

# 5 THINGS TO CONSIDER BEFORE CONTEMPLATING DIVORCE



**DANIEL R. BACALIS, P.C.**

BOARD CERTIFIED FAMILY/DIVORCE LAW SPECIALIST

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# WELCOME



Thank you for considering our firm. You can be assured that our expertise in family law will make the process as easy and affordable as possible.

For nearly 30 years, we have provided legal assistance to our clients, not only in quality representation but also in education and information on different dispute resolution options. We make it our priority to provide the highest level of service.

Our firm specializes in the area of family law for over 30 years. We exclusively assist our clients in family law related matters in the State of Texas. We offer a very personalized service which will address the specific interests of both parties because we recognize that each and every case is unique. We know that you have not reached this decision lightly. Your legal problems can be extremely difficult to resolve. You can rely upon our knowledge, positive prospective and creative solutions to help you sort out the challenges during this difficult time.

Our goal is to help you manage the adjustment without conflict and without court involvement, if possible. If not, we are experienced litigators ready, willing and able to present your case before the Courts. The choices that you make throughout the process will have a life-long effect on you and the people close to you. You are not only dividing your possessions, you are building a new structure for your family unit.

We understand that the best results occur when the emphasis is on cooperation and resolution, not adversarial conflict. With, or without court involvement, we can reach your goals of finding a fair solution.

During the many years of practicing law, I came to learn that many divorces and conflicts can be resolved without ever stepping inside a courthouse; the objective to reach an agreement that is mutually acceptable and voluntary. We will spend the time to educate you about your options to share and enhance the time you spend with your children, methods to divide property equitably and the best ways to financially take care of your family as well as emotionally support yourself. I will act as a facilitator and guide you in identifying issues, engaging in joint problem-solving, and working towards settlement alternatives.

We pledge to discuss all options and alternatives on the table and then help you resolve your situation. It may not always be easy. It does take some work. Together, we can find workable solutions. Thank you once more for considering our firm. We look forward to working with you. If you have any questions feels free to email me or call me.

Sincerely,

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Divorce is never easy, but it also doesn't have to be as difficult as some people make it out to be. With an attorney at your side who is familiar and comfortable with family law, your level of anxiety about getting divorced should be greatly reduced. Deep thinking about the meaning and implications of divorce can be a valuable exercise.

# 1

## WHAT EXPECTATIONS DO YOU HAVE?

You've probably heard a lot about divorce in the media and from friends, but that doesn't necessarily mean that your experience will be the same. For certain situations, getting divorced doesn't mean that all the challenges you have faced in the marriage will be gone. Consider the influence on children, whether your spouse will be amenable to working things out in court, and how you'll interact with your spouse after it's all said and done. While some situations are easier than others, for the most part, you cannot expect that obtaining a divorce decree is going to heal all wounds or make future interaction easier. Adjust your expectations if needed, because you can experience both ups and downs during the divorce process. It's both a learning process and an adjustment, so give yourself time to get used to the new way of life.

# 2

## IS LITIGATION MOST APPROPRIATE?

Certainly, litigation is the most popular way that couples go about getting a divorce, but there are other options. Mediation, for example, is one way that you can resolve the key issues of divorce outside the courtroom. There are many potential negatives with a litigated divorce. While a litigated action typically costs between \$6,000 and \$10,000 (more if trial is required), mediation tends to take about two months with average costs of \$3,500 to \$5,000. Research shows that couples who have developed their own agreements in divorce mediation are mutually satisfied and reap the benefits of longer-lasting agreements overall.

Likewise, separation is another alternative to consider. Are you really completely done with the marriage, or would you like some time apart to think about it? Legal separation is one way that you can get some breathing room without feeling the "it's over" aspect of a divorce. If you do decide that you ultimately want to terminate the marriage, you'll already have a trusted attorney on hand to assist you with that.

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## 3

### HOW WILL DIVORCE AFFECT ANY CHILDREN?

Some individuals choose to stay in marriages in an effort to help protect children from the emotional shock and adjustment that divorce presents. In certain cases, however, this can actually make things worse for the kids. Living in a highly-tense environment, most children can pick up on animosity between Mom and Dad, and it can lead to an array of emotional problems for children. Don't assume that staying in the marriage is the right choice for your children.

If you are contemplating divorce, recognize that it will be difficult to bring children through this period. Research shows, however, that most children come through the challenges within two years after the divorce. Keep in the back of your mind that yes, you might see emotional impacts and new behavior, but that this would be true of any major life change. Being supportive and continuing to love and value children will make the transition easier. Start thinking about custody arrangements that are in your child's best interests. Mom and Dad arguing in court endlessly may not be the best situation for children, either. Be willing to compromise and be reasonable, since a judge is going to use the "best interests of the child" standard to make a final custody determination, anyways.

## 4

### HOW WILL LIFE CHANGE FOR YOU?

There are some obvious answers to this question, such as that you won't be living with your spouse anymore. There are other ramifications, too, that people often forget. You might face financial challenges once you rely on yourself for support, you might lose family relationships or friends, and your reputation could be damaged in certain communities. When you have mutual friends or involvements, like church, it can be awkward for people to adjust to the fact that "we" has now become "I". Consider how you might share your divorce news with them, and what guidance you might have for friends and family when it comes to talking about it and any other boundaries you might want to set.

Just as there are downsides to getting divorced, there may also be some upsides, and you should evaluate these, too. You might be freed from an abusive or loveless marriage, you might experience a better emotional state for yourself, and you might find that your children actually flourish once the divorce has settled. Be open to the fact that divorce is much like a rollercoaster with ups and downs.

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## 5

### LOOKING FOR THE RIGHT ATTORNEY

Before you get divorced, you need an attorney you can trust. This will increase your confidence and prepare you for what to expect. Make sure you set up an individual consultation to discuss your case with an attorney before moving forward. Choosing an attorney with experience, compassion and concern for your needs is a good approach. Speaking to an attorney will also help to clear up any questions you might have about alimony, child support, division of property, child custody and any other pertinent issues involved in your divorce. Don't underestimate the importance of selecting the right attorney for you.

I am a Board Certified Specialist (as determined by the Texas bar Association) in the area of Family Law. We solely represent people in Family Law matters. To qualify as "Board Certified", you have to have years of experience in the area of Family Law, pass competence tests, and peer review to be certified by the State of Texas.

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