

**Making Everything Easier!™**

**3rd Edition**

# **Divorce**

FOR

# **DUMMIES®**

## **Learn to:**

- Evaluate your options in light of changes in the law
- Minimize legal, financial, and personal stress
- Get more of what you want from negotiations
- Utilize the latest statistics, Web sites, and resources

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# Divorce For Dummies®, 3rd Edition

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# ***Divorce For Dummies®, 3rd Edition***

**by John Ventura and  
Mary Reed**



Wiley Publishing, Inc.

## **Divorce For Dummies®, 3rd Edition**

Published by

**Wiley Publishing, Inc.**

111 River St.

Hoboken, NJ 07030-5774

[www.wiley.com](http://www.wiley.com)

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Indiana

Published simultaneously in Canada

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Library of Congress Control Number: 2009920900

ISBN: 9780470485361

Manufactured in the United States of America

10 9 8 7 6 5 4 3 2 1



# About the Authors

**John Ventura** is an attorney and a nationally known authority and advocate on consumer law and financial issues. As a boy, he dreamed of becoming a Catholic priest so he could help others. To prepare for that career, he spent his high school years in a seminary. After graduation, John decided he could best pursue his dream by combining journalism with the law, so he earned a degree in both from the University of Houston.

Today, John is the Director of the Texas Consumer Complaint Center at the University of Houston Law School and an associate professor at the Law School. Prior to joining the Law School, John was the owner of four law offices in South Texas, where he provided bankruptcy services to consumers and small business owners and also worked in the area of consumer law. His goal as an attorney and as an author is to provide everyday people with the information and advice they need to make the laws work for them, not against them.

John has written 17 books on consumer and small-business legal and financial matters and is the author of *Managing Debt For Dummies* and *Law For Dummies* (Wiley). He has written for *Home Office Computing* and *Small Business Computing* magazines and for many years he wrote a regular column for a Texas business journal and hosted a weekly radio program on legal issues.

John has been quoted about consumer legal issues in a wide variety of publications including *Newsweek*, *The Wall*

*Street Journal*, *Money*, *Kiplinger's Personal Finance Magazine*, *Black Enterprise, Inc.*, *Bottom Line Personal*, and *Martha Stewart's Living*, among others. His advice has also been featured on such Web sites as MSNMoney.com, Bankrate.com, and Marketwatch.com. He has also been interviewed on *MarketPlace Morning* (American Public Radio), *Morning Edition* (NPR), CNN, CNBC, Bloomberg Television & Radio, the Fox News Channel, the Lifetime Network and numerous national and local radio programs.

**Mary Reed** writes about financial and legal issues affecting consumers and small-business owners. She coauthored *Divorce For Dummies* and *Managing Debt For Dummies* (Wiley), *Good Advice for a Bad Economy* (Berkley), and *Stop Debt Collectors* (Credit.com). She has ghostwritten 13 other books for consumers and small business owners and has also written for *Good Housekeeping Magazine*, *Home Office Computing Magazine*, *Hispanic Business*, as well as for several Texas newspapers.

Mary is the owner of Mary Reed Public Relations (MR•PR), an Austin, Texas-based marketing and public relations firm ([www.get-your-messsage-out.com](http://www.get-your-messsage-out.com)). She counts book publishers, attorneys, financial professionals, healthcare professionals, Web-based businesses, nonprofit organizations, retailers, and restaurants among her clients.

Prior to starting MR•PR, Mary was vice president of marketing for a national market research firm, public affairs and marketing director for a women's healthcare and advocacy organization, public relations manager for *Texas Monthly Magazine*, and aide to an Austin City Council member. She also worked as a consultant to state

and federal agencies while living in Cambridge, Massachusetts, and Washington, D.C.

In her free time, Mary enjoys being with her many friends and family, gardening, bike riding, reading, volunteering, and taking care of her cats.

## **Dedication**

### *John's Dedication*

To Lisa Taylor, the best divorce attorney I know.

### *Mary's Dedication*

To my parents. Your words and deeds have taught me what a successful, happy marriage is all about and have provided me with a model to strive for. Thank you!

## **Authors' Acknowledgments**

Thanks to Traci Cumbay, our project editor, for her help in reshaping the material in *Divorce For Dummies, 3rd Edition*. Her sense of humor made the editing process a pleasure and her suggestions have helped us make this edition of our book better than ever.

# Publisher's Acknowledgments

We're proud of this book; please send us your comments through our Dummies online registration form located at <http://dummies.custhelp.com>. For other comments, please contact our Customer Care Department within the U.S. at 877-762-2974, outside the U.S. at 317-572-3993, or fax 317-572-4002.

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**Cartoons:** Rich Tennant ([www.the5thwave.com](http://www.the5thwave.com))

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# Introduction

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Nearly half of all marriages in the United States end in divorce. That adds up to more than a million divorces a year! Although you probably know at least one person who has gotten divorced, if your marriage is ending and you're like most people in your same situation, you're at a loss as to exactly what you should do first. That's totally understandable; most of us get married believing we will live happily ever after.

Unfortunately, many divorcing spouses turn what could be an amicable breakup into a cutthroat, emotionally difficult, and expensive battle because they allow anger, hurt, and fear to take over. Some of them also panic about what's happening to their marriage and make costly mistakes that affect their lives (and the lives of their young children) for years to come. They could have avoided those mistakes and minimized their emotional turmoil if they had had good information about the divorce laws in their state, knew more about their finances, and had received sensible advice about how to handle their emotions.

Getting divorced is almost never easy, but it doesn't have to be about winners, losers, and huge legal bills. With the right information and advice (and the proper attitude), most couples can work out the terms of their divorce on their own or with the help of attorneys with a minimum of expenses, hassles, and emotional upheaval. In this book, we tell you how.

## About This Book

Welcome to the third edition of *Divorce For Dummies*. Like the first two editions, this book guides you through the divorce process using plain English (and not a bunch of confusing legalese). Although most of the information and advice in the previous editions is in this edition, too, we've updated everything and added new features, so we think you will find the third edition of *Divorce For Dummies* better than ever.

One of the nice features of *Divorce For Dummies*, 3rd Edition, is that you get to decide where in the book you want to begin reading. We worked hard to make sure that you don't need to have read (or remembered) the previous chapters if the information in one of the later chapters is what you most need at the moment. We define new terms wherever they show up or direct you to their definitions so that you're never at a loss for information. In other words, this is a reference that you can jump into and out of at will whenever you have a question about divorce or that you can read from cover to cover.

## Conventions Used in This Book

We use the following conventions throughout the text to make things consistent and easy to understand:

All Web addresses appear in monofont.

New terms appear in *italic* and are closely followed by an easy-to-understand definition.

**Bold** highlights the action parts of numbered steps and other important information you should know.

When this book was printed, some Web addresses may have needed to break across two lines of text. If that happened, rest assured that we haven't put in any extra characters (such as hyphens) to indicate the break. So, when using one of these Web addresses, just type in exactly what you see in this book, as though the line break doesn't exist.

## What You're Not to Read

We know that reading a whole book about divorce can be a pretty overwhelming proposition, so we've made it easier for you to use *Divorce For Dummies* by separating the stuff you really need to read from the information that may be interesting but isn't essential. The shaded boxes of text called sidebars elaborate on information in the rest of the chapter, provide extra tips and advice, or highlight useful resources. You may want to return to this information after you have a clearer understanding of the basics of divorce and are ready to deepen your knowledge.

## Foolish Assumptions

As we wrote this book, we made some assumptions about our readers. We imagine that you

Are either going through your first divorce or made a mess of your previous divorce and want to do a

better job of ending your marriage this time

Don't have a lot of experience with the legal system and may feel a little intimidated by attorneys, laws and legal terms, and judges

Haven't been to law school and don't read legal books for fun

Want to get divorced with a minimum of angst and expense

Want to protect your legal rights and get your fair share

Intend to make your divorce as easy as possible on your children

If our assumptions about you are right on the money, we're sure that you'll find this book to be a valuable resource. Although it can't mend your broken heart or take away your pain and worry, *Divorce For Dummies*, 3rd Edition, can help you become more informed about divorce and give you more control over your life as you plan for the end of your marriage, go through the divorce process, and begin building a happy, fulfilling postdivorce life for yourself.

## How This Book Is Organized

You can use *Divorce For Dummies*, 3rd Edition, in one of two ways: You can sit down and read it from cover to cover or pick it up when you want to read about a certain topic or need an answer to a question. For easy

navigation, this book is organized into six parts; the following sections explain what information you can find where.

## **Part I: When Your Marriage Is on the Rocks**

If you find your thoughts are increasingly turning divorce-ward, start here. This part gives you guidance for dealing with your marriage when it's in serious trouble. To show you what may lie ahead, we introduce you to the key issues and decisions in divorce and provide an overview of the divorce process itself, whether you work out the terms of your divorce outside of court or go through a divorce trial. We review various alternatives to divorce and provide detailed information on getting separated, whether you separate in an effort to save your marriage or use the separation as a prelude to divorce. Dissolving a same-sex marriage brings unique problems, and we explain those in this part, as well.

Whether you want to stay married or plan to divorce, you need to become an informed manager of your finances, and this part shows you how. You find out about the kinds of financial skills you need, the various financial records and documents you should have access to and understand, and why — whatever the state of your marriage — you have to have a credit history in your own name and know how to build one. Finally, we offer advice and resources for maintaining your employability if you're a stay-at-home spouse so that you can earn a good living after your marriage ends.