

# Hermiston HERALD OPINION & READER'S FORUM

Founded in 1906

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A4

## OUR VIEW

## Normal will never be normal again

“Normal” is a cruel joke. America edges closer each day to 100,000 deaths due to COVID-19. The world has lost around 6 million. There have been more than 200 deaths in Umatilla and Morrow counties, and yet we expect normalcy. In some respects, we will achieve this lofty goal. Our mask mandates will be lifted. We will see more public gatherings. And we may not ever again see another holiday in which we were fearful of seeing loved ones, afraid we would pass a killer disease on to them.

Still, we have been through too much for us to ever have normal again. We have watched people get sick and die. We have mobilized against the threat of disease with masks, vaccinations and hygiene that would seem insane in so-called normal times.

We remember people who lived through the Great Depression, and we have heard stories of how they ended up miserably to their dying days. Likewise, we know abuse victims who jump every time they hear a door slam. This is the

response to trauma. It is common, but it is not normal.

We are making our way to what might be the end of a traumatic time in our lives. And we will not be normal again.

How could we?

The pandemic changed our worldviews. People to the left have gone further left; those to the right, further right. Most people think half of their government and their neighbors want them dead. Worst of all, everyone who holds this belief might be right.

This post-pandemic world prevents

us from facing the biggest challenges of our day. For there is little hope that we can deal with climate or war, when we are deadest on sabotaging one another as we attempt solutions.

This “normal” is abnormal, and it probably will be this way for the rest of our lives — at least on a national scale. Things may, however, improve locally. We see the great work done when neighbors unite for positive ends, and we are heartened.

The joke of normalcy may always be cruel, but it may not always be laughable.

## COMMENTARY

## What should be asked for during a divorce?



**BLAINE CLOOTEN**  
ASK A LAWYER

**Q.** How do I protect myself financially from a spouse? What should I ask for in a divorce?

**A.** This is a great question that could take hours to discuss, depending on the facts of your situation. Circumstances vary so much, that all I can really give is some broad strokes and general guidelines.

The simplest thing to do is to discuss concerns with a spouse (assuming you aren't already planning to file for divorce) and come up with a post-nuptial agreement that guides the division of your property and decisions about spousal support should you get divorced.

In any divorce case, the first thing that you need to do is go and get your hands on every single financial document that exists that you have access to. Every account, every debt, every title. This means retirement accounts, bank accounts, anything that has numbers on it and has a value. If you are not able to get the information before filing the only other way for you to get at that documentation is through the discovery process once the case is filed.

You'll never really understand what a fair settlement is until you know what property exists.

Oregon has a requirement that there be an equitable distribution of property. Assuming we know all the property that exists, and we've gathered our documents we can begin going through the analysis of

a fair settlement or fair resolution.

So what is fair? A fair settlement is going to roughly be an equal distribution between the assets and the liabilities of each person.

What does this mean?

It is important to note that while the court has jurisdiction to distribute all property of both spouses, generally the court will equally divide “marital assets.” That is the assets or accrual on prior assets that either party acquired during the marriage.

Premarital assets or assets like inheritance require a fairly complex analysis to determine whether and how they should be divided.

On one side of the ledger, we're going to have the assets. On the other side of the ledger, we're going to have all the liabilities.

Let's consider a large debt as a liability. Maybe it's a credit card debt for a hundred thousand dollars. The person taking on that debt is also going to receive an asset of equal value to zero out the balance sheet. You have to receive roughly the same amount of liabilities and assets as the other person for the settlement to be fair.

What should you ask for in a divorce? From a property perspective, this is going to depend primarily on whether or not the person is paying spousal support. Let's take the common example where one person has been mostly a homemaker in raising the children while the other has worked during a long-term marriage. And now they're getting a divorce. Let's assume the homemaker spouse doesn't have the skillset to reenter the workforce immediately and will require training or education.

Depending on things like, age, duration of the marriage, the education and work experience of the parties, the court may require the working spouse to pay spousal support to the homemaker spouse. The court will decide on the length and the amount of support necessary in each situation depending on the facts of the case. Unlike child support, there is not a set formula for calculating the amount owed to the other spouse.

Depending on income and the property, that support may need to counterbalance against what type of property division the wife is going to get. It's a possibility in this hypothetical that the homemaker spouse might receive more property rather than spousal support, or might receive less spousal support in consideration of the extra property portion received.

So perhaps the homemaker spouse will receive the house that is free and clear, so they don't have to make any payments on it rather than receiving spousal support payments every month.

What's a fair divorce settlement for the working spouse in this case? What's fair for the working spouse is going to depend primarily on what are the remainder of the assets at stake, what are the liabilities and whether or not they're paying spousal support. And the inverse of that is also true for the homemaker spouse.

What should the homemaker spouse ask for in a divorce settlement is also then going to depend on, do they need a house for the children, are they going to be the custodial parent or have they been working?

Based on the question, I'd recommend these tips:

- 1) Initial steps
- Collecting documents and things (gather

up all documents and make copies).

- Change your passwords (social media, financial accounts, etc.).
- Consider getting a therapist (but do discuss with an attorney the rules of discovery).
- Make sure you have a safe place to go, once you decide to leave (especially with children).
- If there is abuse, research a restraining order (FAPA — Family Abuse Prevention Act).
- Reach out to local domestic violence services.
- Do some financial planning to ensure independence.
- Take anything of sentimental value with you (or put them in a safe place).
- 2) Throughout divorce
  - Understand the legal process takes time especially because a narcissist will not compromise.
  - Reflect on the bottom line for what you want from divorce regarding property and parenting time.
  - Consult with an attorney, know your rights.
  - Take measures to protect your pets.
  - Change phone plan, and lock phone down.
  - Do not post on social media.
  - Close social media accounts but do not erase because it is “discoverable.”
  - Find online communities for dealing with divorce and/or other support groups.

*Blaine Clooten is an attorney serving Umatilla County with a focus on family law, estate planning and personal injury cases. Questions answered do not create an attorney-client relationship. Facts and law may vary; talk to an attorney for more information.*

## LETTERS TO THE EDITOR

### Hermiston Police Department says thank you

It is always easier for me to put words on paper versus trying to say everything I want to say to a room full of people. First, on behalf of the Hermiston Police Department Christmas Express program, we would like to thank Mayor Dr. Dave Drotzmann for nominating this incredible annual event for the 2021 Award of Merit at the Distinguished Citizens Awards. Second, we are grateful to the selection committee for recognizing this program. Countless volunteers have supported this program financially, physically, and even spiritually over the 53 years, it has existed. Our intent is to provide a hand-up every Christmas season.

Once a year, the mayor and members of the Hermiston City Council meet with department heads in a goal-setting session. For the last couple of years, we have talked about taking a pause and recognizing a “win” as they

occur. We do this not in a braggadocious way, rather to give credit where credit is due. The Christmas Express program is a win for this entire community, and we are blessed to be a part of it.

**Chief Jason Edmiston, on behalf of the women and men of the Hermiston Police Department**

### House Bill 4002 is why Eastern Oregon should join Idaho

Do you really wonder why Eastern Oregon wants to join with Idaho?

Here's a big hint. House Bill 4002 has to be one of the most “irresponsible” regulations passed. Why not just pass a law that all farmers should sign their property over to the liberal West side? I have farmed in Washington and then starting in 1991 for several years in Oregon. Under this foolish law, how could I possibly stay in business? If I have 600 or 6,000 acres of wheat

to be harvested, my crew and I would work 12 hours a day until the crop was safely in storage. I personally always paid over minimum wage and gave a bonus for finishing the harvest. Let's stop and look at an example: Seven days at 12 hour days comes to 84 hours. The first 40 hours would come to \$600. The next 44 hours at \$22.50 (time and half) would add \$990 for a total \$1,650 a week. The reality of weather fluctuations required me to get the harvest completed in a timely way. Farmers don't set the selling price of their wheat. The going rate is set by world demand.

Just stop and think of me going to a grain dealer and saying I need an additional \$5 a bushel just to make ends meet. The reason is my wonderful state of Oregon has more than doubled my expenses by micro-managing how I personally operate my farm. I would receive nothing but laughter.

**Kenneth Parsons  
La Grande**

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