

Lessons from a Family Law Attorney By Joseph H. Nivin, Esq.

As a family law attorney, people often ask me whether I've learned lessons about how to make marriage work.

They are asking the wrong question. The decision to get divorced is a personal decision that anybody can end up making. The more important question is: If you decide to split from your spouse, what will the divorce look like? Will it be financially and emotionally devastating? Or will you be able to move on, heartbroken but otherwise intact, and capable of co-parenting your children with your ex? If you follow the lessons listed below, then you are far more likely to fall into the second category.

Disclaimer: The suggestions in this article do not apply to cases where there is serious domestic violence, child abuse, serious neglect, or parental alienation.

- 1. Be a support, not a weight around your spouse's ankles. The nastiest divorces involve custody battles. The last thing that you want is for your spouse to ask her attorney, "Why's he interested in the kids all of a sudden?" Start being involved now.**
- 2. You don't have to defend every single point in every single argument. The only way to reduce fees in your divorce is to come to an agreement on as many issues as possible. If you fight over everything, then your divorce will be very expensive. If you pick your battles, then you will save both money and energy.**
- 3. Just because it's legal doesn't mean it's right. During hotly contested custody cases, clients often ask me, "Do I have the right to do X?" This often leads to the following response from me: "There's no law against it, but. . ." The client may listen, and save him or herself a lot of angst. Or the client may interrupt and say, "All I want to know is whether I have the right to. . ." That client isn't doing him or herself any favors.**

Example: Don't have your new significant other sleep in the same house as your children without talking to your ex first, just because it's not illegal.

- 1. You can't impose rules on children when you're fighting with the other parent. Children can be raised with rules even when the parents don't like each other. However, if the parents are constantly trying to undermine each other, then it's impossible. No matter what, be on the same page when it comes to expectations of your children. Make sure that your kids know it.**
- 2. Don't screw around with the money. If you think you're smart enough to hide money before your divorce, you can bet that your ex's divorce attorney will be smarter. If you cry poverty, the Court won't believe you, even when (not if) your crying becomes real.**
- 3. Example: It's not a good idea to tell your boss to take you off the books just in time for your divorce.**
- 4. If you're self-employed, be Dudley-Do-Right. Every divorce attorney knows how to discredit a business owner's self-reported income. Make sure that everything paid out of your business account has a legitimate business purpose. Keep track of what you pay yourself, and report that "actual" personal income when you fill out court documents. Do the same on your tax returns, as they will be exchanged during your divorce.**
- 5. If you think you might be getting divorced, do your taxes. If you're in the middle of getting divorced, do your taxes. Your finances can't be a mystery when you're getting divorced. For self-employed people, see #6.**
- 6. Don't be underhanded with your children. You're going to get caught. Even if you walk out of court thinking that you've proven me wrong, just wait. Karma is real. Don't try to provoke your spouse to act crazy and then start recording. Don't interrogate your children and record them making allegations. People who do these things never turn out well.**
- 7. Both you and your spouse will always have influence when it comes to your children's upbringing. The exceptions are extreme: if your spouse abandons the children, goes to prison for a long period of time, or is severely abusive or neglectful. Even the best lawyer can't just "tell the judge" to send the kids**

to your family every year for Christmas. Neither you nor your ex will get to “call the shots.”

10. Put common sense before fairness. Yes, in a court of law, there should be fairness. However, when there is a choice between the two, then common sense takes priority. These issues arise when deciding who is responsible for picking up and dropping off children for exchanges between the parents. When making these arrangements, parents are well-advised to focus on what makes the most sense, and not insist upon sacrificing logic just to split the burden 50/50. Nobody can guarantee the future on their wedding day. However, if you’re getting divorced, then follow these simple rules. You’re much more likely to come out okay in the end.