



## My Place or Yours

### Divvying up the house in a divorce in a bitter economy

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Face it: Marriage can be absolutely magical or one of the worst experiences of a lifetime.

And, although it's never easy to end a marriage, today it's even harder, especially in these times of economic recession and a declining housing market.

Contemplating divorce during an economic recession can be tremendously complicated, leading some couples who want to divorce to postpone their decision until the housing market rebounds.

So if couples have a house included in the marital assets, local divorce attorney Dorothy K. Phillips says they need to be aware that the soft economy is complicating the matter of dividing a couple's house equitably in a divorce. For many couples, it simply may be a matter of not being able to move on economically, until and unless the problem is solved and the economy gets better.



"There is no question that the housing market is having a major impact on divorce cases," says Phillips. "If you have a house in the marital assets, I suggest developing a pricing and timing strategy together to decide whether or not you can keep the house until the housing market turns around.

"Spouses tend to have different expectations so couples may want to consider having one spouse buy out the other's half of the house."

Indeed, the difficult housing market has put a whole new spin on divorce that many couples have never had to face before, including even having to continue to live under the same roof because they can't afford to move on. And, Phillips adds, having to continue living with an ex is often a choice of last resort.

Additionally, she cautions: "If you are trying to sell your house, don't advertise an impending divorce to potential buyers who may be able to use the information to their advantage in upcoming negotiations."

In times of economic distress, many divorces are finalized before the couple sells their home. That triggers a whole host of other potential points of contention such as who gets to live there in the meantime? Who pays the mortgage? Does paying the mortgage increase the payer's equity?



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And what happens if both remain under one roof? According to [www.divorcelawinfo.com/PA](http://www.divorcelawinfo.com/PA): "While it is possible to be separated and still live under the same roof, this makes proof of separation more difficult. Parties should live in two different places during the period of separation."

### Impact on the Kids

Of course, there's more than the negative impact the housing market has on divorcing couples. What about the kids?

According to Phillips, one way a couple can save money is by "nesting" in the case of joint custody, meaning the children stay in the marital home and the other parent moves in and out. "That way, only one apartment is needed for the out-of-custody parent to use. The parents can work out the cost and their children's lives are not disrupted."

Divorce also brings along many psychological stressors, says Steven Rosenberg, Ph.D., a therapist who practices in Elkins Park and has worked closely with Phillips to ease the pain of those going through difficult times.

Explains Rosenberg: "I think that being Jewish, and having mostly Jewish clients, has given me a good perspective on the guilt that we carry as a culture. Also, the Jewish way of life is to succeed, and money is one way that people measure their success.

"No one can deny there are the economic stressors we all face, but there are others as well," he continues. "For instance, it's hard to look at a future in a positive way when you feel your life is falling apart.

"But this is not the time to get angry and feel sorry for yourself. It's time to talk to people -- like a therapist or your rabbi -- think positive, and so have a chance of getting out of this predicament in a better, more productive way."

With counseling, the couple might better learn how to set boundaries that cannot be crossed, learn where and when to fight battles, and help the children get through these most difficult of times, the experts say.

"No matter how old the children are, they always want to feel part of a family, so a breakdown, a divorce, gets them very upset. In a perfect world, everyone would be nice to each other, but the couple's main goal is to protect their children, who are really innocent bystanders, and often the ones who get hurt," says Rosenberg.


Since the decision of whether or not to divorce is probably one of the most important decisions anyone will ever make, it is imperative not to put down your partner.

"Perhaps you can concentrate on positive attitudes like what made you fall in love with them in the first place," notes Rosenberg.

"Children need both their parents in order for them to develop physically, mentally and emotionally. If the bond between the parents and the child is broken, negative consequences can be a result and can be traumatic."

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