

Modern Life – Episode 11 – Divorce – Renée Bauer

Title: Divorce Happy Endings | Renée Bauer | Fidelity Modern Life

Transcript:

Renée Bauer: There is absolutely no shame in getting divorced. It's way more expensive to stay in an unhappy marriage; the price that your soul pays is worth so much more than the check that you write out.

Jamila Souffrant: Renée Bauer, welcome to Modern Life to discuss the topic of divorce.

Renée: Thanks for having me. I'm excited to be here.

Jamila: So tell me a little bit about how you got into divorce as your topic for law.

Renée: Well, it certainly was not the plan. I wanted to go to Washington and work in politics. But I fell into family law because after law school, I worked for a small law firm in Connecticut that was a father and son team. And they really taught me how to litigate.

And they also gave me all of the family law cases that they didn't want to deal with because they were criminal lawyers. And that was where I recognized that there was such a need for not just practicing the law in that arena, but also working on mindset with clients and really helping them through what might be one of the most difficult times in their life.

So it was so much more than just the legal world. It was really almost a little bit of social work—almost a little bit of therapy. And I just recognized that you were really helping someone at their lowest low and the work was so rewarding.

Jamila: And you yourself have experienced divorced twice. So how have those experiences shaped how you practice law?

Renée: I never spoke about my own divorces. That was the thing that filled me with shame. It was humiliating, it was embarrassing. And so I went to work every day and it was all buttoned up, helping clients through the legal process but on the other side of that, I was sort of a broken version of myself. And I think the first year was the hardest, and especially on the weekends where my son wasn't with me. He was two at the time. I'll never forget, I was sitting in the condo that I was living in and I never felt so alone during that time.

And that was the moment that I realized that we have to start telling our stories and talking about this and really lifting the shame of divorce. From that point forward, I made it my mission to really speak publicly and vocally about divorce and start to lift the stigma of the shame that goes along with it.

Jamila: And why is it so heavy and why are we afraid to talk about this?

Renée: Yeah. So, you know, I think some of it's generational. So many people bring the heaviness of what their parents or their grandparents think about divorce and, you know, going through my own divorce, that was one of the things that filled me with the most shame. I felt like such a disappointment.

And as a recovering people pleaser, it was: you want to be the good daughter, you want to be the good wife, the good sister, the good everything. And when you disappoint, and you decide to do something different than being that people pleasing role that's when it becomes really, really difficult.

And I think that we still continue to worry about what other people think we're worrying about, what our friends think, what our families think. And I think that sometimes we're our own worst enemy and we feel like a failure and divorce is the story of us falling on our face and we're thinking that we're failing in that relationship and that's not it at all. It's just one small moment. It's just part of our story, and there's such a bigger story to tell.

Jamila: Let's dive deeper into the failure aspect and your thoughts on that. How would you want people to redefine or see divorce now?

Renée: If you look at your life as a book and your entire life from your birth to the very end is within the chapters of that book, divorce is one chapter, that turning point in that book where something changes. And maybe that plot twist was not something that was in the cards for us, but we have all of the power to tell our story in a really different way and still have a happy ending. And I think that that's the point, that divorce is just a small, little, tiny part of a much bigger picture. Life would not be what it is if we didn't have the highs and the lows. And that's just part of the roller coaster that we're all on. It's just part of our entire story. It doesn't have to be the entire book. And now your story continues beyond that and removing the failure part of it and reframing it as this is just part of the experience of life that you're on.

Jamila: And how has the pandemic shifted the trends in divorce?

Renée: Yeah. So the statistics are showing that the divorce rates are higher now because of the pandemic. It could be because people went through this traumatic experience of the past year and a half and said, life can be turned on its head at any time and I'm not going to stay in something that's unhappy.

I think sometimes we're seeing people staying though because they've lost jobs and they're not financially able to move. I know my law firm is busier now than we ever have been; the phones don't stop ringing. And I think people are just ready to embrace happiness because we've spent the past year, just in uncertainty.

Jamila: And another phenomenon that seems to be occurring is something called the “gray divorce.” I'd love you to describe what that is and then why we see more of that happening.

Renée: So, gray divorce is for couples who are over 50 years old and getting divorced. We're certainly seeing a lot of gray divorces—we're seeing in my own firm—we're seeing even elderly couples divorcing.

That term has become commonplace with the Bill and Melinda Gates divorce. And people started to really look and say, okay, why can't they just stay together? And that's something that we hear when you see a couple who's a certain age and going through a divorce, it's like, they lasted this long. Why can't they make it longer? I think there's a lot of things at factor here. I think that you have couples who decided to stick it out for the kids and maybe they're waiting until the kids graduate from college.

And now that that's happened, they said, well, we're not happy. And we're going to do something about that. I think a lot of times parents are staying because they think that it's going to be easier on their children if the kids are older, which isn't necessarily the case.

Jamila: What is your advice or what have you seen from the adult children of your clients or people you're helping through this situation?

Renée: The default is to lean on your kids if you have adult children, it's because they're not kids anymore. And you're thinking, well, they'll understand so we can tell them things about maybe why the marriage broke down or tell them things about the divorce.

And I don't think that's the appropriate response. I think that parents who are going through a divorce still have to remember, even though they're adults, they're still your kids and they love you both and they don't want to be put in the middle of it. Just because they're older does not mean the divorce is any easier.

Jamila: And I'm sure you have some very interesting stories yourself on helping people navigate their finances through a divorce. And I even saw a story about people fighting over a Crock-Pot.

Renée: Yes, so usually when someone's fighting over a Crock-Pot or an old TV, it's because they're fighting on principle, they want the win. They want to feel like they're one step ahead of the other person. And fighting over principle is going to be the most expensive thing that you do, because you can go out and buy 50 Crock-Pots for the price of what you're paying your lawyers to argue over that.

So I always tell clients when it comes to things, let them go. Sometimes it's the house. Sometimes it's the dining room set, the China that no one actually really

wanted when they got married. And you know, sometimes it's pictures or wedding albums.

The fight isn't worth it, it's too expensive. It makes the litigation last longer. It increases your attorney fees. And most importantly, it prevents you from having a peace of mind in moving forward.

Jamila: And we're talking about a Crock-Pot, but there are obviously bigger things that people fight over that are worth a lot more like the house and which is most times the biggest investment that someone has.

So what do you say in that scenario where they're like, this is actually a lot of money and very important to me? How do they navigate a situation like that?

Renée: Most cases come down to people fighting over the house. It is probably the most common thing that people fight over because there's an emotional attachment to it. And I always tell people you are so far better off being able to have excess money at the end of the month, that you can plan a vacation or plan memories with your kids than it is to just keep the house for the purpose of keeping the house. Because when someone really wants to keep it, it's usually because they don't want the hassle of moving or it's that they don't want the kids to feel like they're losing their home. Or they think that the kids will want to spend more time with them because they're keeping the house and the other spouse has to go somewhere else. So again, it comes down to a very logical conversation about saying, does it make sense financially for you to keep the house? And a lot of times it does not.

Jamila: What about the couples who are also staying together, living in the same household, those couples who are not possibly ready or can't afford to move apart from each other, because they're paying the mortgage together, taking care of the kids. People are getting divorced, but sometimes living in the same house. So I'd love for you to talk more about that.

Renée: Yeah, it happens and a lot of times when going through the divorce, it's going to make more financial sense for everyone to stay living together. So if you have a big house and there's a lot of overhead and a lot of expenses, rather than having to set up a different house and having your income cover the two houses, it's going to make sense for you to stay in one. So it becomes really important to set up some boundaries and guidelines and to have conversations about what's okay and what's not. Who's sleeping in the master bedroom? Are there rules around that? Are there rules around when someone is coming and going? What about bringing other people home, if someone starts dating again? Who's filling the fridge with food? And that's a common complaint is that someone will go out and buy food and the other person comes home and eats it all. And they're like,

well, you didn't contribute to it. And now that they're not a married couple anymore, it's not so clear that one person is just doing the household chores. In order for that arrangement to work, you really have to sit down and carve out some guidelines because usually that arrangement is not good long-term and things always will start to, um, rattle a little bit and become a little unhinged if you stay in that situation for too long.

Jamila: Can you talk about what it legally means when people are married and what that means for their assets?

Renée: A marriage is much more than a wedding dress. So when someone gets married, everything gets commingled—their lives get commingled, their finances, any assets that they have, they become essentially one. So when that marriage is falling apart, we have to untangle all of that. And if you think of them like vines, all wrapped up in each other and the divorce is going to be untangling and undoing that and separating the vines because everything has been wrapped up in each other since that day that they walked down the aisle.

Jamila: And does it depend on by state? Some states they have different laws or regulations around divorce and splitting assets, right?

Renée: Some states say that whatever you come into the marriage with you leave first, when you walk out, and then everything acquired during the marriage becomes a marital asset, which would then have to be divided during the divorce. Other states say that everything that you have no matter what becomes one once you get married.

Jamila: And a prenup will help to change that?

Renée: So a prenup is a contract and that's simply a contract listing out all of your assets, listing out maybe even your income listing out everything that you have, what you're walking into the marriage with. And then you're going to decide what you do with all of that. And there's going to be a contract that says in the event that the marriage does not last, then here's how things will get divided. So the prenup is going to be, you're disregarding what the state says about assets, and you're making a decision about what you'll do with, with your assets in the event that the marriage does not work out. So you have the ability to kind of undo what your state says, and you can decide ahead of time before getting married on what it would look like if the marriage didn't work out.

Jamila: I know no one goes into a marriage wanting to think about divorce but prenups are something I know you are a strong advocate for. So can you talk about why it's so important and why you view that people should have prenups?

Renée: Prenups depend on the couple. So if you have a young couple just graduating from college, they have some college debt and they don't have

anything else. You probably don't need a prenup, but if you have someone going into a second or third marriage and there are kids from the previous marriage and maybe there's assets that they're bringing into the marriage, a prenup is going to be more important to protect the assets that you're bringing in, as well as protect your children and their right to inherit that.

So it really all depends on the situation, it also depends on the state that you live in because states have different rules and different laws about prenups. So it's so important before you walk down that aisle to really consult with an attorney and get some advice as to whether a prenup is appropriate in your case.

Jamila: And how do you bring up the topic of a prenup? Because it is such a touchy situation for people.

Renée: It certainly is, but so is money in any relationship. And there's lots of really hard conversations in marriage. And this is a really good practice to see how you'll navigate the uncomfortable conversations, because there's going to be a lot of them in your marriage. And this is a really good and important place to start, as well as if you have children from previous marriages. How are you blending the family and are you setting rules for your house? And so all of those are hard conversations to have, but they are important.

Jamila: And as someone now who is possibly listening and, as I said, maybe thinking, you know, I want to move on, how do they bring up this topic of divorce with their partner without it becoming contentious? And I don't know if that's avoidable depending on who you're with or your attitude towards it, but how can they start this conversation and tell their partner that maybe they want to move on?

Renée: I think the kindest thing you can do is just be upfront about it. I think when people don't want to have that conversation and when they surprise their spouse with divorce papers, that's not a great way to start an already difficult situation.

So sit down and have that conversation. I would think that most couples going into a divorce situation, they know that there have been problems. I would hope that they've already sought some sort of professional help, have gone to marriage counseling, and maybe they can use the marriage counselor as a place to have that conversation in a safe place.

But you know, it's never an easy one but sometimes you, you pull the band-aid off and you have it and you be upfront and honest with your partner so that they have an expectation, and they know. There's nothing worse than someone telling someone else, "It's okay. We're going to continue to work on it," and then all of a sudden they get served divorce papers.

Jamila: Knowing what you know now from your years of practice and experience, and then also with your own experience of divorce, what is something that you've learned, that you know now, that going through it back then yourself, you didn't know that you'd like to tell someone who's facing this?

Renée: It has nothing to do with the law or finances and it really has everything to do with the emotions of it: is that there is absolutely no shame in getting divorced. And you should be making decisions based on what you know is right for your life and not what anyone's telling you. And really turn down all of the external chatter that people like to offer.

It's way more expensive to stay in an unhappy marriage; the price that your soul pays and that your happiness is worth so much more than the check that you write out or the co-pay that you pay.

Had I not walked the path that I walked, which included all of the ugly, the dirty, the mucky, the hard stuff, I would not be where I sit today. And I have met a partner who is my truest partner in every sense of the word. And you know, when I was in the other relationships, I trusted my gut and I knew that something wasn't right. And even if I couldn't put words to it, and even if I said, well, it's not so bad, I knew it wasn't good enough.

And had I just lived with being just not good enough, I wouldn't actually be happy. And today I can sit here and say that I am the happiest version that I have ever been. And some of that came from me being really uncomfortable, being alone on New Year's, being alone on some weekends, being alone on some holidays.

And as uncomfortable as that was, there was so much growth in that because I pushed myself and I recognized that there was nothing that was going to hold me back. I was not going to feel sorry for myself and I was going to challenge myself to do more, to show up, to start using my voice in a different way. And when I started to do that, everything in my life shifted and I really started to live the most aligned version of my life that I've ever experienced.

Jamila: Alright, this is some really great advice. Thank you so much, Renée, for joining us on Modern Life to talk about this topic.

Renée: Thank you so much for having me.

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