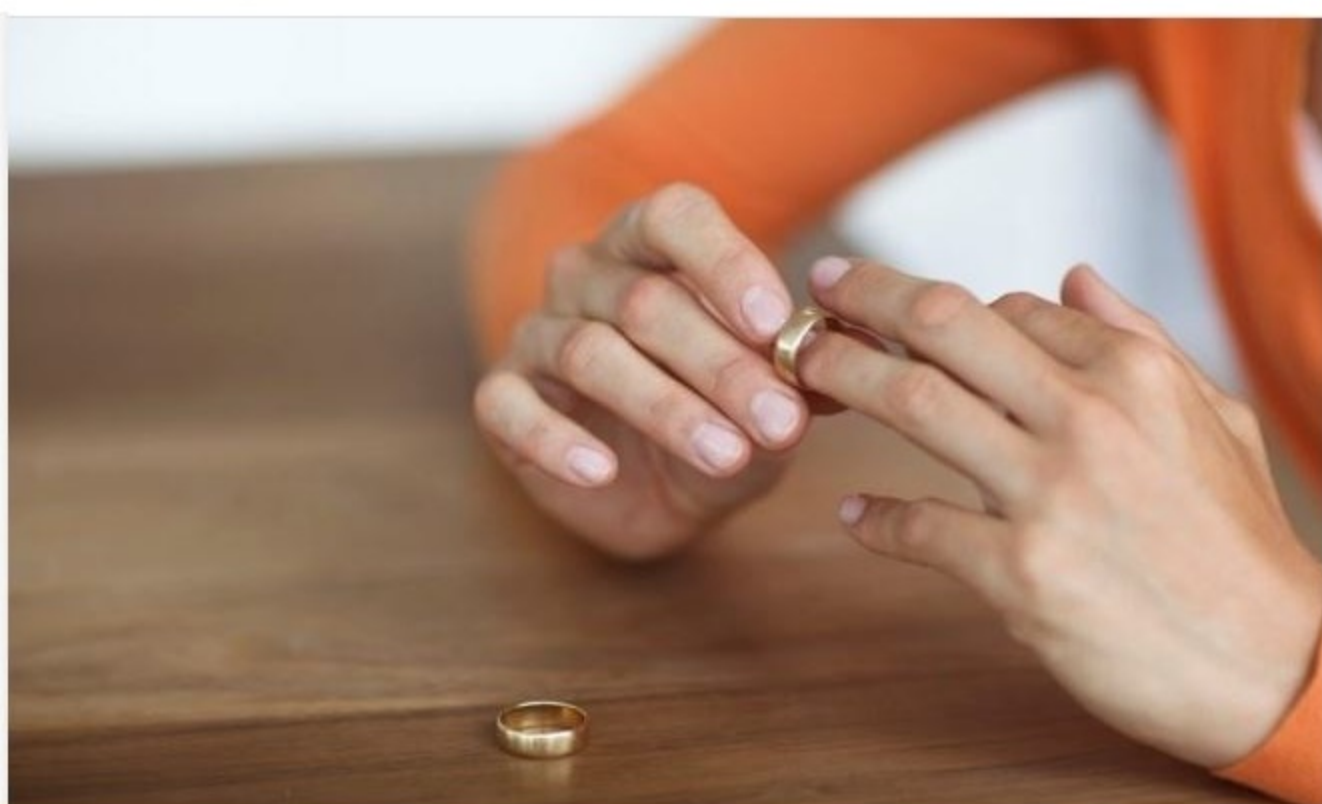


By Mitchell Gordon on June 3, 2017



The future is female. And the future is right now. The New York Times has reported that more than half of first-year law students are female, a first in U.S. history. The same article cited a statistic that women earn 57.1 percent of college degrees. Women are on the rise when it comes to achievement in higher education, and as they move from academia onto their careers, they'll expect earnings commensurate with their degrees. But finding that suitably high-paying job may be just the first of many challenges this high-achieving generation of women may face.

Over the last several years, I have noticed an increase in a certain client profile: wife, mom and primary earner for the family. In many cases, she is, in fact, the sole earner. What's more, these clients are also the primary caregiver for their children. They're not just bringing home the bacon. They're also taking the kids to school, making all the doctors' appointments, doing all the grocery shopping and cooking...essentially operating as a single parent, even though they are married.

So where's Dad? The circumstances in these cases seem to be eerily similar. Dad was a professional and made a good living, but found himself unemployed. Maybe he was a middle manager at a bank and his position was eliminated in a merger. Perhaps he was a commodities trader who became obsolete when the trading floors went electronic. For whatever reason, he lost his job and never found another. But instead of using this new free time to help around the house or with the kids, these dads fell into inertia. And Mom picked up the slack.

After a few years, as you might expect, Mom can't take it anymore, working 60 hours a week and still doing the bulk of the parenting on top of it, with little or no financial or emotional support from her husband. That's about the time she walks into my office and says she wants a divorce.

But as much as she wants a divorce, she is terrified to get one. Here are the fears I hear about most often (and how to handle them):

## 1. I'm going to have to pay him alimony.

It seems intolerable that you'd have to provide financial support for someone who could/should (and in fact used to) support himself. In some cases, that is what happens, but not in the way that most people assume. Alimony is intended to provide for a spouse who cannot support himself, not a spouse who won't support himself. The bread winning wife may end up providing support for a period of time, but a judge isn't going to let the husband get away with loafing around for very long. Unless the dad can prove he's the primary caregiver. Which brings me to the next concern...

## 2. He's going to take the kids.

One of the first thing that free-loading dads tend to do when faced with a divorce filing is try to become father of the year, not only because they want to win over their kids but also because they want to justify their not working by claiming to be the primary caregiver.

One dad I know of even bought his kids a \$2,000 hypoallergenic "designer" dog in hopes of being the hero. Sadly, the children suffered from asthma and their doctor was beside

himself over this new family member. Fortunately for moms in this situation, in our modern society there is generally a paper trail of parental involvement. Records show who picked up the kids from daycare and who signed report cards. Pediatricians and dentists can be subpoenaed to testify as to who in fact brought the child to their appointments. The law is written to look out for the best interest of the child. If that's with you, then that's where the child will stay.

## 3. His lawyer will use my career (and the hours I work) against me.

As previously mentioned, if you are working your tail off and still handling the bulk of the parenting responsibilities, then you are doing your best by your family and any judge is going to see that favorably. I have had cases in the past where the dad claimed that he was the primary caregiver and filed for full custody of his kids. Knowing that he would never be able to care for them full-time, my client and I called his bluff. And he freaked out. When faced with the possibility of actually being a full-time parent, he chose instead to get a job. More advice for hard-working moms: do NOT quit your job! In court, that's called a "voluntary change of economic circumstances," and it can create complications in your case (not to mention put your family's financial stability at risk).

## 4. I'm going to be put under the microscope.

Divorce is very stressful, especially when you're trying to simultaneously manage a household and a career. But many clients in this situation are afraid to do things that might ease stress or give them a lift because of how they'll be perceived. My directive to my clients is always this: Take care of yourself. If that means going away for the weekend

with some girlfriends, do it. If that means treating yourself to a massage or a new outfit, go for it. You are not going to lose custody of your kids because you took time for yourself or spent money on something that you can afford (indulgent as it may seem). Do what it takes, within reason, to be your best self and the best mom to your kids.

Unfortunately more and more women are probably going to end up in difficult situations like the ones I've mentioned. In 1960, 11 percent of women were the primary earner in their families. In 2016, that number jumped to 38%. In 2026, it is projected to be more than 50%. Statistics also indicate that the divorce rate is higher among couples in which the woman is the primary earner, whether or not children are involved.

I am not saying that high-achieving women are the problem. On the contrary, my experience with clients like these has proven that hard-working, ambitious, accomplished women make incredible moms. (Incidentally, they also make incredible clients because they are so organized that they can turn around important documents, schedules, and financial records in a jiffy.) The problem is that the partners of these women need to step up to the plate when it comes to parenting and managing the household. It's not fair when all the responsibilities fall on one parent, whether it's the dad or the mom. Marriage is a partnership—if one partner carries all of the responsibility, there will be resentment and break-up. Women are breaking the 1960s' mold and are reaching new heights in academia and in industry; in order to be good partners, men need to reach new heights in domesticity and parental responsibility as well.