

Blog

What Constitutes a Divorce Case ‘Win?’

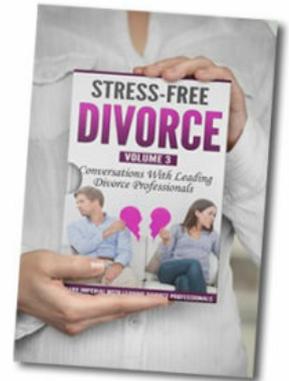
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by Robert J. Salzer

For most people, divorce is a tempestuous life event that involves several types of stress. Every emotional hurdle toward dissolution seems to have a corresponding legal obstacle that must be cleared before anyone can move forward. While hurt feelings and anger must be resolved, so must questions such as *Who gets the house?* and *What about the kids?*

Oftentimes, additional sources of stress for people who divorce result from unreasonable expectations of the outcome, a lack of understanding of what family courts do (and don't do), and the all-too-human fear of “losing” to a spouse who they believe doesn't deserve to “win.”

As I share with clients both directly and in a book I recently co-authored entitled [Stress-Free Divorce](#), family law cases do not involve tremendously disproportionate paydays or punitive damages. No judgments are passed on your soon-to-be ex-spouse by a family court judge for his or her past indiscretions. Family law focuses on the division of assets and the wellbeing of children.



The Win for Spouses: Economic Equity

One thing a divorce case will not result in is validation from a judge that your spouse has done wrong. It is important for anyone involved in divorce litigation to expect and understand that marital wrongdoing does not necessarily have a price tag associated with it.

Pennsylvania courts divide assets based on complex calculations intended to result in the equitable provision of future economic security for both parties involved, to the best extent possible. While many divorcing spouses assume that this will mean a 50 / 50 split of money and property, Pennsylvania law is significantly more complex than that, especially when one spouse has greater earning capacity or a prenuptial agreement was entered into. As such, a divorce “win” must be in contemplation of the laws by which we are all governed. The goal of an adjudicator is to ensure whenever possible that both parties are able to move on, in separate households, with adequate and equitable financial security.

The Win for Children: Wellbeing and Time with Both Parents

When custodial arrangements cannot be agreed upon, it is vital for divorcing spouses to understand that the goal of family court is to facilitate a good relationship between children and both their parents. What courts do not do is punish “bad” spouses by reducing their time with their children.

Of course, any judge's priority in a custody case is protecting the physical safety and emotional wellbeing of children. If children are at risk for abuse when with one of their parents, a judge may prevent that parent from seeing them, or, in extreme cases, may only permit a parent to exercise supervised parenting time.

Most often, however, each parent will have legal custody and some share of physical custody. Therefore, a custody “win” is a scenario in which well-adjusted children are able to spend time with both their parents.

The Win for Attorneys: Empowered Clients

Divorce is a complex legal process, but when approached with the right attitude and with the right guidance, it does not have to be devastating. In strained relationships, it is common for one person to habitually capitulate to the other—not necessarily a wife to a husband. One of the most gratifying aspects of practicing family law in Bucks County is when we succeed in encouraging these divorcing spouses to stand up for themselves to secure the outcome they need to move forward.

The best family law attorney is one who will serve as your navigation system through the unknown, giving you the guidance you need to stay in the driver's seat as you plan the next chapter in your life. If you can keep being that driver throughout your divorce, using your support system to get where you need to go, you've scored yourself a “win.”

If you have questions about divorce without undue stress, call the experienced Pennsylvania family law attorneys at Williams Family Law, P.C. at 215-340-2207.

