

Your Employee Assistance Program is a support service that can help you take the first step toward change.

Introduction to Divorce

The topic of divorce would seem to require no introduction. Divorce refers to the often messy and painful end of a marriage. For better or for worse, divorce is a very common event these days. Most everyone has been touched by it, either by going through it themselves as a spouse or a child, or knowing someone who has gone through it as a spouse or as a child. Despite widespread familiarity with the effects of divorce, the details of the divorce process are less well known. In this section, we discuss the important concepts and procedures involved in the divorce process with the sincere hope that educating people regarding this information will help minimize pain.

You can feel like the loneliest person in the world when you are contemplating divorce. It's therefore important to keep divorce in perspective so that it doesn't crush you:

Divorce is Common

The first thing to know about divorce is that it is common and nothing to be ashamed of. According to recent statistics, the rate of divorce in the United States (0.40%) is approximately half the rate of marriage (0.78%), suggesting that approximately 50% of all marriages - an enormous number! - are ending in divorce. While the actual meaning of these figures is arguable (given that it may be unfair to try to predict who will divorce in the future based on who is divorcing today), there is no disputing the fact that a great number of Americans have divorced and will divorce in the future. Divorce is so common it has become an industry unto itself with lawyers and matchmaking companies being just a few of the groups deriving economic benefit from the process. Under the social pressure of so many divorces, the stigma that used to be attached to divorce is largely gone. It continues to be painful to divorce, but with so much company, it is no longer a lonely isolated place.

Divorce is an Institution

The second thing to know about divorce is that it is an old and venerable institution. People have been getting divorces as long as people have been getting married. The ease with which a divorce can be obtained, the social stigma attached to divorce, and the amount of control religious and political powers have exercised over divorce have varied significantly over time and cultures. On the one hand, some accounts suggest that Islamic law at one point allowed a man to divorce his wife by simply stating the phrase "I divorce you" three times. On the other hand, other accounts suggest that the sixteenth century English king Henry XIII went so far as to cause the Anglican Church to be created (or at least become fully recognized) so as to gain permission for a divorce, which the Catholic Church had denied him. Less than 50 years ago, divorce was only widely available in the United States on a "fault" basis; it could only be obtained by demonstrating to the state's approval that one of the partners was acting badly enough to warrant release of the other partner. Acceptable grounds for fault divorce varied from state to state, but usually included abuse, adultery, and abandonment. The difficulty of gaining divorce, and a cultural climate that stigmatized divorce combined to keep divorce rates low. Since the 1960s most states have adopted "no-fault" divorce laws that allow couples to divorce without proving wrongdoing. Due in part to this reform and probably to other cultural changes, the divorce rate has risen, and being divorced is no longer looked down upon.

Divorce doesn’t have to be awful

The third thing to know about divorce is that it isn't always awful. With the availability of no-fault divorce options, the process of divorce is no longer necessarily adversarial. Partners are now free to

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proceed with divorce as calmly and rationally as they can manage. Certainly divorce is frequently born out of marital conflict and proceeds as a knockdown, drag-out fight for possessions, child custody and pride. But modern divorce can also take place amicably, consciously and without a court battle. Marriage therapy can help conflicted partners to repair their marriage, or, if that is not possible, to separate on as positive terms as is possible. Arbitration is available to help partners successfully divide their possessions without recourse to the courts. The quality of the divorce any given couple will end up experiencing will be deeply influenced by the quality of relationships the partners can maintain with each other, and with professional helpers they work with during the separation process.

Divorce is a legal process, separate from an emotional one

The fourth thing to know about divorce is that it is at once an emotional journey, and a legal process, and that it is best to keep these two aspects of divorce separate when that is possible. Marriage is a legal contract recognized by the state conferring rights, privileges and responsibilities. From a legal perspective, divorce is a process of disengaging partners from the legal marriage contract and making sure that those things the spouses are responsible for (including children and property) are properly accounted and cared for. The very rational and purposeful legal process of divorce contrasts mightily with the chaotic and emotional aspects of divorce which involve coming to grips with rather massive life changes as significant and shattering as any family death and which may involve significant grief, anger, sadness and pain. We'll be dealing with the emotional and legal aspects of divorce separately in this document.

Divorce isn’t the end of the world

The final thing to know up front about divorce is that divorce is not the end of the world. Divorce is a crisis involving a very real end, but it is also a very real new beginning. Divorce is the end of a chapter of life, but not the end of life itself (even though it may feel that way). In the midst of the divorce crisis are seeds of opportunities for remaking life into something again enjoyable new and creatively good. It is important to keep this hopeful and true message in mind as the process unfolds.