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DIVORCE MYTHS

Straight Answers from 12 Professionals
----- in the Trenches -----



FOREWORD

Considering or navigating divorce is often an overwhelming and frightening experience. There is so much that is unknown about the road ahead and often friends and family are quick to share their concerns and battle stories. The truth is that no two divorces are the same and your experience will be shaped by your choices. And why is it that we hear about the difficult divorces and not the ones that progressed calmly and thoughtfully between partners? Well, as my daughter once said, "The bad stories are more fun to tell." And, indeed, we are drawn to the scary stories more than the ones that worked out well.

We created this valuable resource because we know first hand that the healthy divorce is possible and that everyone is served better when things unfold in this way. The key is to make informed and well-reasoned decisions. So we invite you to review this comprehensive guide to Divorce Myths and Misconceptions developed by a highly experienced team of divorce professionals and then to reach out to us if we can be of further support to you along this journey.



Adina T. Laver
Founder
Divorce Essentials

26 Divorce Myths:

Straight Answers from 12 Professionals in the Trenches

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Edited and Published by
Sharon Pastore, Co-Founder
Main Line Family Law Center



"May you find these myths to be enlightening, save you time, money and your sanity."

Myths and Misconceptions about Divorce Financial & Legal

MYTH #1

I can't afford to get a divorce.

"Reducing fighting, avoiding litigation, and choosing a cost-effective process like mediation can keep divorce expenses down. And a truly equitable settlement with consideration and planning for long term financial health can leave both parties in a good position to maintain or regain their fiscal well-being."

Ellen Morfei, Mediator & Conflict Coach
Progressive Conflict Solutions



MYTH #2

Equitable distribution means we each get 50% of all the assets.

"In mediation, spouses are educated on the PA equitable distribution statute and the 13 factors a court can consider in deciding how to equitably divide the net marital assets. In mediation, rather than deferring to the courts to decide how to divide the estate, spouses themselves retain discretion over how their estate will be divided, and together they may agree on any percentage division they both believe is fair."

~ **Crispino Pastore, Esquire**
Main Line Family Law Center



“Equitable distribution allows the court to look at a variety of factors and facts specific to your marriage before it determines how to divide your assets. This can result in a 60/40 split, 50/50, 70/30, etc. The decision is not always 50/50.”

~Diana C. Schimmel, Esquire
The Law Office of Diana Schimmel



MYTH
#3

Once spouse can put the other in jail for behaving badly during the marriage.

“I wish that was true, because several of my clients have been treated very badly. Other people are co-parenting with former spouses whose values and judgement they do not trust. While some of these problems can be handled with therapy for the more skilled parent and for the child, the courts tend not to get involved. The exceptions to this that I have seen are when former spouse’s behavior veers into abuse or neglect.”

~ Ruth Feinblum, Therapist/Founder
Growth Counseling Solutions



MYTH
#4

I need to find the biggest, meanest divorce lawyer in town.

“The days of the “shark” divorce lawyer are over. Courts are simply too overworked anymore for the prototypical, loud, and intimidating trial attorney to bully the court to get their client's desired outcome. Over 90% of all divorce cases end up settling no matter who represents you. Courts expect the attorneys to avoid litigation and to work together in finding a fair resolution on behalf of their clients. Typically, these resolutions are made right before trial - and after spouses have already spent on average between \$30,000 to \$40,000.”

~ Crispino Pastore, Co-Founder
Main Line Family Law Center



MYTH
#5

Marital misconduct (such as infidelity) is an important factor in divorce.

“Marital misconduct does not play an important factor in divorce. Though it is a factor considered when deciding if alimony is appropriate, it is only one of 17 factors considered.”

~ Michael E. Bertin, Esquire
Obermayer Rebmann Maxwell & Hippel LLP



“It is of course understandable that someone that has lived through marital infidelity would feel anger and unsure about their former spouse’s judgement. While that issue can be helped therapeutically, it tends to be something the courts do not see as relevant to the divorce proceeding. Where it is relevant is around managing the relationship with a former spouse when there are children involved.”

~ Ruth Feinblum, Therapist/Founder
Growth Counseling Solutions



MYTH
#6

The transfer of financial assets (such as retirement account) will be taxable incident to the divorce.

“When structured properly the transfer of assets incident to a divorce are non-taxable events. It is important to consult with an attorney to ensure that the language included in the property settlement agreement is drafted properly to not realize any adverse tax consequences.”

- Glenn Isaac, Financial Advisor
1847 Financial



MYTH
#7

The first one to empty out the checking or savings account gets to keep the money.

“This is completely false. The money in your joint checking account is considered marital property. This means that when you divorce it is subject to split within the parameters of Equitable Distribution. If one party takes all of the money from the account before a decision is made on how to split that money, they can be asked to return the funds, pay you back from another asset, or lose out on their portion of another asset if they cannot reimburse what they took. If you fear that the other party may drain an account, you can always file for special relief through the court to freeze that account until equitable distribution is resolved.”

~ Diana C. Schimmel, Esquire
The Law Office of Diana Schimmel



MYTH
#8

I will never have to worry about taxes on money I get from my spouse's retirement assets.

“When money is withdrawn from these accounts taxes are imposable on the account owner and you may also be subject to a 10% early withdrawal penalty.”

~ Glenn Isaac, Financial Advisor
1847 Financial



MYTH
#9

I will lose my social security if I get divorced.

“You are entitled to your spousal benefit if you do not get remarried and were married for 10 years or more.”

~ Mckenzie Frankel, Partner & Financial Advisor
Entrust Financial



MYTH
#10

Keeping the house is one of the most important things I can achieve in the settlement.

“This is a common goal, but is not always in the best interest of either party. Too many people end up house poor after “getting the house.” This delays their financial and personal recovery after divorce.”

~Ellen Morfei, Mediator & Conflict Coach
Progressive Conflict Solutions



MYTH
#11

A stay-at-home parent is entitled to a greater portion of the assets than the primary earner because of his/her sacrifice.

“There are 11 factors that the court considers when dividing the marital estate. The contribution of a party as a homemaker is one of those factors.”

~ Michael E. Bertin, Esquire
Obermayer Rebmann Maxwell & Hippel LLP



MYTH
#12

I can't get a divorce because I need my spouse's health insurance.

“This is a major concern for many people and it is true that there is no obligation to keep an ex-spouse on your health insurance plan. However, some couples get creative and will finalize all other aspects of their divorce (division of property, custody schedules) but simply hold off on filing the last document the court needs to finalize the divorce. Parties will even put this provision in their marital settlement agreements. If on the other hand you want to fully finalize the divorce, your ex-spouse's employer is obligated to offer you COBRA coverage on the plan.”

~ Diana C. Schimmel, Esquire
The Law Office of Diana Schimmel



“Pre-existing conditions was previously one of the biggest concerns of spouses needing to stay on the other spouse’s health insurance and seeking to delay the divorce or having to pay for insurance via COBRA, which is traditionally very expensive. Because of Obamacare, health insurance is now much more affordable, and more importantly, pre-existing conditions are no longer an issue. There are now more options for spouses going through divorce.”

~ Michael E. Bertin, Esquire
Obermayer Rebmann Maxwell & Hippel LLP



MYTH
#13

In divorce mediation, my rights will not be fully protected, and I will not get everything that I am entitled to.

“This is absolutely not the case. In fact, your rights will be just as protected with a divorce mediator, While it is true that a divorce mediator does not take sides, what you may not realize is that the divorce mediator’s role is to look out for everyone’s rights and best interests. The divorce mediator also takes the time to educate both spouses on the law and explain exactly how it applies to your particular circumstances. When you understand the law, you can make your own informed decisions. Only then, can you truly protect yourself.”

~ Crispino Pastore, Esquire
Main Line Family Law Center



MYTH
#14

I only need to plan for my financial future once the divorce is completed.

“Most people gain peace of mind by planning for their financial future prior to the divorce being complete. In fact, the planning can often help you come to a settlement more quickly and more confidently because you understand what you need in order to maintain your current lifestyle.”

~ Mckenzie Frankel, Partner
Entrust Financial



Myths around Custody & Children's Needs

MYTH
#15

It is better for the kids if we stay together.

“When parents are able to keep conflict low, children are less likely to suffer negative psychological effects. Parenting apart enables parents to bring their best selves to the task; and making a plan for raising children separately forces parents to contemplate what truly serves the children’s best interests. When you get divorced, each parent has to position himself or herself to do better in every category. Logistical issues can be resolved; discord never goes away. When a divorce or separation finally does occur, even adult children are left wondering about the authenticity of the family life they thought they had.”

~Sandi Sherr, Parenting Mediator
Main Line Family Law Center



“Children need to experience a happy parent. Two parents unhappy in a marriage causes deep psychological pain for children. The most important work for a parent to do when he or she elects to end a marriage is to pursue authentic happiness: engage in activities (even those once abandoned) that you enjoyed; volunteer; pursue your dreams; discover what makes you laugh; cultivate your relationship with your children in new ways. When I pursued personal happiness, I discovered passions that were dormant. Even better, my relationship with my children strengthened. The greatest affirmation was when my daughter said, “Mommy, you are happy now and that makes me happy.” Priceless.”

~ Pamela Elaine, Author, Speaker, Producer
Destined for Greatness Enterprises, Inc.



MYTH
#16

Mothers always (or are most likely to) get primary physical custody of the children.

“Custody arrangements take all different forms and divorced dads are much more involved in the day-to-day parenting than they were a few decades ago. There are many ways to arrange custody to keep both parents active and fully engaged in the lives of their children.”

~Ellen Morfei, Mediator & Conflict Coach
Progressive Conflict Solutions



“It is a misconception that mothers are most likely to be awarded primary physical custody of the children. More than ever, courts are awarding significant custodial time to both parents.”

~ Michael E. Bertin, Esquire
Obermayer Rebmann Maxwell & Hippel LLP



“It is helpful for children to create and sustain a bond with both parents who are equally involved because the love, attention, and affection they receive from both parents helps them build self esteem and provides a blueprint for their future relationships and trust with others. Mothers and fathers each offer children different perspectives on life issues and have different ways of helping their children to problem solve and be successful in the world.”

~ Stephanie Newberg, LCSW
Therapist & Co-Parenting Counselor



“Pennsylvania family court takes the stance that children should be able to have access to and support from both parents. Unless a parent is physically, emotionally or mentally harmful to the child, they should be able to have time in his or her life. Often family court judges and masters will encourage access to both parents and will be displeased when one parents blocks or prevents a relationship with the other parent. This is not to say that the other parent will automatically have an abundance of time with the child, especially if that parent was previously absent, but the process to rebuild a relationship is always encouraged.”

~Diana C. Schimmel, Esquire
The Law Office of Diana Schimmel



MYTH
#17

My children will not be able to handle the separation and will never recover emotionally.

“Children are remarkably resilient and can recover emotionally from a divorce if parents handle the divorce in a healthy and thoughtful way. If parents take into account the developmental needs of the children when making decisions, give the children the chance to discuss their emotions and concerns, give the children the ability to stay close to, and have access to both parents, and do not put the children in the middle, or expose them to severe conflict, than children over time can thrive and do as well as children from intact families.”

~Stephanie Newberg, LCSW
Therapist & Co-Parenting Counselor



“When children understand that their parents are cooperating to assure that their needs are met, they care less and less about who is doing what to whom, or from which house. It is the parents, not the building, that provide safe shelter.

~Sandi Sherr, Parenting Mediator
Main Line Family Law Center



“Children will handle the separation and recover to the extent they see at least one parent growing and developing in a healthy way. The parent’s example has significant impact on the children and must not be underestimated. Also, family therapy is absolutely a valuable option. It is for my family.”

~ Pamela Elaine, Author, Speaker, Producer
Destined For Greatness Enterprises, Inc.



MYTH
#18

My children will make up their own mind about their other parent and will not be influenced if I share my side of the story or my anger.

“Children are extremely influenced by what each of their parents say and feel about the other parent, and are very sensitive and attuned to how their parents feel, especially if one parent feels more hurt or abandoned by the other in the divorce. Children have strong loyalties to both parents and do not like to see either of their parents hurting. In addition, they are trying to make sense of the separation and want to understand where the blame may lie. Therefore, it is confusing and possibly detrimental to expose your children to your negative feelings because it can impact their relationship and bond with the other parent, in their need to protect the parent who is hurt and upset.”

~ Stephanie Newberg, LCSW
Therapist & Co-parenting Counselor



“This myth is most disturbing to me as a mother of four. In the early months of my divorce, I practiced bad-mouthing my spouse. I thought I was helping my children to see who their father “really was” and thought I was protecting them. However, when I saw how uncomfortable and hurt they became, and their defensive responses, I had to change my approach out of respect for them. If you really love your children and want the best for them, then you will serve them well to speak only good of your former spouse or speak nothing at all about him/her. To dishonor your former spouse in the presence of your children is to dishonor your children.”

~ Pamela Elaine, Author, Speaker, Producer
Destined for Greatness Enterprise, Inc.



MYTH
#19

Divorce will make me a weekend parent.

“More than ever, courts appear much more open to awarding significant custodial time to both parents.”

~ Michael E. Bertin, Esquire
Obermayer Rebmann Maxwell & Hippel LLP



“To the contrary, parents are encouraged to participate as equally as possible in rearing their children. Even employment schedules that seem to stymie weekday availability can be massaged to create meaningful parenting time, as well as new technologies help a lot.”

~Sandi Sherr, Parenting Mediator
Main Line Family Law Center



MYTH
#20

Divorce will ruin my relationship with my kids.

“Over and over again, I’ve seen parents improve the relationship with their children after divorce. Being released from an unhappy marital relationship and having time with children alone can lead to a flourishing of the parent-child bond.”

~ Ellen Morfei, Mediator & Conflict Coach
Progressive Conflict Solutions



“Children did not create, nor can they fix the problems in your marriage. With divorce comes an end to those problems, and thus the beginning of peaceful rebuilding.”

~Sandi Sherr, Parenting Mediator
Main Line Family Law Center



MYTH
#21

It is impossible to co-parent cooperatively.

“Typically, even the most damaged or acrimonious spouses are transformed when the subject is their children. Surprisingly, even the most contentious spouses agree on a lot of things about their kids. You do not have to like or even talk to your ex-spouse to parent apart in a successful and healthy way. You do have to respect your children’s right to love both parents.”

~ Sandi Sherr, Parenting Mediator
Main Line Family Law Center



“Yes it is, if you hold firm to and immovable in your position about the small stuff (baths at certain time; only certain amount of sugary treats per day; bedtime at a certain time). Don’t sweat the small stuff, if you do, you invite unnecessary fights with your former and the battle lines will be drawn. Instead, be committed to your children’s emotional growth and happiness. Let go of petty issues that won’t matter at all when they are independent. In so doing, you will set a stellar example of cooperative co-parenting.”

~ Pamela Elaine, Author, Speaker, Producer
Destined for Greatness Enterprises, Inc.



Divorce Myths and Misconceptions Emotional

MYTH
#22

Divorce is a failure.

“The notion that divorce is a failure is damaging to both partners and isn’t true. When divorce arises, it is an indication that there is hurt, that partners are not getting their needs met, and that one or both partners is changing. Accepting that divorce is about making a change to move in a more positive direction is a much healthier approach and opens a path for a more amicable and less costly process. Not all partnerships are meant to last forever so accepting when a healthy relationship has run its course is a much more productive way to think about divorce.”

~ Adina Laver, Divorce and Relationship Coach
Divorce Essentials



**MYTH
#23**

Divorce is usually one person's fault and they should suffer for ending the marriage.

"There is no such thing as only one person being at fault. Both have a part in why the marriage is not working. Points of view change, transition of life styles change etc which could have an effect. Sometimes things happen for the best and no one should be blamed or suffer."

~ **Bette Jacobs, Separation & Divorce Organizing Specialist**
Untying the Knot



**MYTH
#24**

Maybe having another child will strengthen the marriage.

"Having a child is never a healthy approach to strengthening or saving a marriage. A marriage is a partnership between two adults. Parenthood is a different role. While having a baby may bring parents together in the short run because of the natural instinct to care for the child, there is nothing in this process that strengthens the intimate relationship between the adults. Challenges in the partnership should be addressed before bringing more children into the home."

~ **Adina Laver, Divorce and Relationship Coach**
Divorce Essentials



MYTH
#25

It is going to be hard to move forward emotionally and financially from divorce.

“Life changes is always difficult both emotionally and financially. But it is only temporary. As time goes on you get used to the new way of living and that becomes comfortable. It is important to make new friends and have a balanced life socially, personally, and business wise. You always need to be proactive. Take one step at a time but keep moving forward.”

~ Bette Jacobs, Separation & Divorce Organizing Specialist
Untying the Knot



MYTH
#26

I will never love or be desirable again.

“There is life after divorce, and the divorced spouse will know what traits of another person and issues he or she cannot sweep under the rug when getting into a new relationship. A client once told me that she would be a much more “educated shopper” when she re-enters the dating scene.”

~ Michael E. Bertin, Esquire
Obermayer Rebmann Maxwell & Hippel LLP



“One partner is never responsible for the divorce. One of the opportunities that opens up during and after divorce is to explore who you are in a romantic relationship, what is most important to you, and what constitutes a loving and healthy relationship for you. It is like being about to push a “reset” button. When people seize this opportunity for self exploration with a coach or therapist, they are often amazed at the new avenues for love that open up for them.”

~ **Adina Laver, Divorce and Relationship Coach**
Divorce Essentials



“You will love again. What is important is to take care of your physical, emotional and spiritual well-being and not put that on the back burner. Divorce is an opportunity to lose that weight you have been promising yourself for decades; take-up that project you have been longing to start; buy that dress or pair of jeans that make you feel sexy; start that business that will bring you joy; grow, cut or newly color your hair. No matter what, if you tend to your physical, emotional and spiritual needs as a priority, meaning if you learn to LOVE YOU and promote your well-being, you will attract from another the love you give to yourself. It starts with you.”

~ **Pamela Elaine, Author, Speaker, Producer**
Destined for Greatness



Thank you for reading.

Reach out to us directly if we can be of further support along the journey.

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