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Embrace a New Tomorrow

The Peaceful Dissolution of Marriage





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You have heard that every action has an equal and opposite reaction. How does that apply to the dissolution of a marriage? It is very likely that if you lead with aggression, demands, and hostility then expect it to return your way.

Outside of an employment relationship, how many times have you been upset with someone and gotten more upset than you should have? When that happened, the other person probably didn't drop their guard, admit fault, and graciously thank you for your criticism. People who get backed into a corner are apt to respond with the same emotion and anger that put them there.

It takes a very mature person to hear a critique, think about it, and then calmly conclude that they were in the wrong before offering a heartfelt apology. One of the biggest challenges you may face is that people enter into a divorce prepared for a fight. There are countless ways in which this is depicted in our culture. And many people have seen their friends, family or even parents go through long, drawn-out, and contested divorce proceedings.

Take it from someone who has spent their career inside of family law: ***Divorces do not have to be a fight and a contest.*** Another way to look at this is considering that there is no proper way to win an argument. Even people who have been proved wrong—especially when it happened publicly—may simply dig in deeper despite knowing that they were wrong. Litigation, generally, causes a lot of animosities.

Attorneys are committed to providing legal solutions for their clients to achieve the best outcome possible. If we genuinely believed aggression and anger were in the best interest of the client and even their children, then maybe we would consider that as a tactic. However, not only can a peaceful dissolution of your marriage be overwhelmingly efficient at getting you what you want, but it could very well be in the long-term best interests of everyone.

If you share a child with your former spouse, you will soon transition into the role of co-parent. At what point does the fighting cease? From our experience, it is a wise choice to never initiate or buy into these tactics.

The Benefits To You

People may want to fight. They are mentally prepared and ready for it. Because divorce is such an emotionally charged time, it is easy to fall into this mentality.

Take a minute and consider the following: What do you want?

The answers will be unique to you and your circumstances. You may say you want shared custody of your children, equal and reasonable distribution of assets, etc. No one says they want to fight. That is a means and not an end state. Your attorney wants what you want. A peaceful dissolution of marriage alters the means but never forgets the most desirable outcome to you.

Settling uncontested is another way of saying that you and your former spouse negotiated terms (likely through your attorneys) and came to an agreement. This saves a judge from having to make decisions for you and your children. What should be concerning is that a judge may not interpret the case the way you would wish.

As professional as they are, judges are still people with their own characteristics, interpretations, and traits. Though an attorney may understand a particular judge, there is no guarantee that you will not receive a newly-established judge who is not known to you or your attorney. In that case, your lawyer will be learning about that judge in real-time alongside you.

Eliminate risk and the unknown when you can do so (trial before a judge is an unknown as it is never certain how a judge will apply the law to an individual's set of facts and circumstances).

That last part is critical. When you arrive at court, the decision will not be made by you, your former spouse, or either of your attorneys. Instead of taking yourself out of the equation, make yourself a valuable part of it. In other words, put yourself in the position to be the one making the decision. When your attorney discusses an offer or scenario, be open and listen to the advice that comes from years of experience within the field. Then accept, reject, or negotiate to reach an agreement you are comfortable with. This ensures that you retain control of your case through every step, rather than turning control of your case over to the court.

Your Time & Money

These are two things that most people place a high value on. In addition to everything else mentioned previously, negotiating and working towards a reasonable compromise can save you time and money.

During a lengthy legal battle, time is money. A contested divorce is going to be significantly more expensive, which is an important consideration, especially if you have minor children (it is in the best interest of your children to save money for their future rather than spend it on a costly legal battle when possible). Another thing to consider is that you may be waiting for a significant amount of time before having your day in court. It isn't unreasonable or out of the question for a court to have a minimum of a 7-8 months' worth of backlogged cases.

You are losing more than just time. When you cannot agree on how to divide your assets and property, how will you purchase a new home? Or get started with your new life?

Typical Hurdles & Our Solutions

As you have read through this, you might have begun to see how a peaceful dissolution of your marriage yields long-term results that could be in the best interest of you and your family. But you are likely thinking this as well: I am only half of the equation.

In other words, what if you want a peaceful resolution, but your former spouse (and their lawyer) does not. Focus on what you can control. Choose an attorney who approaches each case with the hope of finding a way to a resolution that doesn't lead through a courtroom. You also control your demeanor and attitude. If you fight with your spouse, they may choose to retaliate through their attorney. Use these guidelines for when you speak to your spouse:

- Don't criticize or belittle them.
- Be kind and respectful.
- Listen more than you speak.
- Don't assume your case will be won through small, meaningless arguments.

When in doubt, politely remove yourself from the conversation. Focus conversations with your spouse solely on the children, if involved, and let your attorneys work through the legalities.

Mediation can be a precious tool to find a resolution without going to court. You likely will never be in the same room as your former spouse. An impartial mediator will oversee the whole process and guide you, along with your attorney, towards an amicable resolution. Both parties will even have to agree on a mediator.

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When you work with us, we will guide you to this resolution. However, we will collaborate and work with you every step of the way; we will never force you into any agreement you are not comfortable with or that is not in your or your children's best interest. You need to provide the answers to three simple questions. Take some time and think about them, and we can help you find an amicable resolution, while ensuring your below answers remain paramount.

1. What is your ideal outcome?
2. What can you live with?
3. What is your hard stop that you will absolutely not agree to?

After learning your answers, we can begin to work towards a peaceful dissolution of your marriage.



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