

*What You Must Know Before Proceeding
With a Divorce in Washington State*

7 Myths of Divorce in Washington State



GLENN SLATE M.A., J.D.

7 Myths of Divorce in Washington State



Introduction

Family law is one of the most complicated and misunderstood parts of our legal system. Every day in court, judges must inform and educate people who are trying to get divorced, modify their custody arrangements or relocate to another state. It is a frustrating process for everyone, full of heartache and fear.

This book was written to help those families involved with the court, understand their rights and be able to have confidence in their future. So often, a bitter and angry spouse can make all sorts of claims that sound scary and are meant to intimidate their partner into giving them what they want. Things like, “You’ll never see the children,” or “This is all my money, and if you leave, you leave with nothing.”

I have chosen to highlight the seven most popular myths that abound in family court. Recognize that there are many more misconceptions and you likely have some of your own. Your best decision is to hire an attorney who can navigate these complicated waters for you. Call me and let’s talk. I’d like to help you create a brighter future for you and your family.

Glenn A. Slate M.A., J.D.
Attorney at Law

www.HeritageFamilyLaw.com

[\(360\) 326-2887](tel:3603262887)



MYTH #1: “DIVORCE HAS TO BE A BATTLE”

In this day and time, we marry for love, but we divorce for many reasons. By the time we call it quits, we are angry, disillusioned, and frightened. These powerful emotions can bring out the worst in each of us and lead us to make bad decisions. It doesn't help that our legal system leans toward an adversarial mindset.

However, the truth is, divorce does NOT have to be a battle. During the last thirty years, studies have proven that couples who can separate without high conflict and fighting, have much better outcomes in the area of mental



health, financial wellbeing and parenting. So how do we avoid the trap of conflict? The simple answer is finding the right attorney and method to ending

the relationship and building a brighter future. The right attorney understands that fighting for the sake of fighting doesn't help anyone.

Yes, it's true that sometimes you really need a strong advocate who can push back against a bully. However, the best tactic an attorney can employ is to convince the other side it's not worth the fight. The more you fight, the more Your money ends up in your attorney's pocket and down the road, when the dust has settled, you'll be shaking your head that you fought over things that didn't really matter.

There are at least two incredibly effective ways to divorce that don't follow the traditional path of fighting it out. The first is mediation. Before you dismiss the idea, know this: mediation puts the control in your hands, not a judge who doesn't know you and has to make life-impacting decisions with very little information. While judges do their best, couples who choose to mediate, report that they are happier than those who let a judge make decisions. Even if you can't mediate all issues, it makes sense to sit down and work out as many things as you can. Additionally, you can still have an attorney to help you with your mediation, so you can be assured to achieve a fair resolution.

Collaborative law is another empowering way to disentangle a relationship. In traditional divorce, spouses will "lawyer up" and then work to get the best advantage for themselves. Collaborative law is best defined as each spouse chooses a collaboratively trained attorney and the parties meet with their attorneys and share financial information, work schedules, future goals and parenting roles. All the information is shared for the benefit of everyone. Sometimes an expert might be brought in to help, such as a real estate agent, financial investment broker, or even a therapist. Everyone works together until all the issues are agreed. The biggest winner in this situation? The Children! One rule that helps this work is if the process breaks down, neither attorney may represent you in court and both parties must find new attorneys and start all over. Again, some of the best stories of healing, and good co-parenting relationships come from couples using collaborative law.

The choice is yours: Fight or Don't Fight, but the results are in: couples who avoid as much conflict as possible, have fewer regrets and are happier with the outcomes.

MYTH #2: “MOTHERS ALWAYS GET CUSTODY”

There was a time when Mothers almost always got custody of the children in a divorce. Those were the days when the majority of mothers didn't work outside the home as they were the primary caregivers of children. Household and family duties were divided by gender. Fathers went off to work, mothers took care of the home and had supper on the table each evening.

In the 1960s, the standard parenting plan in a divorce gave mothers primary custody and fathers received every other weekend, and if they were lucky, a Wednesday evening visit with their child. Unfortunately, by the late 1980s, numerous studies showed that this plan, also called the “Dad plan,” was an undeniable failure. Fathers became “Disneyland Dads,” with no responsibility to ensure the kids went to school, did their homework, went to soccer or made it to the dentist. As a result, the bond and attachment



suffered between Father and children and many fathers stopped paying child support.

Today, most mothers are working outside the home and household duties are more equitably divided. Fathers are taking a much more active role in their children's lives and divorce doesn't have to change that. More and more studies are being done that are highlighting the importance of a father's relationship with their children.

The Association of Family and Conciliation Courts (AFCC), an international organization dedicated to education and support of professionals and families involved in the court system, states that children fare significantly better when they have a strong relationship with BOTH parents. In cases where one parent has been less involved in the day-to-day care of their children, but who wish to take a more active part, there are supporting parenting plans that can ramp up that parent's time, allowing for a period of adjustment.

Judges also see the benefit of shared parenting. Guardian ad Litem* and mental health professionals advocate for the creation of parenting plans that allow both parents to be as involved with their children as possible. RCW 26.09.187 states that "the court shall make residential provisions for each child, which encourage each parent to maintain a loving, stable and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances."

** "When a person involved in a suit cannot adequately represent his or her own interests, the court may appoint a guardian ad litem to protect the person's interests. Courts most frequently appoint guardians ad litem in parents' disputes over custody of their children."*

- www.law.cornell.edu/wex/guardian_ad_litem



MYTH #3: “CHILDREN CAN PICK WHO THEY LIVE WITH WHEN THEY TURN 12”

This is the number one myth that is thrown around when families divorce. While there are two states (Georgia and West Virginia) that allow a child over fourteen to choose which parent they live with, the majority of states do not. Here in Washington State, the judge may take into consideration the preferences of a child, however there is no statute that allows a child this choice.

So why doesn't a child get to pick? First and foremost is, that child is typically bonded and attached to both parents and to ask them to pick a parent is tantamount to abuse. Nothing good comes from this, as the child feels guilty for not choosing one parent and the parent who doesn't get chosen feels rejected and oftentimes will distance themselves from their child, while the parent who was chosen may begin using this as

a weapon. Let's be honest, many teenagers would choose the parent who is most lenient with the least amount of rules and structure. That doesn't make them a bad child, it's a normal response. Of course, not every child would make the same choice, but the courts purposely avoid that possibility.

Washington State statute RCW 26.09.187 outlines the provisions the judge does take into consideration when creating a permanent parenting plan for divorcing parents (this also includes unmarried parents).

Most important is this:

- The relative strength, nature, and stability of the child's relationship with each parent;

After that, the following is then considered:

- The agreements of the parties, provided they were entered into knowingly and voluntarily;
- Each parent's past and potential for future performance of parenting functions as defined in *RCW 26.09.004(3), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;
- The emotional needs and developmental level of the child;
- The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;
- The wishes of the parents and the wishes of a child who is sufficiently mature to express

reasoned and independent preferences as to his or her residential schedule; and

- Each parent's employment schedule.

Every family is different, and the truth is, there is no perfect plan for everyone. The best solution is for parents to work together to provide two homes that are stable, loving and supportive.



MYTH #4: “CHEATING SPOUSES ARE PUNISHED IN COURT”

Finding out your spouse has cheated on you, can be one of the most devastating moments of your life. Feelings of betrayal, loss and anger may be so overwhelming that logic and reason are hard to grasp. On learning of this dishonesty, you might even begin to wonder if there are more secrets and lies, and the lens through which you view your marriage may undergo dramatic change. The harsh news is, when divorce is the path you choose in this situation, don't be surprised when your righteous indignation is largely ignored by the court.

The sad news is that with the advent of no-fault divorces, the baby might have been thrown out with the bathwater. The courts are no longer invested in punishing cheating spouses. In the past, getting a divorce required proving a spouse's “bad acts.” That could be mental cruelty, physical abuse, abandonment or even

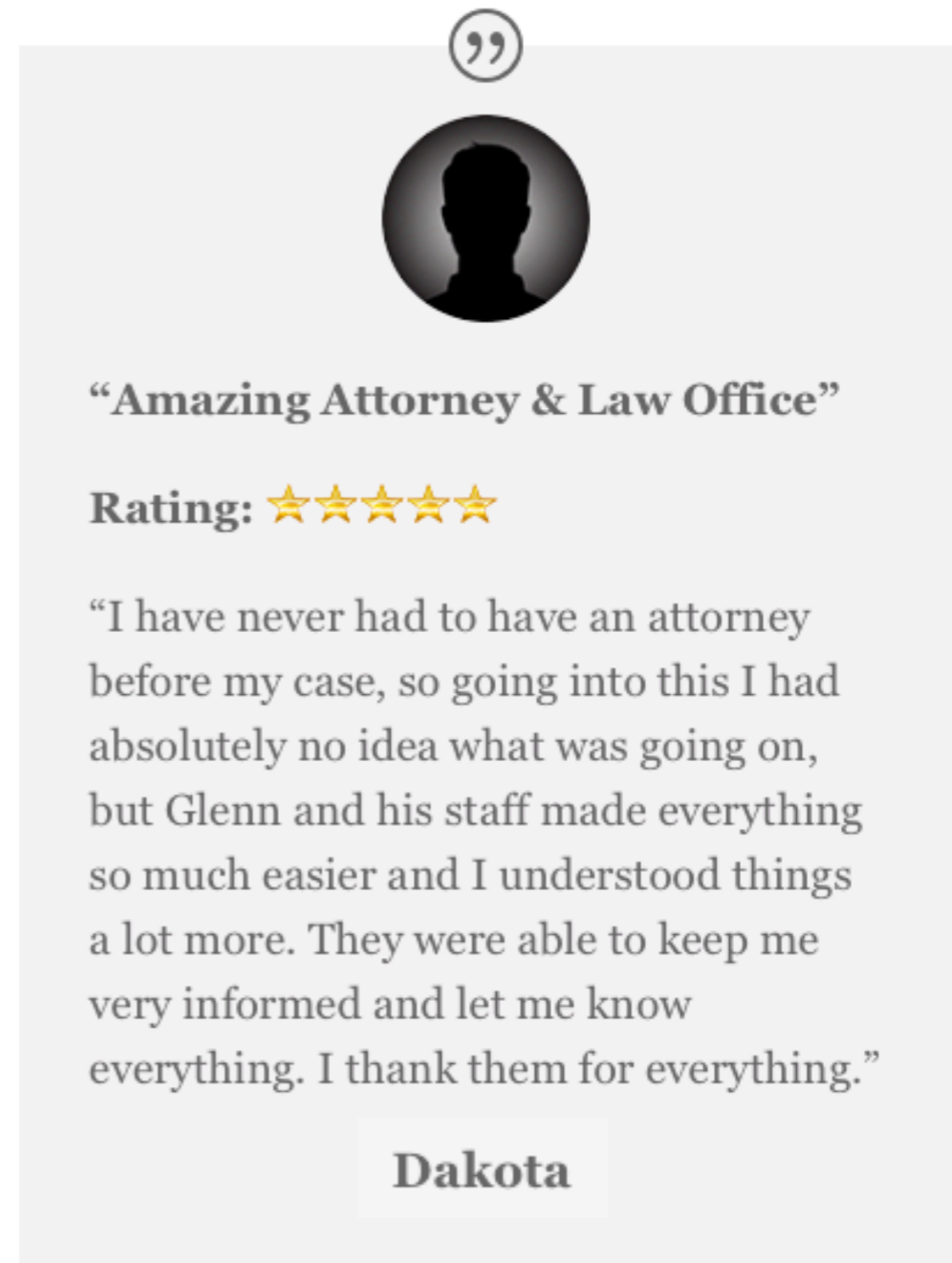


cheating. However, now that anyone can be divorced for any reason, the courts are more concerned with whether your marital estate (your assets) have been diverted to this extra-marital affair or whether this relationship prevents a person from being able to adequately parent their children.

It is absolutely understandable for you to want to pour your heart out to the judge and point out every flaw of your cheating spouse, so that they will receive significant consequences for their hurtful actions. However, unless that behavior has put your child at risk, or has depleted your financial assets, your pain will have very little to do with the court's decisions. This can be a hard pill to swallow.

While you may have the sympathy of the court, your best course of action is to check in with a therapist who can help you work through your anger and grief. It seems spectacularly unfair for the courts to demand that you be impeccable with your word, and not seek revenge by

distorting the truth, or being unreasonable in the divorce process, but the more that you can rise above, the easier this will be to put behind you.





MYTH #5: “I CAN’T GET DIVORCED BECAUSE MY SPOUSE WON’T AGREE TO IT”

In 1969 California became the first state to allow “No Fault Divorce,” making divorce, a whole lot easier to accomplish. Previously a husband or wife had to prove wrongdoing by their spouse: things like mental cruelty, adultery, abandonment or physical assault. Currently, in Washington state, a spouse can file and be granted a divorce strictly because they feel the marriage is “irretrievable broken.” No proof is necessary.

While you cannot be prevented from obtaining a divorce, your spouse can certainly make things difficult and draw out the process. Getting divorced means you must wade through mountains of detailed forms, written requirements and timelines. At any of these points, you can be sent back to the drawing board by the courts for not following the rules. For example, once you

serve your spouse with initial documents, they have a specific number of days to respond to you and file their answers with the court. If you set your court date too soon, the judge will send you back to reset your hearing, requiring you to follow those rules.

If your divorce is contested, meaning you and your spouse do not agree on the division of your assets or a parenting plan or even the divorce itself, the courts will need more information, more forms and will require complicated steps you must follow. For example, it is fairly common to see couples fight over the amount of their actual incomes. One spouse, looking for more financial support will over-estimate their spouse’s income, and the spouse looking to avoid giving financial support, may under-estimate their income.

This then becomes a lengthy process where each party must provide financial documents including tax statements and pay stubs.

If you are one of those people with a spouse who won't agree to a divorce, your best option is to hire an attorney. They know exactly how to navigate the complicated court system and will carry that burden for you. One of the great advantages of having an attorney represent you is they often can reduce the conflict between you and your spouse, so healing can begin for everyone.

Let's Explore Your Options.

Call Us Today and Setup a Consultation.

(360) 326-2887



“Heritage Family Law Is Amazing!”

Rating: ★★★★★

“Communication and knowing the best plan of action for my case was a priority for them. They made me feel like family and believed in my case wholeheartedly! Heritage Family Law is the best at what they do and I would trust no one else with the future of myself and my children.

“They made a stressful agonizing situation feel like a breeze. I could never repay Anna and the whole team for all of their hard work. Thank you ALL at Heritage Family Law.”

Christa White



MYTH #6: “THE PERSON WHO MADE THE MONEY KEEPS THE MONEY”

Washington is one of nine community property states. That means that the state considers that all property earned during a marriage belongs to both parties, regardless of who earned it or who made more money. But wait, it's not that simple!

Generally, a spouse's separate property consists of property they acquired or owned before the marriage or was gifted or inherited during the marriage. However, there are rules about that also, such as whether those moneys were ever put into a joint account or co-mingled in any way with money from a spouse.

Owning a business can complicate things further. If one spouse started a business before the marriage and that business has grown during the marriage, the parties will need to provide

significant information as to what the business was worth before and what it is worth now. Another issue that may impact division of assets is whether a spouse attended college during the marriage that resulted in an increase in income or better earning capacity.

Typically, community property is split 50/50, but the court does have discretion to award a greater percentage to the spouse who may not have the same earning capacity as their partner. There are various other factors that influence how things will be split up. For example, a couple might have a house, two cars that are paid off and 401(k) accounts. One spouse may get to keep the house, while their partner keeps the 401(k) account and they each get their cars.

The process generally involves looking at the total value of all shared property and then equalizing who gets what. As each couple has unique situations and needs, so are the solutions regarding separating community property.

Let's Explore Your Options.

Call Us Today and Setup a Consultation.

(360) 326-2887



“Glenn Gets A Five Star Review!”

Rating: ★★★★★

“I highly recommend Glenn and his team of paralegals. They helped me and my family in an extremely stressful situation and resolved our issue in a timely manner. Glen answered all questions and put our minds at ease through the whole process and made us feel he truly cared. Extremely professional law firm.”

Rachael

MYTH #7: “I DON’T NEED AN ATTORNEY”

Technically this is correct, it’s just not the wisest decision. Washington state does not require that you be represented in court. If you and your spouse agree on all issues such as the division of your assets, parenting plan, spousal support, retirement accounts and so on, you should be able to work jointly on filing the paperwork without assistance.

However, most couples do have disagreements on a variety of issues. Trying to adhere to the court’s rules and to be heard can be one of the most frustrating and fruitless efforts you will ever encounter. Hiring



the right attorney, means you are more likely to get a fair resolution, move through the divorce with more ease and less stress, and that future problems

with custody or divisions of assets will be minimized.

Just like the medical profession, when you have a serious issue you need to see a specialist,

you need to hire a family law attorney when you are getting divorced. Why? Because they know divorce laws, and they keep up-to-date on any changes. They do this every day and they know how all the rules and regulations are handled in your jurisdiction.

There is a lot of confusing and detailed paperwork, and a family law attorney knows how and when to file them. They also know how to get your needs met in front of the judge and with other attorneys. Your attorney will know what to expect in working with other attorneys and where there might be problems. Family law attorneys can negotiate for you and your best interests. You can also trust them to help you stay calm and feel supported in a time when you may not be at your best, or able to handle all of the changes and stress of the divorce.

Hiring the right attorney will likely reduce conflict, not enhance it. That means you will get to move on with less damage and begin to heal sooner.



“Absolutely Amazing!”

Rating: ★★★★★

“Heritage Family Law is one of the best attorneys I have ever worked with. Glenn and his team are the utmost most professional group of individuals I have worked with. Glenn showed that he actually cared about my parental plan situation and helped assure me along the way.

“I feel confident in him and his team and will continue keeping him as my attorney. I paid for many consultations with other offices and went with my gut as soon as I met Glenn and his team. I am confident in Glenn and his team and will be using him in the future if necessary.”

Sunny Dhillon

Author Attorney Glenn A. Slate



Glenn Slate grew up cutting hay by hand and chopping ten cords of wood every winter for his family's 150-acre farm. Milking a cow with his Father was a daily chore and he can recount many a great story his Father would tell him about the important things in life. He obtained his bachelor's degree at University of Massachusetts in psychology. After graduation he was employed at a lockdown residential facility for dual diagnosis patients. It was here that he learned to "see behind the curtain" and understand how people made decisions, and what motivated and helped them reach their goals.

In his thirst for more knowledge, he left for graduate school in Georgia, where he obtained his master's in psychology. Graduate school introduced him to law and psychology which led him to Lewis and Clark Law School in Portland.

By the time he passed the bar he had already worked as a law clerk, defending families who had lost their children to foster care.

Glenn employs the values he was taught growing up. Things like speak with integrity, back up your word, treat people with respect and always take the high road. Ever the white knight, he is a champion for children and vigorously exposes and defends against opposing parties who will lie, manipulate or try to take advantage of others.

Glenn is currently licensed in Washington and Oregon. He opened his own civil litigation firm in 2007 after many years as General Counsel for one of Oregon's fastest growing high-tech companies. Since then he has focused his practice on helping families.

Glenn has received multiple awards, including "Client's Choice" and "Top 10 Best Divorce Attorneys." He is also on the Character and Fitness Board for Washington State, and is a member of the Association of Family and

Conciliation Courts, where he was a featured speaker on "Third Party Custody" at the National Conference in 2016.



"An Excellent Attorney."

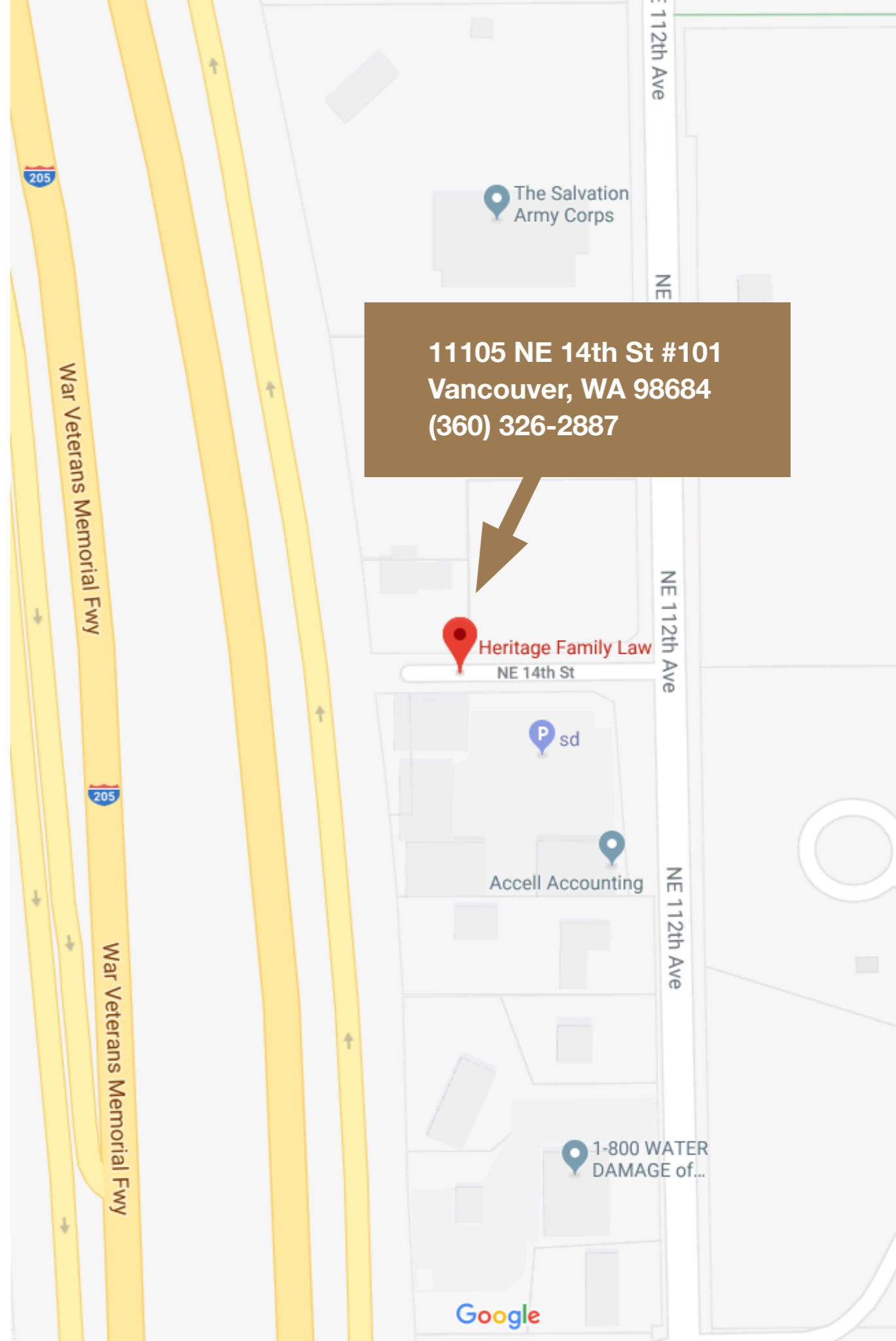
Rating: ★★★★★

"An excellent attorney. Gets the job done fast and at a reasonable cost."

Mike B.

Heritage Family Law

- **25 Years of Experience**
- **Divorce**
- **Child Custody and Support**
- **Modifications**
- **Domestic Violence**
- **Paternity**
- **Collaborative Law**
- **Relocation**



Our Clients Speak

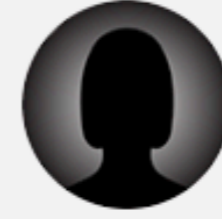


“Excellent Support!”

Rating: ★★★★★

“They were more than happy to help me with my divorce. Timely, professional, and not to mention the cost was hundreds less than other quotes. They treated me like family.”

Eric



“Wonderful Team!”

Rating: ★★★★★

“I had a good experience with the team! They were all very nice and efficient. I was never left hanging, and everything was completed in a timely manner with great communication! They were always ready to answer questions or offer assurance. I highly recommend their firm!”

Bethany

Our Clients Speak

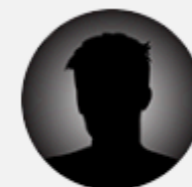


“Amazing Lawyer”

Rating: ★★★★★

“Glenn is truly a great man, he worked tirelessly on my case. I am a 100% disabled combat veteran, which made my case harder. Glenn treated me as family and not just another client. They were truly a pleasure to work with and got me the best results possible in my case. I would recommend them to anyone, especially other veterans going through a divorce. Thanks to them I have more time with my daughter and for that, I am forever grateful.”

Daniel



“Hard Working And VERY Knowledgeable!”

Rating: ★★★★★

“I had them get an emergency restraining order for my daughter against her mom’s new fiancé; got done immediately. Now working on a parenting plan change for my daughter. Glenn is hard working and VERY knowledgeable! If you want an attorney on your side and is ALL about the well being of your children, Glenn Slate is the attorney you need! Definitely a proud father right now.”

Joseph Mercer