

McFARLING



LAW GROUP

Do's and Don'ts of Divorce and Custody

DON'T SPEND \$1,000 IN ATTORNEY'S FEES FIGHTING OVER A \$100 item: Use good business sense when deciding what to fight for and at what cost should you fight for it. Letter writing campaigns get expensive, Court motions even more so.

DON'T GET GREEDY: It doesn't matter if you wanted the divorce or your spouse did. Just because you're hurt and your emotions are running high, does not mean that you are entitled to more than the law allows. This attitude will cost you unnecessary attorney's fees and the judicial system doesn't care about your personal feelings. Be reasonable and flexible. Find out from your attorney what you are entitled to by state law regarding equitable distribution, alimony, and child support.

DON'T LET YOUR FRIENDS TELL YOU WHAT TO DO: Though they mean well, they are not experienced in the coming and goings of a matrimonial courtroom. No two divorces are alike. What happened to your friend during his/her divorce may have no relevance to you. **DO** listen to your attorney, he/she knows more than your friends.

DON'T USE YOUR CHILDREN AS A THERAPIST: They are not equipped to handle the emotional strain being placed on them. **DO** get professional help for you or your children if you need it to cope with your divorce.

DO SEE A THERAPIST: Divorce is difficult for everyone. I strongly suggest that you consult with a therapist. Your attorney is not your therapist. Not only is your attorney not trained to assist you with emotional issues, your attorney likely costs significantly more per hour than a professional trained in

therapy.

DON'T REPRESENT YOURSELF: Not only will your inexperience likely harm your case, you also come off as selfish and self serving. Besides, judges do not like it when you represent yourself. Even experienced attorneys that are getting divorced use attorneys.

DO USE AN EXPERIENCED FAMILY LAW ATTORNEY. Although you may feel like you will save money, it will cost you more in the long run by not having the proper representation and someone with experience and knowledge of the law looking out for your best interest.

DON'T DEPEND ON YOUR MEMORY: Document everything that you might think will be important later on. Also, keep a journal of important dates, events, including all child exchanges and timeshare.

DO COMMUNICATE WITH YOUR EX IN WRITING and keep all records. This includes emails and text messages. If you do not know how to pull these records, ask us.

DON'T POST ON FACEBOOK anything that could be used against you.

DO BE ON YOUR BEST BEHAVIOR IN DEALINGS WITH YOUR EX. Don't curse, become defensive, offensive, or harass in communications, especially written communications. Always assume the judge may read anything you write or hear anything you have said. Even if your ex is antagonizing you or acting inappropriately, don't give them anything to fault you for. Think twice before hitting the send button on your computer or phone.

DON'T IGNORE THE ADVICE OF YOUR ATTORNEY just because you disagree or don't like it.

DO ask your attorney why she has made a suggestion or comment. Why pay your attorney for her advice and suggestions, and then consciously ignore the advice?

DON'T STOP CO-PARENTING just because litigation is on-going. If the child has a problem, your first call should not be to your lawyer. It should be to the other parent to attempt to address and solve the problem jointly as parents.

DON'T USE YOUR CHILDREN AS PRIVATE INVESTIGATORS. After you pick up your children from the other parent, don't ask for information that you believe might help your case.

DON'T MAKE FALSE ALLEGATIONS against the other party or exaggerate things in an attempt to strengthen your case. This will only harm your case.

NEVER GET INVOLVED IN DOMESTIC VIOLENCE: Do not touch, push, hit, or threaten your partner. If you cannot control your temper, take time-outs and stay away from him or her. Engaging in this behavior can have disastrous effects on your custody case.

DON'T pick up your children for visitation if you have been drinking or have been doing drugs.

DON'T USE DRUGS OR ABUSE ALCOHOL at all during your case.

DON'T PAY CHILD SUPPORT IN CASH without getting a signed receipt. It is best to pay by personal check or bank transfer as they are the easiest to trace. Write "child support" on your check memo line or on the transfer memo. Pay by money order only if you do not have a bank account.