

# Family Focus

## WHAT GIVES ME THE BEST CHANCE FOR SUCCESS POST-DIVORCE?

Posted by **Stuart Scott** | Apr 5, 2019

One of the most common questions I am asked is “what is the smartest thing I can do to survive my divorce and be successful in my new life?” Even though the facts of every divorce are personal and vary dramatically, there is one, simple answer to this question.

Manage your expectations. It sounds easy enough. But as a lawyer with over 31 years of experience I find it is much easier said than done.

When going through a divorce it is natural to have outcome expectations. Divorce is usually an emotionally tumultuous time and involves so many things that are important to you including one’s children, money, retirement, and even one’s self-identity. Even if you are the person initiating the divorce, the change from being a married person to a single person is very difficult.

Every household is unique, and that makes every divorce unique. Couples set ground rules that often work for the two involved. And the expectations from one couple to another can vary dramatically.

For example, in some households, one person exclusively controls all the finances. With others, it is extremely important that each knows everything that is being spent by the other. With some couples one parent is the primary caregiver to the children. Others share parenting time and parenting obligations much more equally. There is no one rule of thumb that applies when it comes to the expectations one person has of the other.

Divorce can upend all the “rules” a couple has lived by, sometimes for decades. The expectations and agreements that have become the bedrock of a relationship may be altered. Further, law of the

state involved may dictate what is appropriate and inappropriate behavior between divorcing parents. This is true without regard to what the expectations of one another may have been, and the way they may have lived, for years. Here are some tips to help you manage your expectations.

*Understand the realities of the rules of divorce.* Expecting or assuming the “rules” of the relationship will continue to apply during the divorce, therefore, is not only naïve but also can result in actions by one person that have long lasting, negative effects on them in terms of the divorce results.

*Provide complete financial transparency.* Courts demand complete financial disclosure during a divorce no matter what has happened with the couple during their marriage. Even if it had been customary during the marriage to keep information from your spouse regarding a bonus, for example, doing so during a divorce will be considered dishonest behavior. A single act of dishonesty during the divorce process can badly damage the credibility of a spouse in the eyes of the court. And no one wants that!

*Avoid the victim mentality.* One common mistake concerns expectations regarding parenting time in situations involving adultery. Of course, adultery is one of the most fundamental betrayals that one married person can commit against another. The person who has been cheated on will immediately feel like a victim, and understandably so.

A victim mentality concerning the relationship between two adults may also make the person feel entitled to a victim’s attitude towards everything concerning the divorce, including parenting time. Depending on where you live, your state’s law may or may not take adultery into consideration when it comes to parenting time. In Tennessee, as in most places, the courts are instructed they should “maximize” parenting time with both parents regarding their children. And this is true no matter how emotionally devastating an act or set of actions of one parent are in the eyes, mind and heart of the other. So if one parent cheats on the other, this does not legally translate into that parent not having significant, or even primary, parenting time with the parties’ children, depending on the law of the state involved.

*Educate yourself.* Inaccurate or mistaken expectations about what will happen during divorce is one of the top causes of unhappiness during and post-divorce. Knowing what to expect is critical in success during divorce and thereafter. This is true in multiple ways.

A simple example illustrates the above. Let us assume that at the conclusion of a divorce a spouse receives \$250,000 of the other spouse’s retirement account. If that spouse had been told prior thereto by their lawyer that they would receive \$350,000, then the spouse may be extremely disappointed. On the other hand, if the spouse had been told to expect to receive \$150,000, the spouse may be elated.

The result is the same. But the feelings are diametrically opposed based on the expectations that existed before the award. This means understanding and accepting a realistic range of outcomes in a

divorce is critical in terms of how a spouse responds to them. Over the decades I have seen spouses who are extremely dissatisfied with what, objectively under the law, is a very good result. I have also seen spouses who receive a result within the range of expectation who were pleased that they were able to do just that.

*Take charge of your expectations.* This means you have control over the most critical aspect of whether you are successful during your divorce and thereafter or not based on your own feelings about the results. Imagine thinking forward to near the end of your life and you looking back at this time in your life. In doing so would you ever say: "I wish I had spent more time mad and unhappy!" Very doubtful.

Understanding what is realistic and managing expectations may be the single most important factor in successfully handling a divorce and starting a new life thereafter. Receiving realistic advice from a lawyer is critical in this regard. Equally if not more important is understanding the realities of the situation and embracing expectations grounded in the law, whether they are consistent or inconsistent with the way you have lived or what you would prefer.

#### **About the Author:**

Stuart Scott is a litigation attorney with over 25 years of experience. He has tried hundreds of cases in both state and federal court. Some of his noteworthy victories have been featured in local, state and national publications. Stuart is also listed as a Tennessee Supreme Court Rule 31 Family Law Mediator. Stuart focuses his primary area of practice on family law. He represents people going through divorce and focuses his efforts on providing his legal services and advice to his clients in this area. Mr. Scott may be reached in our Nashville office at 615-620-1710.



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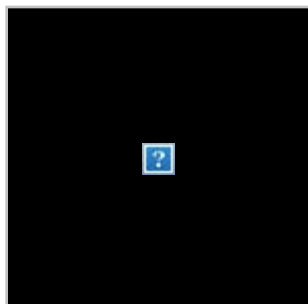


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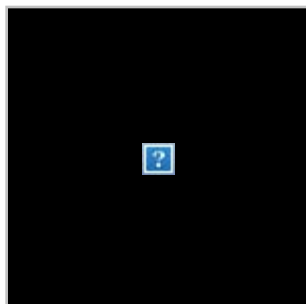
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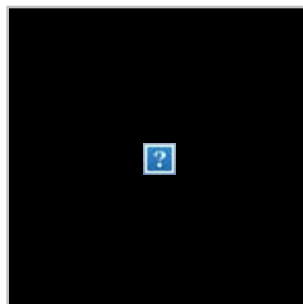
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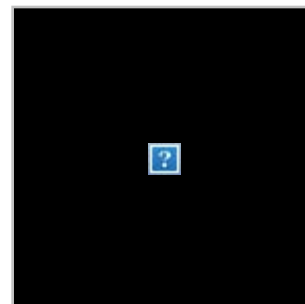
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