

## How to Use Divorce to Save your Marriage

It seems perfectly illogical, but our experience demonstrates that filing a divorce case – or being served papers – can often be the catalyst that sparks renewed interest in reconciling the differences that have brought a couple to precipice of divorce. This article addresses how a divorce can be used as leverage in efforts to save the marriage.

**For Starters:** First, recognize that you probably have many years, or decades, invested with your partner. If your marriage is at the point where you're talking with a divorce attorney, you're looking at a fairly difficult road to reconciliation. Still, you've probably been down difficult roads before. Reconciliation is not impossible. Of our clients, only about 5% try reconciliation once the case is filed. That's the bad news. The good news is that of those who try, about half succeed and stay married.

**File First:** Probably the best thing you can do to manage your situation is to file a divorce case. Doing so gives you several advantages. First, you will force your spouse to either commit to the marriage (you'll agree to put the divorce case on hold) or to commit to divorce. Whichever way your spouse responds, at least you won't be stuck in limbo – you'll know that you can either work together with renewed vigor toward saving your relationship, or that your spouse gave up on the marriage long ago and that for you to wait and hope any longer would only be for naught. At least you'll know where you stand.

If you decide to seek reconciliation, your case can probably be put on hold by the court. For example, the courts of Cook County will hold a case for up to two years (sometimes longer) while a couple seeks reconciliation.

As the Petitioner, you'll also have the right to ask the judge to send you and your spouse to counseling (or at least a conciliation conference)

Even if your case doesn't reconcile, you don't have to follow through with your divorce case. Because you filed first, it's "your" case. You can dismiss it anytime you want simply by informing the court that you have decided against going forward with a divorce (you may have to reimburse any filing fees your spouse has incurred, but these are usually no more than a few hundred dollars).

Finally, even if your marriage doesn't reconcile, and you end up having to go through a divorce, you will have all the Advantages of filing first .

**If You Don't File First, Demand Specifics:** Illinois' law doesn't require specifics in divorce pleadings. That allows couples to file a divorce case without having to air their dirty laundry in public. So, a spouse who wants out of a marriage only has to file papers that say "irreconcilable differences" or "mental cruelty." That's it. Simple words make for a simple way out.

We have found it to be an effective strategy to demand that the filing spouse list, with specificity, all of the allegations on which their case relies. For example, if your spouse claims "irreconcilable differences, what are those differences? How does your spouse know that they are truly irreconcilable? Has reconciliation been attempted? If so, how does your spouse know that future attempts at reconciliation would fail? You can demand answers to all of those questions. If you do, your spouse must give you answers within 28 days. If the answers aren't presented, the case should be dismissed. When we've exercised this tactic, most of the time the filing spouse doesn't have any good answers. Almost always they simply let the deadline pass and the case is dismissed. That's right: almost always.

Be careful what you wish for, though. In one well-published 1997 case, the wife alleged that he had been "repeatedly and mentally cruel." The husband was a successful and respected banker and businessman. He didn't want his reputation sullied and besmirched by such an allegation. He demanded specifics. The wife gave him sixty pages worth. The court file had been sealed to protect the parties. The wife, however, sent copies to his business partners, work colleagues, and clients. The husband – having won custody of the couple's three children -- eventually sued for libel and won a \$9.7 million judgment. The case took ten years.

Don't delay. Your demand must be the very first thing you do in response to your spouse's pleadings. If you hire an attorney with little experience, you may miss your best chance to derail the divorce. Call our experienced attorneys

to learn more about how you can put your spouse on the hot seat. If he or she says "the marriage just isn't working and I want out," that's not good enough. You can demand that they state their case clearly and concisely. And they probably can't bring themselves to do that.

**Demand Proof:** To get a divorce in Illinois, a spouse has to PROVE that grounds exist. That's not so easy when challenged. The fact is, when most people receive divorce papers, they simply roll over and give up on the marriage. If you want to fight for your marriage, you have every right to do so. When our clients demand that a spouse PROVE why a divorce should be granted, most of the time the spouse drops the case. Call us to learn more.

---

This article was written by the law office of Cowell Taradash, P.C., whose attorneys are familiar with the latest court decisions, recent changes in the law and even the tendencies of many judges. We can help. Contact us at 866.987.6723 or [info@illinoisdivorce.com](mailto:info@illinoisdivorce.com).