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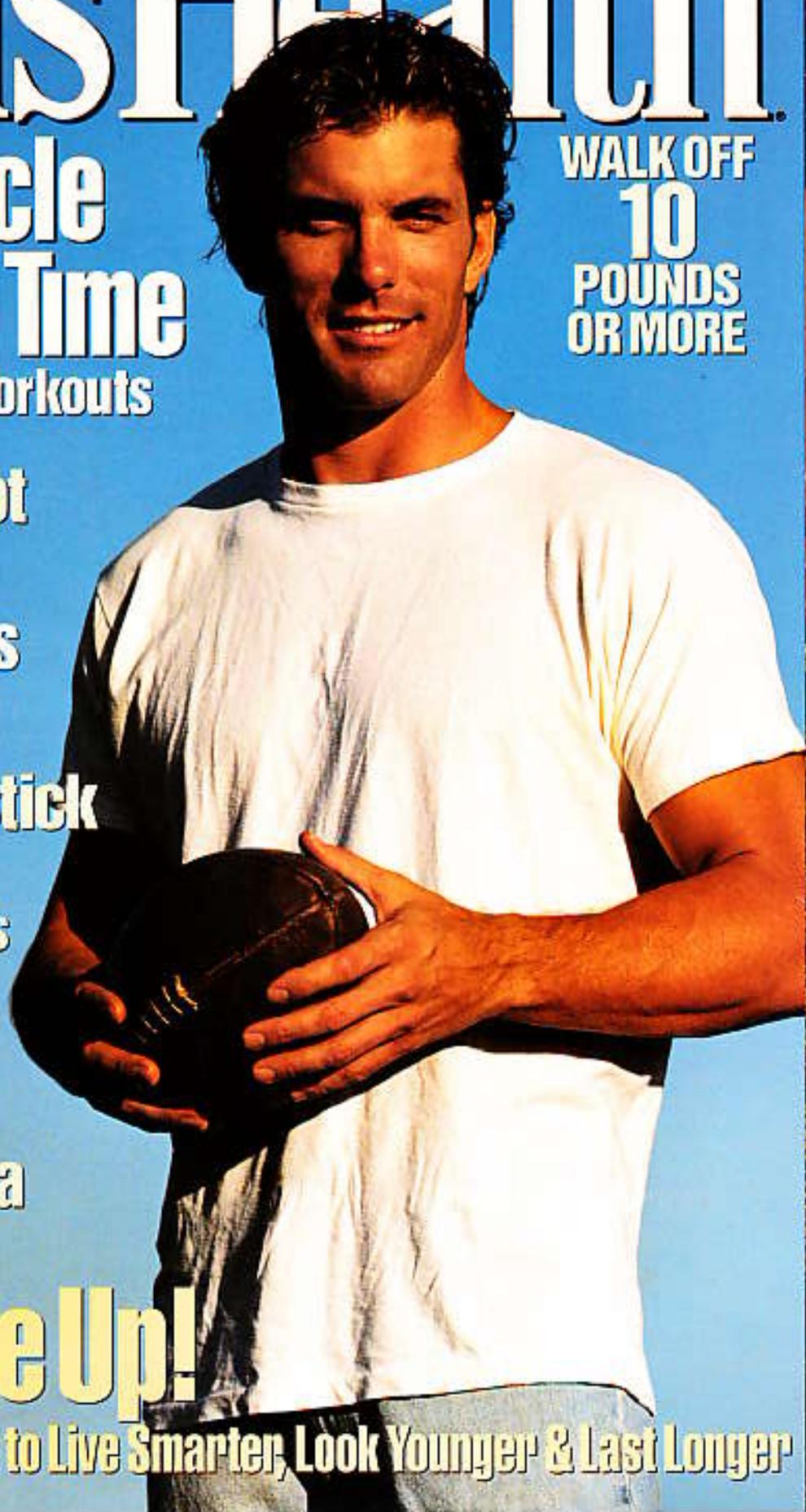
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Wise Up!

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No man wants to get divorced. But when there's no choice, what he needs is advice—a man's guide to untying the knot

By Armin A. Brott

The Last Tangle

DECIDING ON DIVORCE IS ABOUT THE TOUGHEST thing a guy can do. It involves the two things Dad told us never to talk about—money and feelings. Lots of both. It's not a decision a man makes lightly, so let's skip the chat about couples counseling and quality time. If you're already at the divorce stage, you've probably done everything you can to keep your marriage together. If you haven't, do it. Divorce is a final option, the last recourse. But if you've made your decision—or had it made for you—there are a few things you need to know. □ First, recognize that your defenses are down. You're under stress; there are a thousand intense and scary feelings running through you and a million details you have to attend to. You want to avoid more conflict. That's natural. But a lot of guys in this position also tend to

lose track of their own best interests, and they make decisions they end up regretting forever. What you need at a time like this is a strategy. Make the right moves now and you can save yourself not only a lot of grief but a pile of money as well. What we're suggesting below may sound a bit aggressive, but it's not. It's all about looking out for your own interests instead of abandoning them. More important, it's about looking out for the interests of your children.

GET A LAWYER—NOW

THE MINUTE you suspect there's going to be a divorce, you need a lawyer. "Don't even consider representing yourself unless you have no possessions, no income and no interest in the outcome of your case," says New York City divorce attorney Timothy J. Horgan. Get the point?

And don't share a lawyer, either. "It's unrealistic to think that an attorney can simply shift from side to side and represent each of you with equal vigor," writes attorney Harriet Newman Cohen, coauthor of *The Divorce Book*. One recent study found that fathers who were awarded sole custody had been represented by lawyers 92 percent of the time, and those who won joint custody had lawyers 90 percent of the time. On the other hand, among fathers who failed to win any type of custody, only 60 percent had hired lawyers.

If a friend of yours was recently divorced (and ended up with what he wanted), get a reference. Or check with men's or fathers' rights groups in your area. One excellent resource is the Children's Rights Council in Washington, D.C., a nonprofit organization that promotes joint custody. They can refer you to a chapter in your state. Call (202) 547-6227.

But beware: While support groups can be a valuable source of contacts and support, they also can be a hunting ground for unscrupulous lawyers who prey on men when they're at their most vulnera-

ble. And don't let recommendations substitute for face-to-face interviews with the top prospects. Although it may cost you a little up front, in the long run, finding the right lawyer can make the difference between feeling helpless and being in control.

The gender of your attorney probably won't affect your case in any way. But it is important to pay attention to his or her views on custodial fathers. Many lawyers—of both genders—believe that mothers should get custody of the children. Get the best person you can afford who shares your views.

To cut down on your attorney's billable hours:

- ▶ Before your first appointment, sit down and make a detailed list of all your liquid assets (including account numbers), real estate, full names and social security numbers of everyone in the family (kids, too), and your wife's driver's license numbers. All this information will be needed, and there's no point paying someone \$100 to \$200 per hour to sift through your wallet, tax records and other junk.
- ▶ Don't confuse your attorney's interest in your case with friendship. Sure, he'll interrupt his day to let you stop by and cry on his shoulder. He'll also charge you for it. You can get a better deal on emotional issues from one of the guys at the poker game—and he might even buy you a beer.

DON'T MOVE OUT

IN THE OLD DAYS, men facing a divorce would move out of the house. After all, holing up in some seedy hotel while the wife stayed cozy in the house was the chivalrous thing to do, right? Today, however, moving out may be the dumbest thing you could possibly do, especially if you have kids. "If you move out of your house, you're essentially abandoning any possibility of getting custody of (or even any sort of meaningful visitation with) your children," warns Horgan. Your wife's attorney will be able to argue that since you left your children with your wife, you aren't interested in having a relationship with them, and your custodial rights should be severely limited.

And the judge is likely to agree: "Courts generally are hesitant to alter the status quo in custody cases," says Eric D. Turner, an attorney in Media, Pennsylva-

nia. Therefore, "the parent who occupies the marital home is at a great advantage."

If there's no other alternative to moving out (for example, if a judge orders you to), keep these things in mind:

- ▶ Get a place as close as possible to your former home so you'll be able to see the kids every day.
- ▶ Explain the situation to the children yourself, stressing that it's not their fault. (You may want to check with a mental-health professional about the best way to broach this topic.)
- ▶ Be alert to what your wife is saying about you to the children. If she's bad-mouthing you, you'll need to make doubly sure that the children understand what your leaving does—and doesn't—mean.
- ▶ Take your valuables with you. "If you move out and leave your possessions behind, don't count on seeing them again," writes Cohen. Make a written inventory of whatever you can't carry. A videotape would be even better.

GET CONTROL OF YOUR FINANCES

IN MOST STATES, things that have both your names on them (particularly things like checking accounts and money-market accounts) are assumed to be owned equally by you and your wife. But since it's tough to tell whose half is whose, there's nothing to stop your wife from completely cleaning out the entire checking account, leaving you penniless. Every attorney we spoke with had literally dozens of stories of divorcing men who came home one day to houses that had been stripped bare and checking accounts that were in pretty much the same condition.

To protect yourself (and to make sure you've got enough to live on and to pay your attorney with), immediately get half the money and liquid assets you can put your hands on out of the joint accounts and into a separate account—in your name only. (But beware: Taking more than half can put you in the uncomfortable position of having to explain to a judge why you cut your spouse off without enough money to live on.) Remember to switch your automatic payroll deposits and to put any other new deposits into your new account. Any money that comes into the old joint account may be lost forever. >>

In addition, Cohen suggests getting all your important financial records out of the house as soon as possible. Documents such as bank and credit-card statements, tax returns, life-insurance policies, etc., can be stored in a safety deposit box or at your lawyer's office. And don't forget to change the account address, so future statements don't go to your spouse. Finally, it's important to keep an extremely accurate accounting of all deposits to and withdrawals from the new account. You don't want anyone accusing you of frittering away half the marital assets in Vegas.

Besides sharing ownership of all assets with your wife, you each also "own" half of all debts—mortgages, credit-card balances, etc. So, the next thing to do is immediately close all your joint credit-card accounts and credit lines—even the ones from department stores and gas stations. Do this in writing, and mention the fact that you're getting a divorce—that usually speeds things up. "Until these ac-

counts are closed, you remain jointly responsible for any debts your wife incurs," warns Ron Henry, an attorney in Washington, D.C.

KNOW THE DETAILS OF YOUR KIDS' LIVES

IF YOU'RE TRYING to get shared or sole physical custody of your children, you've got at least two major obstacles to overcome: the strong societal assumption that women are biologically better parents than men, and the old stereotype that fathers are less important to children than mothers. Psychologist Richard Warshak, Ph.D., calls these two ideas (which many men also buy into) the "motherhood mystique," and feels that they are responsible for the fact that mothers get sole custody more than 80 percent of the time.

How do you overcome this? Perhaps the best way is to demonstrate that you have exceptional parenting skills. And the best way to do that is to make sure you're up-to-date on everything that's going on

in your kids' lives. "In short, nothing will destroy your custody case more quickly than showing the judge that you lack knowledge about your child," says Thomas Railsback, an attorney practicing in Dallas, Texas. Here are a few important things you should be doing (if you aren't already):

- ▶ *Get up early and make the kids' breakfasts and lunches. Drive the carpool or take them to the bus.*
- ▶ *Get to know your children's teachers, doctors, friends—and make sure they know you. They will be crucial ammunition if your wife's attorney tries to demonstrate what an uninvolved father you are.*
- ▶ *Get involved in arranging birthday parties, after-school activities, etc.*
- ▶ *Teach a class at your child's Sunday school, or coach his or her sports team.*
- ▶ *No matter how long your work hours are, be sure to schedule some quality time with the kids every day—you've got to demonstrate a deep and continuing interest in, and commitment to, the kids.*

You Know It's Over When...

The signs are usually there—we just need to know how to read them. Some cautionary tales about romance on the skids

Signs That a Romance Has Gone Belly Up

▶ **Something she says**

"She said, 'Jane and I have decided we'd like to include you in our lovemaking.'"

—*Bike-shop owner, 35*

"She asked, 'What's wrong with the dog sleeping between us?'"

—*Journalist, 32*

"It was, 'I've never had a friend like you.' I wasn't surprised when the sex ended shortly thereafter."

—*Pharmaceutical salesman, 30*

▶ **Something she doesn't say**

"I knew my marriage of 18 years was over when my crimes stopped getting punished. In the early days, it was tears and locked bedroom doors when I had misbehaved. Then we moved to the anger era, when my slipups were likely to get a lamp sent my way. Then nothing. Around year 15, my wife started to go numb to my nonsense, and that—I can now see—is when I should have started looking for a new place to live."

—*Stonemason, 43*

▶ **Something she does**

"She phoned her old college roommate who was living outside Paris from the phone in my apartment in Los Angeles and told her friend, who was just about to go to work, to leave her phone off the hook. The line stayed open for nine hours, and by the time I got home and hung up my end, the bill was \$810. I got the message."

—*Production assistant, 26*

"One afternoon, I was jolted from my seat by the screech of tires outside my window. I walked outside to find my clothes in a pile on the front porch. Despite the relationship ending, there was a bright side—my girlfriend had actually cleaned the clothes... and folded them, too!"

—*Personal trainer, 25*

"She served me a meal that was way overdone and asked if the dinner tasted like our relationship."

—*Accountant, 33*

"One Friday afternoon, I hitchhiked from my school in Pennsylvania to hers in Boston in the freezing cold to surprise her

Woody Allen said it best in *Annie Hall*: "A relationship... is like a shark. You know, it has to constantly move forward or it dies. And I think what we got on our hands is a dead shark." Usually you can identify when the shark expired only after it happens. But it's definitely dead, and starting to stink.

Problem is, men often don't know when to quit. We tend to try to revive relationships that would be better off resting in peace, and that only leads to a lot of anguish, heartache and frustration. To save you a little of that, we asked some of the wiser (well, not always wiser) men we know about their own relationships and just how they knew when to call it quits.

The Last Tangle

Whatever you do, be predictable. "People who do custody evaluations (and who pass their recommendations on to the judges) believe that schedule and stability are the two key ingredients for raising children," says Railsback. Maintain a written schedule of everything you do with your children, and keep receipts (with your signature on them) of doctor visits, clothing purchases, etc. And pay attention to the details: Know the names of their teachers, their clothing sizes, their favorite foods—all the telling details that say your role in their upbringing is critical.

WATCH OUT FOR ABUSE ALLEGATIONS

ONE OF THE ugliest weapons being used these days is the accusation of child abuse. If you are accused, you will be presumed guilty—unless you can disprove the charge. "And that's not easy," says

for the weekend. When I got there she surprised me with the news that she'd been seeing the captain of the soccer team. By this time it was snowing and I couldn't start back. She offered to let me sleep on her couch and explained that she and Mr. Goalie would be sharing the bedroom. To my endless humiliation, I took her up on it."

—Physician, 48

► The way she looks at you

"One cold, rainy morning, I awoke to find her gazing at me with a doubtful look in her eye. Maybe she was marveling at the sheer length of the string of drool connecting me to my pillow, or maybe she was intrigued by the way my hair was pushed up and folded over to the right like Bozo the Clown. She went out to do her laundry at her mother's house and never came back."

—Writer, 37

► The way she looks at other men

"We went out with one of her girlfriends, and they spent the whole night rating the men in the bar."

—Stock analyst, 22

attorney Peter Firpo of Walnut Creek, California. "By the time you even hear that you're accused, your child has probably been seen by a therapist or a child protective services officer who sees it as his or her role to 'validate' the accusation." And things move pretty quickly from there. The instant you're accused of having molested your child, all your contact with the child may be cut off until the question gets heard in court, anywhere from a few days to a few months later.

Assuming you're innocent (and if you're not, we don't want to talk to you), you'll probably feel like strangling your ex and her lawyer. Needless to say, this won't help. "Aggressive behavior will just make the judge more suspicious and negatively inclined toward you," says Ann M. Haralambie, a Tucson, Arizona, attorney who specializes in custody and abuse cases. "It's critical to be as cooperative as possible." And as hard as it might be for you, try to give your ex the benefit of the doubt. She may have seen something she genuinely thought was a symptom of abuse. Your goal is to get the truth out, not to get revenge.

An accusation of domestic violence may have nearly the same effect as an accusation of sex abuse: no access to your child until a judge rules on the charge. But keep in mind that, as strange as it sounds, men are the victims of domestic violence at least as often as women. The problem is that men rarely see their wives' shoves, slaps or thrown dishes as violence. Now's the time to change your thinking. If your wife has been violent toward you or the kids, you must file charges immediately. This does two things. It can help protect your kids from further abuse, and it can help protect you if she attempts to bring charges against you.

If you think your wife is the type who might use this kind of weapon, there are steps you can take to protect yourself in advance. First, be extremely careful during any contact with her. Don't let yourself get suckered into a fight, particularly on the phone. Your wife and her lawyer are just looking for evidence that you're violent and unstable. Tape your conversations with her (check with your lawyer to make sure this is legal in your state), and don't answer leading questions like "Why did you touch Sally down there?" Categorically

deny her accusations, and end the conversation immediately.

It's also important to stay squeaky-clean during the entire divorce process: Don't drink, don't drive too fast, don't even stiff a waitress on her tip. A sharp lawyer (employed by your wife) can make something as innocuous as a speeding ticket into just another example of what an irresponsible brute you are.

KEEP A LOG

A GAIN, BECAUSE men are at a disadvantage when it comes to custody battles, it's important to keep detailed notes about everything that happens. Include:

- *Details of every visit with the kids.*
- *Every conversation with your ex, especially if she's threatening or baiting you.*
- *Every phone call with your kids.*
- *Details about what the kids are up to when you're not with them. This will demonstrate not only that are you actively involved when you're with your kids, but that you are concerned about them all the time.*

Finally, take a lesson from Bob Packwood: Everything—good and bad—that's in your log may become part of the record. So if you've been having particularly nasty thoughts about your wife, keep them to yourself.

READ

W HILE THIS article covers most of the bases, there's still a lot more to learn about divorce. Here are a few books that can help you through the process:

The Custody Revolution: The Father Factor and the Motherhood Mystique, by Richard Warshak (SIMON & SCHUSTER, 1992)

The Divorce Book for Men and Women: A Step-by-Step Guide to Gaining Your Freedom Without Losing Everything Else, by Harriet Newman Cohen and Ralph Gardner, Jr. (AVON BOOKS, 1994)

Divorce Yourself: The National No-Fault Divorce Kit, by Daniel Sitarz (NOVA PUBLISHING, 1994)

Win Your Child Custody War, by Charlotte Hardwick (PHOENIX, ARIZONA: PALE HORSE PUBLISHING, 1994)

Winning Your Divorce: A Man's Survival Guide, by Timothy J. Horgan (DUTTON, 1994) ♦