



## MOVING OUT

"I'm leaving for good," said the partner and walked out the door. Very simple – now the parties are separated. Not so simple for couples when both are determined to stay in the home.

Separation frequently occurs close in time to beginning the lawsuit of a divorce, but it also fairly commonly occurs before, during or after that point in time.

Some couples can continue to live together in a manner acceptable to both of them while they work together on resolving the legal issues in their divorce — without any special arrangements.

Others might need to make some adjustments. They might agree to occupy primarily separate levels or rooms in the house. They might agree to certain ground rules, such as, we won't talk about our legal issues at the house only at the neighborhood restaurant, and we will cancel the home voice mail and only accept messages on our cell phones. They might agree that each person will have the house to themselves every other weekend and the other will find some other place to be. Sometimes estranged couples who are living together also set a schedule for who will be primarily responsible for the children at certain times, say the weekend.

In other families, the challenge of living together while financial and child issues are being resolved is not acceptable. Unhappiness with the current situation may result in difficulty focusing on finding final resolutions. It can lead to rising tensions and sometimes open conflict or even physical altercations.






It may also prevent the parties from trying out single living and gaining insight into their needs as two separated households. Such experience is particularly useful if partners split household responsibilities in the past rather than sharing all of them equally. For example, if one partner had been primarily responsible for finances, the other partner might benefit from paying his/her own bills for several months before preparing a proposed budget. On the other hand, if one partner had been primarily responsible for children, the other partner might gain a better understanding of the importance of routines for children after getting them off to school for a few days every week.

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### Checklist For The Upcoming Two Months

-  Provide/obtain end of the term report cards.
-  Get ready to file tax returns. Need the forms for claiming dependency exemptions? See [www.irs.gov](http://www.irs.gov) and [www.taxes.state.mn.us/](http://www.taxes.state.mn.us/)
-  Find out when spring parent-teacher conferences occur and what dates and times might work for both households.
-  Confirm spring break and Easter parenting time schedules.
-  Start thinking and talking about kids' summer plan.

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Why would a partner be hesitant to leave the home if separation is inevitable anyway? The following are possible rationales:

DON'T WANT THE DIVORCE IN THE FIRST PLACE.	ONLY WANT ONE MOVE AND CAN'T ACQUIRE A RESIDENCE UNTIL THE PROPERTY DIVISION IS RESOLVED.
CAN'T AFFORD TO MOVE OUT.	DON'T KNOW WHAT RENT/MORTGAGE PAYMENT IS REASONABLE AFTER CHILD SUPPORT AND/OR MAINTENANCE IS SET – WORRIED ABOUT MAKING A COMMITMENT OF ANY LENGTH.
AFRAID THE CHILDREN WON'T BE MADE AVAILABLE AFTER THE PHYSICAL SEPARATION.	AVAILABLE TEMPORARY ARRANGEMENTS WON'T ACCOMMODATE HAVING THE CHILDREN OVERNIGHT OR FOR EXTENDED PERIODS OF TIME.
AFRAID PERSONAL PROPERTY WILL DISAPPEAR.	AFRAID KIDS WON'T LIKE NEW RESIDENCE AND WON'T COME TO SPEND TIME AT THE NEW RESIDENCE OR WON'T RESPOND TO THEM LIKE THE KIDS USUALLY DO.
WANT TO STAY IN THE HOUSE PERMANENTLY AND THINK IT WILL BE HARDER TO GET THAT RESULT IF THEY MOVE OUT.	OWNED THE PROPERTY BY SELF PRIOR TO THE MARRIAGE OR PARTNERSHIP, OR INVESTED NONMARITAL OR OWN MONEY IN THE HOUSE.
BEEN TOLD MOVING OUT MIGHT AFFECT THE CUSTODY DECISION.	AFRAID PARTNER'S NEW SIGNIFICANT OTHER WILL MOVE IN RIGHT AWAY AND DON'T WANT THAT TO OCCUR.
BELIEVE THE CHILDREN NEED THE CONTINUITY OF THE HOUSE.	IN A POWER/CONTROL STRUGGLE WITH PARTNER.

A number of the above rationales can be addressed by the partners reaching a temporary agreement whether orally, in writing or by formal stipulation approved by the Court after a court proceeding is started. Partners can reach such agreements by trying to negotiate the agreement themselves, by mediating, by commencing a collaborative law process, or by proposing a temporary agreement through an attorney. Helpful information to have documented or set out in writing when discussing temporary agreements are paystubs for both parties, budgets for a party staying in the home and a party moving out (the article "a" is used instead of "the" to allow discussion of budgets as an issue separate from which party will be where), the partners' work schedules, the children's schedules, basic information on the cost and availability of other housing options, and the like.

When a party is worried about the temporary agreement affecting the final resolution a possible way to address this fear is to agree explicitly that the temporary agreement will be "without prejudice" to the final result. For example, if a partner moves in with a sibling in a one bedroom apartment, the initial parenting time schedule might be different from the schedule that would be appropriate when the partner has moved into a three bedroom townhouse. A possible resolution would be to agree that the first parenting time schedule is "without prejudice" to the final parenting time agreement.

If the parties are unsure whether a particular idea will work, they can agree to try it for a few weeks or months and then re-evaluate it.

Another approach is to agree to resolve a key issue first and finally so as to remove an obstacle to moving out. This can be an effective option for division of household goods and furnishings, determining the value of a non-marital interest, or obtaining a downpayment/security deposit by refinancing the home equity.

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\* **BOOK REVIEW:** \*  
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## The Secret life of bees

It is a rare modern novel that combines personal and social themes with any significant depth. The Secret Life Of Bees by Sue Monk Kidd is such a novel, and for someone interested in families and children, it gives a glimpse into the meaning that the stories we tell ourselves have for our lives.

The setting is the countryside of South Carolina during the 60's.

Lily Owens, a 14 year old girl, and Rosaleen, a black peach picker turned housekeeper for Lily's father, are the main characters. For years, Lily told herself the story that her father, T. Ray, loved her. Her mother had died from an accidental gunshot when Lily was four-years-old .

Eventually, Lily knew from her father's behavior that he did not love her. Then the belief that her mother loved her sustained and comforted her. In the attic, she found a paper bag containing things that had belonged to her mother: a book, a photograph, some sentimental items. She puts them in a box and buries them, secretly leaving her bedroom at night to look at them when in distress or in need of solitude.

Lily's great adventure begins when Rosaleen and she walk into town so that Rosaleen can register to vote. They are stopped by bigots and in a bizarre turn of events, they, not the bigots end up in jail. Lily's father

comes to get her and in short order, she fears that she is danger from his anger. She runs away, springs Rosaleen from jail, and they make their way through the South Carolina countryside. Eventually, they find refuge in the home of beekeeping sisters.

The sisters and their friends strengthen their bonds by reverence for the black Madonna, a slave artifact symbolizing persistent insistence on the right to an independent, nurturing life.

As the story evolves and Lily begins to "heal" from her childhood, the racial tensions of the time again disrupt her life and her father re-appears. This time her father attempts to destroy the only thing that he can still reach with Lily in the protection of her new family. T. Ray tells Lily that her mother abandoned her as toddler. It is indisputable that Lily's mother did leave the family home. The disintegration of her sustaining story (my mother loved me) is more than Lily can bear; she also disintegrates. The novel ends with one more story that Lily tells herself.

If Lily tells herself stories then what is the truth? I'll leave that for you to discover—if it is discoverable — when you read the book. A theme of the book though , is the power that positive stories—instead of a negative one – can have for sustaining and comforting ourselves and others.



### Moving Out

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Rationales that are driven by emotions may be more difficult to resolve amicably. One strategy for dealing with this type of problem with physical separation is to address the underlying emotion directly. Fear might be lessened by gaining legal information. Depression – by counseling or medication. Acknowledging that the other side might need more time and allowing more time might also help.

Yet another option is to ask the Court to order that one party will have exclusive, temporary possession of the home. This option involves getting a motion hearing date, filing a motion and supporting affidavit, and appearing in Court to explain what you want and why the Court should adopt your view. The judge or referee will then make the decision. Issues typically addressed at a temporary hearing in addition to possession of the home are temporary custody and parenting time schedules, temporary child support, temporary spousal maintenance, temporary possession of other property typically automobiles, temporary responsibility for debts, and the like. See Minn. Stat. Sec. 518.131.

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