



## Books in Brief

# MORE EXPERT ADVICE BEFORE THE DIVORCE

BY CARL GILMORE

***Divorce and Finances* by Stephanie Blum, Esq., and Marc Robinson. Dorling Kindersley, 95 Madison Avenue, N.Y., N.Y. 10016 (2000). Price: \$6.95.**

***Your Divorce Advisor* by Diana Mercer, J.D., and Marsha Kline, Ph.D. M.S.L. Fireside/Simon & Shuster, 11230 Avenue of the Americas, N.Y., N.Y. (2001). Price: \$14.00 soft.**

Two recently released books may be helpful in planning for divorce. The first, *Divorce and Finances*, does not provide all the answers, but explains basic financial issues and offers some helpful hints. For example, the book outlines options regarding hiring an attorney and financial issues that are often overlooked. It offers a matter-of-fact explanation of community property and distribution law and explores such concepts as “the innocent spouse rule” and the effect of child custody on financial issues and tax status. Its helpful hints include detailed to-do lists and document checklists.

If you attempt to use *Divorce and Finances* as a do-it-yourself guide, you will suffer. However, as a guidebook for identifying important issues and providing general background information, its \$6.95 purchase price is a worthwhile investment.

*Your Divorce Advisor*, on the other hand, is a comprehensive do-it-

yourself guide. A person who wants to file and work through a divorce alone, should read this book first. The book was co-written by a family law attorney and a psychologist, and it presents a useful mix of legal and psychological issues. The book offers an excellent discussion of the emotional problems that often accompany divorce.

Whether one decides to use an attorney or not, *Your Divorce Advisor* includes helpful checklists. For

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example, if you think you have an uncontested divorce, review the settlement checklist on page 89. If you think you have a 50/50 division of assets, look at page 92 for the checklist of factors regarding distribution of property. Page 101 provides a pension information form to complete and give to an attorney if pension issues surface in the divorce.

The section on contested cases is excellent. Starting on page 233, the authors explore what will happen in a contested custody case. It counsels against a contested fight

over custody unless “you feel the child will be exposed to physical or sexual harm...and if the situation cannot be mediated or ameliorated with outside help...” The description of the court process shows that a contested case involves a dissection of your life. My only addition would be a discussion on the difficulty of proving sexual or physical abuse. Statements made by children are quite often inadmissible. Proving abuse is not a simple matter.

The book also is helpful in deciding whether to handle the case *pro se* (on your own) versus hiring a lawyer and in considering mediation. No book can provide “the answer.” The issue is whether a *pro se* litigant can prove the case and be as comprehensive and effective as an attorney. These important decisions must be made on an individual basis in light of the facts and circumstances of the case.

I recommend *Your Divorce Advisor* for anyone thinking of filing a *pro se* divorce, and I recommend some self-analysis. Attorneys are trained to handle the hidden complexities of what appears to be a “simple” divorce case. Anyone who uses *Your Divorce Advisor* as a how-to guide, may well find him or herself overwhelmed and unable to present the case. But as background reading before consulting an attorney and as a guideline for what to expect in a divorce case, it is an excellent resource. ■