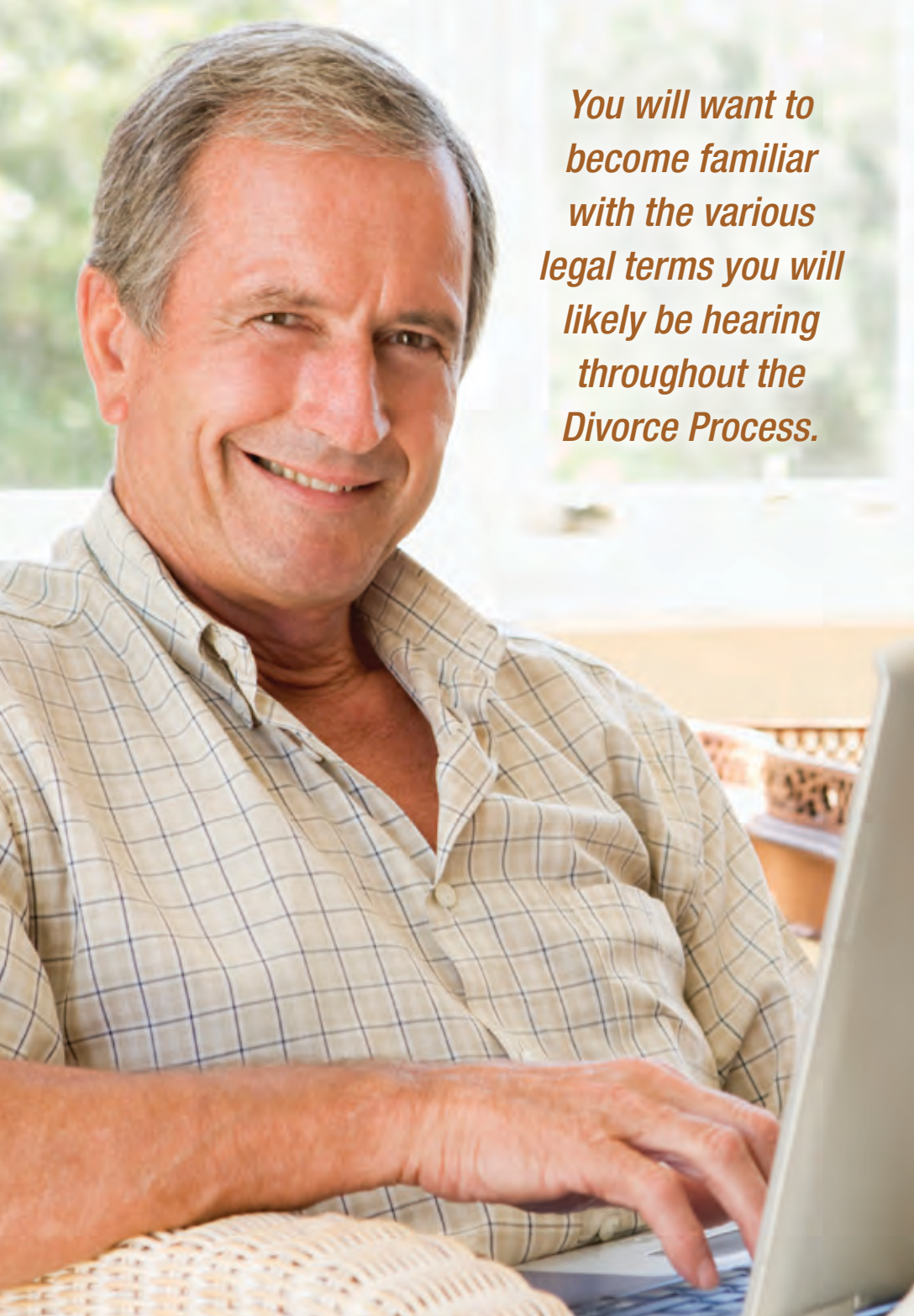
Visit our website for more Do's and Don'ts.

Do:

- Use Common Sense. Walk away from fights. Follow every Court Order in detail – even if you disagree.
- Make your children and good parenting a high priority.
- If you want the family home, try to stay in it. Once out, it is hard to get back in.
- Try to keep possession of, or access to, the important assets you want.
- Make a good faith effort to be civil with your spouse.
- Take steps to demonstrate that you are being reasonable and responsible.
- Document everything in writing.
- Remember that all inappropriate comments you make on instant messages, social media (Facebook, etc.) and texts can be used against you.
- Contact an experienced Family Law attorney who will give you good advice.

Don't:

- Violate a Restraining Order, or any other Court Order.
- Threaten your spouse in any way.
- Speak angrily about your spouse to your children, or use them as middle-men to communicate messages between you and your spouse.
- Voluntarily leave your marital home if you may want to keep it after the divorce.
- Leave behind important property that you will want later.
- Behave in a hostile or irrational manner, or engage in behaviors that will undermine your credibility with the Judge.
- Post hostile messages on Facebook or other social media sites.
- Leave the state or the country with your children, or you may be violating federal law or cause serious complications in your divorce and/or Parenting Plan for the future.
- Sign any document that could even possibly constitute an agreement to anything, or concede anything. Any document that is presented to you for signature must first be reviewed by and discussed with your divorce attorney.



You will want to become familiar with the various legal terms you will likely be hearing throughout the Divorce Process.

LEGAL LINGO

The Stages of the Divorce Process and Related Terms

You will want to become familiar with the Stages of the Divorce Process, and the various legal terms that you will likely be hearing as you progress through the Divorce Process.

Petitioner: The spouse who first files the Petition for Dissolution of Marriage with the court, and starts the divorce process.

Respondent: The spouse that files the Response to the Petition.

Parties: The Petitioner and Respondent.

Petition: The document that starts the divorce process. It is created by the spouse who has decided they are going to end (dissolve) the marriage. It is a statement of what that person wants and believes is fair. The Petition is filed with the Court and served with the Summons on the other spouse.

“Service” of Process: The legal process of providing notification of the legal proceeding on the other party.

Summons: A simple legal document that is served with the Petition and tells the served spouse that they must formally respond within 20 days.

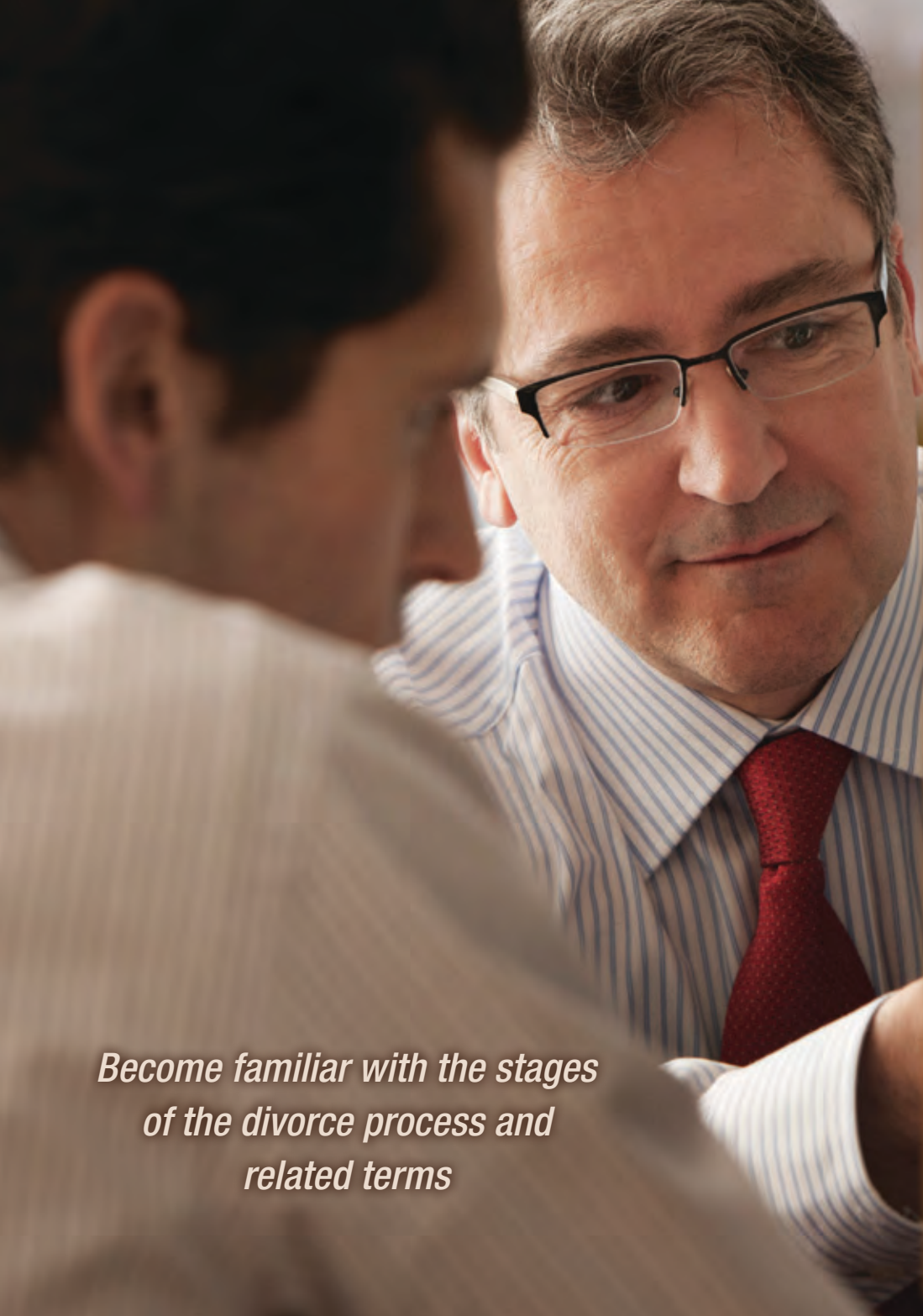
Response: The served spouses’ answer to the Petition. It states what the Respondent wants and believes is fair.

“Irretrievable Breakdown”: This is the only grounds or basis for the Dissolution of a Marriage in Washington. It is a simple statement meaning that the marriage is broken and no longer working.

“Dissolution of Marriage” Proceeding: This is the process and stages of going through a divorce and dissolving a marriage in Washington.

90-Day Mandatory Cooling-Off Period: In Washington State a divorce cannot be finalized until 90-days after the filing and service of the Petition. This “cooling-off” period gives both spouses time to think about what they are doing. Even if both spouses agree to all the terms of the divorce, they must still wait for at least 90 days to legally finalize their divorce. Most cases take longer.

Decree of Dissolution of Marriage: This is the Court document that states all of the permanent terms and conditions of the divorce, and finalizes the dissolution of the marriage.



*Become familiar with the stages
of the divorce process and
related terms*

LEGAL LINGO (continued)

Community Property: Income, property, and other assets and debts, acquired by either spouse during the marriage that is, therefore, jointly owned by both spouses.

Separate Property: Assets and debts possessed by one spouse before the marriage or acquired separately during the marriage, usually as an inheritance or personal injury settlement. To remain “separate” the assets cannot be intermingled with “community” assets.

Motion for Temporary Orders: A request to the Court to establish temporary rules for the relationship during the divorce process. The Orders will temporarily award: child custody, visitation and support; spousal support; use of the home and other assets; and duties to pay bills. The temporary Order will remain in effect until amended, or replaced by the final Decree.

Hearing: Going to Court and appearing before the Judge to argue an issue.

Settlement Conference or Mediation: A formal meeting at which the spouses try to reach an agreement on the terms and conditions of their divorce with the assistance of a judge or other neutral party.

Trial: The final Court appearance before a judge, where testimony is given for the Court to determine the factual basis for the terms and conditions of the Divorce Decree.

Mediator: A neutral attorney that attends and facilitates the mediation or settlement conference and tries to help the parties reach an agreement.

Spousal Support or Spousal Maintenance (formerly known as Alimony): Spousal Support is the legal obligation for the financially stronger spouse to make monthly payments to the financially weaker spouse during and/or after the divorce. It may be temporary or permanent.

Parenting Plan / Residential Care (formerly known as custody and visitation): The Parenting Plan that is included in the Temporary Orders and the final Decree spells out exactly when the children will reside with one parent or the other. This called Residential Care. The Court no longer uses the terms of *child custody* and *visitation*. Other terms of how the children will be handled are also included.

Guardian ad Litem: A neutral person, usually an attorney, who is ordered by the Court to investigate, and report to the Court on what is in the best interest of the child(ren) for Residential Care.

Interrogatories: Written questions asked about yourself and your assets by the opposing attorney that must be answered formally under oath.

Deposition: Out-of-court questioning and oral testimony. You are ordered to appear at the attorney’s office and answer questions under oath about yourself and your assets. Depositions and Interrogatories are part of a “discovery” process where the people involved in litigation gather information to prepare for a trial.

Washington has adopted a fixed Formula for setting Child Support based on the net incomes of the two parents.



Spousal Support / Spousal Maintenance / Alimony

There is no Washington State required formula, or even written guidelines, to determine if Spousal Support should be awarded, or to determine the appropriate amount, if awarded. The basis for Spousal Support is need and ability to pay. Spousal Support is determined by each individual Judge and can vary widely. The Court is supposed to take several factors into consideration when determining an appropriate amount: duration of marriage; need; employment history; job skills; physical and situational ability to work; and ability to pay.

Spousal Support was formerly known as Alimony, and can also be called Spousal Maintenance. Depending upon the length of the marriage, spousal support may be awarded for a specific period of time, or permanently.

Child Support

The Washington State Legislature has adopted a fixed Formula for setting Child Support based on the net incomes of the two parents. The total support level is set based on the combined net incomes of both parents. Each parent's obligation is determined by their percentage of the total net income. The parent with the least amount of Residential Care pays support to the other parent. Support can include medical insurance, special needs, day care and educational expenses. The Court can only make exceptions to the Formula in special situations but, generally, the amount is dictated by the worksheet calculations. You can view the worksheet at www.courts.wa.gov/forms, and estimate your support level. The Formula can be manipulated by lowering net income, by reducing income tax exemptions, and by taking up to a 5% voluntary IRA or retirement contribution. There is a significant problem with the Formula if your spouse does not work.

If an agreement can be reached with your spouse, the Court will accept an agreed Parenting Plan.

Child Custody, Parenting Plans, and Residential Care

If you have children under the age of 18, a Parenting Plan is required by the court. The Plan must state in detail the specific time periods the children will be in the Residential Care of each parent. In the past this was called Custody and Visitation. The Parenting Plan will be incorporated into the final Decree. There is a long history of men not receiving fair and equal treatment in the awarding of time with their children. If you are a man who wants more than every-other-weekend visitation, you need to immediately start working on the documentation and support needed for your proposed plan. You will have to demonstrate that you are qualified, available, and deserving of being the primary parent.

At the hearing for Temporary Orders, the Court will order temporary Residential Care of the child(ren) based on very little information. It is very important that you thoroughly prepare for this hearing. You must make a strong showing at this first hearing. You must present evidence as to why the Court should accept your proposed Plan. Even though this will be a Temporary Order, it will serve as the basis for the final Parenting Plan. You absolutely should strongly consider hiring an experienced Family Law attorney to help you prepare for this hearing.

If agreement can be reached with your spouse, the Court will accept an agreed Parenting Plan. If agreement cannot be reached, the Court will appoint a Guardian Ad Litem (GAL), who will investigate what is in the best interest of each child, and advocate for those interests to the Court. The Parties can agree to recommend a GAL to the Court. This is a very important decision, and one that should be made with the help of an experienced Family Law attorney that knows the background of the potential Guardian Ad Litem.

After the GAL completes their investigation, the Court will order a mediation meeting. At the mediation or settlement conference the Parties are to try to reach a Parenting Plan agreement with the assistance of the GAL and Mediator. If agreement cannot be reached at mediation, the Court will conduct a trial at which the Court will decide the Parenting Plan, after both sides present evidence.

It is important to closely follow the Temporary Parenting Plan Order, even if you do not like it. If you want to improve on the Temporary Plan, you will need to demonstrate throughout the divorce process that you intend to keep the children's best interests as your top priority.

Settlement or Trial

If you are able to come to an agreement with your spouse on all of the key elements of the divorce, the final Decree of Dissolution of Marriage can be based on the settlement agreement without having to go to trial. You will have to agree on the Parenting Plan, Child Support, Spousal Support, and property and debt division. Agreement will save you a lot of money and emotional stress. You have to balance the value of what you are fighting for, versus the cost of going to trial.

The Court prefers settlement. During the divorce process you will have frequent opportunity to informally negotiate a settlement. Before trial you will go to mediation to try to resolve any disputes. Only when negotiation and mediation fail, will you have to go to trial.

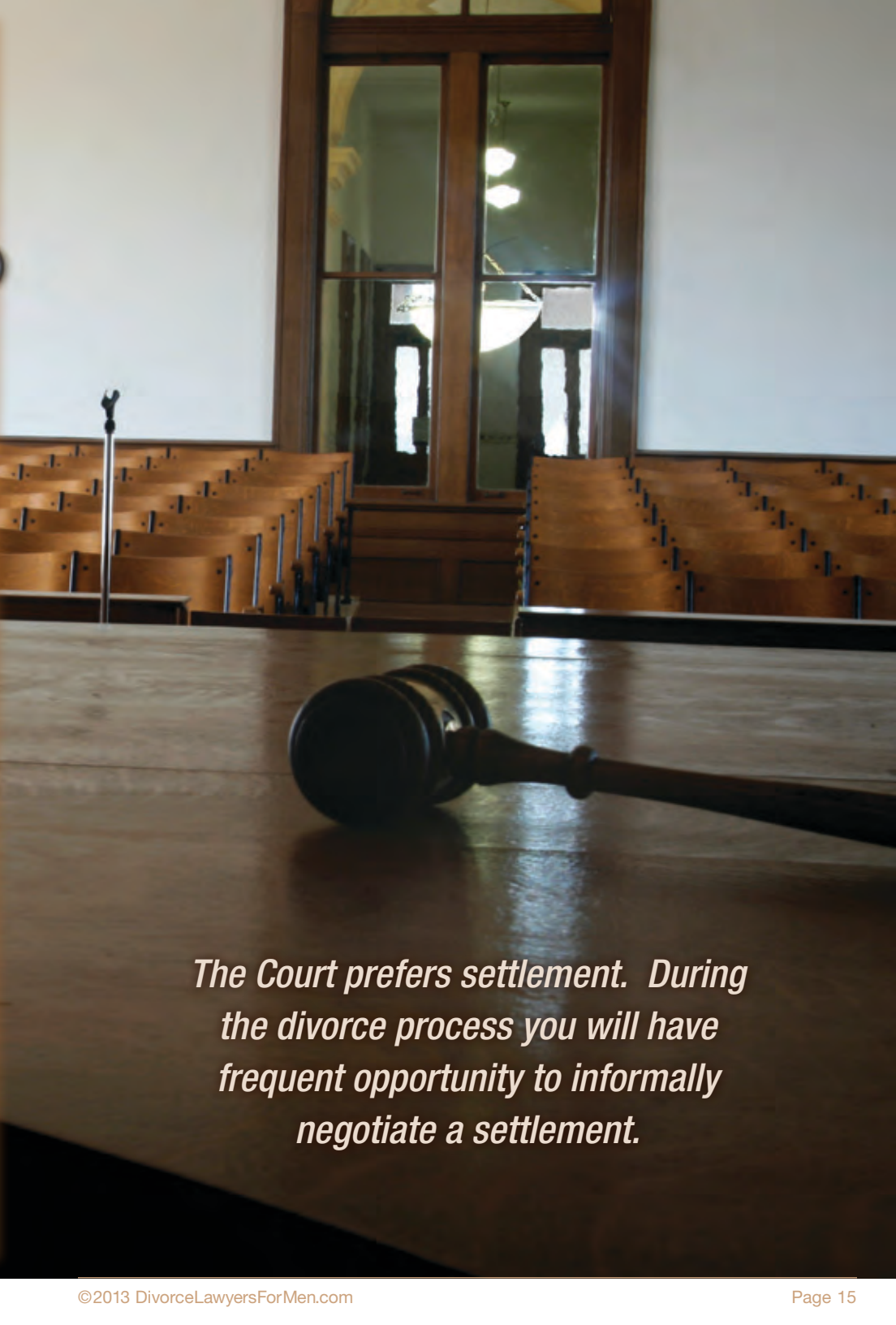
If no agreement can be reached, then the divorce will proceed to trial, where a Judge will decide the Parenting Plan, level of Support, and the division of your assets and debts. Most cases can be settled within about six months after filing the Petition. Trial will usually be 12 to 18 months after the Petition was filed.

Establish Your Priorities

Our attorney will meet with you to learn your goals, priorities, and your desired outcome on your case. They will take action to fight for and protect what is important to you. As you and your attorney work together, the attorney can advise you on what results you can realistically hope for, given your particular, unique circumstances. You must be as clear as possible about what you actually want to accomplish in your divorce. That will help your attorney identify ways that those goals can best be achieved.

No attorney can make you guarantees about the outcome of your case, but **Divorce Lawyers For Men** can negotiate and work on your behalf, and take every appropriate legal action to achieve the best results for you.

Unfortunately, divorce usually feels like a lose/lose situation; so, even if your desired goals are met, it may still not feel like a win. Keep in mind that the victories that you gain will benefit you and will have a positive impact on your life, and that of your children, for many years to come. Your desired goals are important. They are worth discussing with your attorney and fighting for.



The Court prefers settlement. During the divorce process you will have frequent opportunity to informally negotiate a settlement.

Questions to Ask Yourself

Objectively assess your current relationship with your spouse; relationship with your children; immediate needs; financial situation; and divorce priorities. Write down your answers to these questions, and bring your answers to your initial consultation with your divorce attorney.

1. What are your primary concerns and goals in this divorce? What are your priorities? _____

2. What do you believe are your spouse's priorities in the divorce? _____

3. What is the status of the relationship with your spouse? Is it openly hostile? _____

4. Is it possible for you to have a constructive conversation with your spouse about the divorce issues? _____

5. Is your spouse represented by an attorney? Name? _____

6. Are there children? Is your spouse pregnant? *(Please provide names and dates of birth.)* _____

 - a. What is the quality of your relationship with each child? _____

 - b. What is the quality of your spouse's relationship with each child? _____

 - c. What parenting tasks do you perform on a daily, weekly or monthly basis? _____

- d. What parenting tasks does your spouse perform on a daily, weekly or monthly basis? _____

- e. What is your goal for a Parenting Plan? _____

7. What is your occupation and monthly income? _____

8. What is your spouse's occupation and monthly income? _____

9. Is there any reason that your spouse cannot work outside of the household? _____

10. List your assets. _____

11. List your debts and obligations. _____

12. Are your basic needs handled for the time being? *If not, what are options for getting them handled on a temporary basis?* _____

13. Who currently lives in the family home? _____

14. What issues do you agree upon with your spouse? _____

15. What issues do you and your spouse disagree on? _____

16. What do you see as the major problem in reaching an agreement with your spouse? _____

17. Describe what you see as the best outcome for your divorce. _____



You will need to compile a complete list or inventory of all of your community and separate assets and debts.

Documents that You Will Need

You will need to compile a complete list or inventory of all of your community and separate assets and debts. Take your time and be thorough. Remember your retirement accounts, IRAs, stocks, bonds, bank accounts, expensive jewelry, and nice toys. Bring the list with you to a meeting with your attorney.

Find the Proof of Ownership of anything that you or your spouse owns, and the documentation for all debts and obligations you owe, such as:

- Titles for homes, rental properties, automobiles, RVs, boats, etc.
- Businesses and business assets and liabilities, employment contracts, partnership agreements, and lease agreements
- Tax Returns
- Financial Statements
- Bank Statements
- Insurance policies including life, auto, health, disability, etc.
- Inheritances, guarantees, gifts or bequests, personal injury awards
- Tangible assets like musical instruments, furniture, jewelry, etc.
- Proof of enrollment if you are in school
- Copy of credit histories
- Wills, Trusts, Pre-nuptial agreements, etc.
- An inventory of personal assets (including safe deposit box contents, etc.)
- Brokerage statements, including mutual funds, annuities, pension and retirement account statements, etc.

Do I Need an Attorney?

Having a Divorce Attorney can make a huge difference in the outcomes you are able to achieve in your divorce. It can be intimidating to navigate the legal process on your own. Having an attorney who is experienced with the legal process and Family Law can make the difference in getting the results you want, or minimizing your losses. It is hard to stay objective during your own divorce. Your children's welfare and your future are at risk. It is well thought to have an objective professional on your team. Your Family Law attorney has the experience and background to know what can and cannot be accomplished during the divorce and how to do it. You may not even know what is possible to accomplish. Your divorce attorney can advise you about these possibilities after discussing the details of your situation with you. No attorney can guarantee you a particular outcome, but they can advise you as to what you can do to maximize the possibility of a favorable outcome, and they can guide you as to what are realistic expectations.

Some people do not need an attorney and can do their own divorce. Their divorces are not complicated and they have little at risk. But if there are children, or valuable assets, involved in the divorce, it makes good sense to hire a divorce attorney. Making the right decisions at each phase of the divorce is essential to protect your interests. The divorce lawyer will be able to advise you on how to make those important decisions. The cost of mishandling your own case will far exceed the cost of hiring an attorney. Because of their years of experience in divorce settlements and trials, our **Divorce Lawyers For Men** attorneys can see issues and opportunities that you, as a lay person, may not see. Your deep emotional involvement in the case may cloud your judgment. The help of an objective attorney will help build and protect your future.

Assembling Your Team

It is important to assemble a support and resource team of people that will be there for you and have your best interests at heart throughout the divorce process. Close friends, family members, a good therapist and your divorce attorney will all make a huge difference for you, your kids and your future. For most people, this is not the time to go it on your own, but rather, a time to keep your friends and family close. Stay in touch with them regularly. Your friends and family will welcome the opportunity to help you in whatever way they can. You will feel better after talking with other people who have been through the process; who have lived through it; and even improved their lives as a result.





How to Choose Your Divorce Attorney

- 1. Trustworthy** – Your divorce attorney should be someone that you are comfortable working with and someone that you can trust. You will be sharing a lot of time and personal information with them. It is inefficient to be second-guessing the person you have chosen to represent your interests.
- 2. Experience** – Your divorce attorney should be an experienced Family Law attorney who has experience handling divorces in Washington State. You do not want an attorney who does an occasional divorce while concentrating on some other area of law.
- 3. Good Listening Skills** – You want an attorney who will actually listen to you and understand what your goals and priorities are. You also want an attorney who will be honest with you and explain why some of your goals may be difficult and expensive to attain.
- 4. Gets Results** – You want an attorney that wins. The attorney cannot guarantee to always get you what you want; but they need a good track record of successfully representing men in family law cases and a willingness to aggressively pursue justice for you.
- 5. Willing to Negotiate a Settlement, but Experienced in Trial Court** – Most divorces in Washington State are “settled” – that is, they do not go to trial. Your divorce lawyer must be good at negotiating favorable settlements. That will save you money and emotional stress. But if your spouse will not be reasonable, your attorney must be ready to go to trial. You will want to select a divorce lawyer that has divorce trial court experience; an attorney that is knowledgeable and comfortable in the Courtroom.
- 6. Conveniently Located** – You do not want to spend hours driving to your attorney’s office, and you do not want to pay the attorney for hours spent driving to the Courthouse. Convenient office location generally equates to saving money.

*The experienced attorneys at
Divorce Lawyers for Men would be honored
to protect your rights during divorce.*

(See the back cover or DivorceLawyersForMen.com for more info.)

DIVORCE LAWYERS FOR MEN

The experienced attorneys at **Divorce Lawyers for Men** would be honored to protect your rights during divorce. Every attorney who works with **Divorce Lawyers for Men** has undergone a rigorous screening process, which includes interviews, credential verification, peer reviews and more. All **Divorce Lawyers for Men** Lawyers are held to the highest legal and ethical standards. Please feel free to call the **Divorce Lawyers for Men** customer service hotline if you have any questions or concerns.

Our customer service hotline is 877-866-7393, or go to www.DivorceLawyersForMen.com

Our Pledge

Our **Divorce Lawyers For Men** PLEDGE to you:

- You will be listened to;
- You will receive intelligent advice from an experienced Divorce Lawyer; and
- You will be provided skilled and dedicated representation throughout the divorce process.

No attorney can guarantee what the outcome of your divorce proceedings will be, but we can guarantee quality legal representation.

DIVORCE RESOURCES

For You:

Divorce: Causes and Consequences (Current Perspectives in Psychology)
Allison Clarke-Stewart, Cornelia Brentano

Surviving the Breakup

Joan B. Kelly and Judith Wallerstein
(Basic Books Publishers 1980)

The Co-Parenting Survival Guide: Letting Go of Conflict after a Difficult Divorce
Elizabeth Thayer, Ph.D. and Jeffrey Zimmerman, Ph.D.
(New Harbinger Publications, 2001)

Families Apart: Ten Keys to Successful Co-Parenting
Melinda Blau, (Perigree 1995)

www.DivorceLawyersForMen.com/community
www.DivorceCare.org

For Your Kids:

Does Wednesday Mean Mom's House or Dad's?
Marc J. Ackerman, Ph.D.
(John Wiley & Sons, Inc., 1997)

I Don't Want to Talk About It: A Story About Divorce for Young Children
Jeanie Franz Ransom, Katherine Kuntz Finney (American Psychological Association, 2000)

It's Not the End of the World
Judy Blume (Dell, 1972 Reissue)

Divorce Handbook for Teens
Cynthia MacGregor (Impact Publishers, 2004)

NOTES

Two columns of horizontal lines for taking notes.

This Guide is intended to be a general resource and is provided as a courtesy of **Divorce Lawyers for Men™**. Provision of this information does not constitute legal representation.

Each individual is encouraged to retain legal counsel to determine specifically how applicable laws apply to their individual circumstances.

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