

TRIAGE

– What to do first

General rule 1. Unless there's an emergency, do not talk to an attorney (or continue, if you've started) until you've read clear to the end of chapter 6 and learned:

- the huge difference between *retaining* an attorney or just using one
- what an attorney can and cannot do for you
- exactly what you want from the attorney
- how to organize your facts and questions you want answered
- why in most cases you should minimize the attorney's role
- how to pick the right kind of help for your case (if any is needed)

General rule 2. Try to avoid talking to your spouse about divorce until you've read through chapter 6.

General rule 3. Any time you feel you want to talk to someone rather than continue with this book, read chapter 7, *I want someone to help me—Who can I call?*

In medicine, *triage* means to prioritize patients by the severity of their condition. This is what we are doing in this section—deciding what your situation is and how to get from wherever you are to where you belong in this book. Find yourself in the sections below. Skip those that are not about you.

A. Emergencies

- 1. Fear for the safety of yourself or your child.** If your spouse is an habitual controller/abuser—that is, has abused several times in the past—and you fear it will happen again, read chapter 1D, *Domestic Abuse and Violence*. You need advice from a DV counselor and you need to find a safe place to go.
- 2. Divorce papers served on you.** This may or may not be a real emergency. If you've been served with papers and you want to have some say in the outcome, you need to file a response before the deadline stated on your papers. If it has passed, call the court clerk and ask if you are still able to file a response even though the deadline has passed. If so, quickly file a response. If not, you'll need an attorney to help you make a motion to allow you to enter the case late. In either situation, read chapter 7 about how to find the right kind of help.

If a hearing has been scheduled in the near future to determine support or child custody issues, you need to get an attorney right away to either represent you at the hearing or seek a continuance so you can prepare. Read chapter 7 about what kind of attorney you want. If you don't have time to get an attorney, show up in court at the time and place indicated on your papers and ask the judge for a continuance so you can get an attorney.

Even if you are in litigation, you should still read this book and look for ways to move the action out of court and into mediation.

- 3. Fear of sneak attack.** If you think your spouse might launch a sneak attack in court—seeking orders for custody and support before you do—or just take the kids and the money and run, or both, read chapter 5 and decide if you are going to be defensive or take the offense first.
- 4. Desperately broke.** Most people worry about how bills will get paid when the same income has to support two households, but if your money situation is truly desperate and frightening—or *if your spouse feels this way*—read chapter 6, step 4, then consider your options.

B. Already in litigation

If you are already in a legal struggle with attorneys on both sides, read chapter 2, *The divorce road map*; chapter 5, *Strategies*; chapter 9, *How to win a legal battle*; and chapter 7, *I want someone to help me—Who can I call?* Then resume back here and read through the book with an eye to finding a way out of litigation and into either mediation or collaborative divorce.

C. Everyone else

Whatever is on your mind, either the answer lies just ahead or advice about how to get the answers or the help you most need. Go on to the summary, then chapter 1, *Which Divorce Profile Fits You?*, and continue from there. Let the book be your guide.

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SUMMARY

– The book in a nutshell

1. To get a divorce, you need a judgment dissolving your marriage and, if you have marital property, debts or children, you will need orders regarding:
 - a. Division of marital assets and debts
 - b. Spousal support, if any
 - c. If there are children, parenting arrangements and child support
 - d. If conflict is very high, restraining orders to help keep the peace

That’s all. This is the sum and total of what the legal divorce is about.

2. If you’re having trouble, it is almost certainly not legal. Almost all divorce problems are due to upset, relationship issues, or poor communication.
3. While the legal system can be useful in emergencies or if your spouse is an habitual abuser/controller, the law has **no tools** to help solve relationship problems—none, not any—so attorneys you hire to take your case also lack tools to solve relationship problems. Apart from getting emergency orders for desperate situations, the law and attorneys who represent you *in the legal system* are useless to a divorcing couple. This is why many attorneys are choosing to work *outside* the legal system by becoming mediators or by representing people in a new format called “collaborative law” (see chapter 7).
4. If you retain an attorney to represent you, to take your case, you will invariably end up in the legal system and things will get worse instead of better. This is because our

legal system is based on the *adversarial* model, where parties are regarded as enemies in a battle who are fighting to win the best judgment. Attorneys fight and argue trying to win. More fighting and arguing is probably not what you need. If you want to be represented anyway, get an attorney who practices collaborative law (chapter 7).

5. If you care about privacy, court records are public, so every detail will be open to anyone who cares to look. If handled out of court, most details of your divorce can be kept private.
6. The secret to a successful divorce is to minimize your use of the legal system and of the attorneys who work in it.
 - a. Unless you have an emergency: (i) don't go to an attorney before you are informed and prepared (by reading through to chapter 6, step 7) and (ii) don't retain an attorney to handle your divorce.
 - b. If you need legal information or assistance, learn how to use an attorney safely and effectively in a limited and defined way.
 - c. Learn how to choose the right kind of attorney for what you need.
 - d. Learn how and when other professionals can be far more useful.
7. When it comes to solving divorce problems, the things you can do yourself are more effective than anything an attorney can do for you, which is what much of this book is about—reducing conflict, solving problems, reducing your exposure to lawyers and court.
8. A few cases, not so many as you might think, are not suitable for a peaceful approach because one or both of the parties is likely to do something underhanded or even violent. So, if you are going to fight, you might as well learn how to fight effectively. That's in here, too.
9. No matter what your situation, this book will show you everything you need to know to get on the best path to a smoother divorce.