

Do Both Sides in a Divorce Case Need a Vocational Expert?

By

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Traditionally, a vocational evaluator has been called in to opine in a divorce case when a spouse, in most cases the woman, needs to be assessed as to her earning capacity for consideration in determining spousal maintenance and/or child support. Underlying reasons for an evaluation may include that the spouse has been out of the workforce for a period of time or that a life-changing event such as an injury requires the individual to seek a different career path than before.

However, ending a marriage these days can involve a number of financial factors that require an assessment of the earning capability of both spouses.

Here are three objectives that support the need for both sides to retain a vocational expert:

1.) To Obtain an Objective Assessment of Each Spouse's Employability and Earning Capability

Vocational experts evaluate a person's education, interests, skills, knowledge, and experience to determine what career options are the best fit. Then they conduct a labor market analysis to assess the likelihood that an individual can get a job, and what they can expect to earn, both immediately and in the long term.

During divorce proceedings, the higher earning spouse may take the tactic of quitting their job, accept a lower paying position, or claim that their earnings have decreased due to current economic conditions.

Fortunately, a vocational expert can cut through devious strategies and false assertions and get to the facts of the matter. The evaluator can determine what the spouse can reasonably be expected to earn; and, if their income has legitimately decreased, provide an opinion as to if it is likely to rebound and when.

With the lower earning spouse, the objective is the same: determine the earning capacity of that spouse after conducting a thorough vocational evaluation and labor market analysis. Specific circumstances can complicate this process. Examples include the length of time a person was away from the workforce, an illness or injury that prevents them from continuing in their previous career, and specialized training that is necessary to update one's skills and knowledge to be a viable candidate for current jobs.

2.) To provide another opinion if the other spouse is retaining a vocational expert

If a spouse is requesting spousal maintenance as part of the divorce settlement, the other spouse can ask that a vocational evaluation be conducted to determine earning capacity in the current job market. The projected earning potential is then assigned a value and the amount of spousal maintenance can be reduced by that amount.

In contentious divorce cases, both sides may bring in a vocational expert to be sure that the conclusions reached are fair and reasonable. It may be in each spouse's best interest to have their own expert conduct a vocational evaluation on the other spouse and to review the other vocational expert's report to provide another opinion to the Court.

3.) To Support the Career Advancement of Both Spouses

Vocational evaluation can also support the objective of both spouses to work in jobs that not only provide optimum compensation but help them to achieve personal and professional growth. The vocational evaluation process can include interest and aptitude assessments that can help establish a solid foundation for launching a new career or shifting the direction of a current career that allows for a better match of one's interests, priorities and talents. In a divorce, having this knowledge under one's belt is also a valuable defensive tactic. Vocational expertise can help ensure that the settlement is calculated based on fair assumptions.

While vocational evaluation might be a service neither spouse imagined they would need, it can be worthwhile for both parties during and after a divorce.

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