

Forum

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People Need to be Warned About Marriage

By Fred Silberberg

Living in California can be a dangerous undertaking. Almost every building you enter has a warning at the entry that the building contains toxic chemicals known to cause cancer. At every gas station, a warning says the same thing. Some of these dangers apparently exist only in California. Buildings in other states do not have these warnings, so one must assume that they are safe to enter.

However, it isn't only buildings that we warn people about. The U.S. surgeon general warns us about cigarettes and alcohol. The facilities we use for certain physical activities make us sign disclaimers. Drug companies warn us about the many side effects of the drugs we take. In our litigious society, there are warnings about just about everything, with the exception of one thing: marriage.

Perhaps it is time to start warning people about marriage. After all, if we warn people about every little thing they do, we certainly should be warning them about one of the biggest decisions they make, one that can affect someone's life irrevocably.

We don't warn them. We let almost any straight person who is of age apply for and get a marriage license. We make the process of getting married much easier than getting unmarried, which doesn't seem right.

We should be warning people considering marriage of all sorts of things. Not necessarily the day-to-day annoyances but the more serious things that they are getting into. We should be warning them that they live in a community-property state and that not only is everything that they acquire going to have to be shared with their spouse and divided on divorce, but also every debt that their spouse incurs is going to be their own liability.

We should be warning them



that, on getting married, they have all kinds of fiduciary duties to their spouse that will never become an issue unless they get divorced.

We should be warning them that in California, more likely than not, they will get divorced (which makes marriage in California similar in some respects to entering a building).

We should be warning them that, if they have a change of mind, they cannot get out of the deal easily. We should be telling them that, although a divorce takes six months to be final, if the divorce is contested, they'll be lucky to be out in a year. We should be telling them that, if they move forward with the divorce, they could end up paying significant amounts of money in spousal support.

We should be telling them that, if they have children, they can look forward to paying child support in addition to the spousal support. We should tell them that they should not assume anything about the amount of time that they may be able to spend with those chil-

children, because their spouse may not agree on this and it will become a battle in and of itself.

We should tell them that, if they go through with a divorce, it is likely that they will be unable to retire when they planned to because they won't have enough money left on which to retire after they make all of those child- and spousal-support payments. We also should point out that whatever they have accrued in retirement funds will be divided with their spouse.

If one of the parties is a professional, that person should understand that a divorce means he or she will have to buy the practice back from the spouse even though there is no one in the outside market to sell it to, because it has no real value.

Of course, an appropriate warning should not end there. As they say on TV, "wait, there's more!" We also need to make sure that they are aware that, once the divorce is final, that does not neces-

sarily mean that the case is over. They need to understand that people frequently end up back in court over such things as modifying spousal support, child support and custody arrangements. When that happens, it is as though the entire cycle begins all over again.

And at this point, we haven't even mentioned the significant amount of stress that going through this process is going to cause them; nor have we told them about the potential impact on their health.

In this day and age, it just doesn't seem right that we make a warning available to someone who is walking into a building, which they may enter for only a few minutes, but we do not make a warning available for entering into a marriage, which may last for years.

The question is not whether to give them a warning; it is how to warn them. After all, most people entering a building look at the warning sign and figure "nothing is going to happen to me." Someone entering a building, one would hope, is of a clear enough mind to enter the building intelligently. Someone entering into a marriage is often clouded by feelings of love, lust and other such emotions. Certainly, society has a responsibility to warn such individuals who are not necessarily in their right state of mind.

Yet we do not warn them. It should be our duty to warn them. One has to learn the rules of the road and take a driver's education course before one gets a license. One also should have to learn the pitfalls of marriage before getting a marriage license. Each election season, we have propositions on the ballot about just about everything imaginable. Now we need a proposition to impose warnings about marriage.

Until that gets put on the ballot, you can just pass along this article.

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