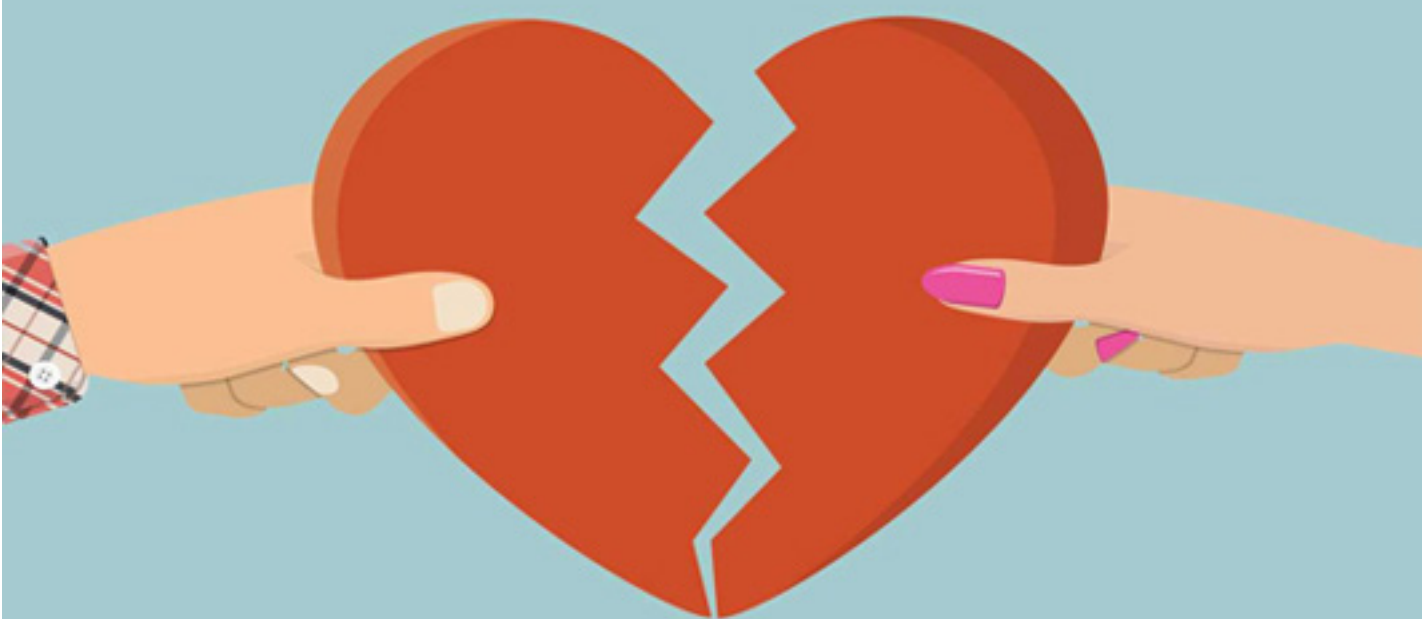


# 10 DUMBEST Mistakes in DIVORCE CASES



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## 10 Dumbest Mistakes in Divorce Cases

Going through a divorce is an emotional process. Unfortunately, when we are emotional, we often make dumb mistakes. There is a lot at stake in a divorce—how your assets will be divided, spousal support, and child custody.

Making emotional decisions and dumb mistakes can have long-lasting consequences. These include everything from making your divorce more expensive to permanently damaging your relationship with your children.

This guide will help you learn how to identify and avoid the ten most common dumb mistakes people make in a divorce.

## Dumb Mistake # 1: Moving Out Too Quickly

Sometimes when you're ready to file for divorce, all you want is to get as far away from your spouse as possible. The marriage is already broken, and you might feel like it doesn't make any sense to live under the same roof a second longer than you have to.



However, moving out too quickly can be disastrous.

Even when you're no longer living in the same residence as your spouse, the court can order you to pay some or all of the joint expenses for the residence. These expenses include things like:

- Rent
- Mortgage payments
- Property taxes
- Home maintenance
- Utilities

This happens because before a divorce is final, your home and all the debts associated with it are part of what is called the marital estate. Both you and your spouse have certain duties towards the marital estate, including making sure the expenses on the residence are paid.

If you move out too soon, you may be stuck trying to set up a new residence while still paying many of your old household expenses. This can put you in debt and make it harder for you to recover financially after the divorce.

In some circumstances, moving out too early can affect how the court divides the property at the end of the divorce.

Even worse, if you have children and you leave them behind to start a new household, you make it extremely difficult to win sole custody or even joint custody.

When a divorce is filed, the court will look at what the situation is regarding the children at that moment. This is called the status quo. If you move out and leave your children behind, you create a status quo where your spouse is the primary custodian of the children.

The court usually wants to ensure as much stability for the children as possible. If you move out early, the court may see you as abandoning the family home and the children.

Before you move, make sure you consult with your attorney.

## Dumb Mistake # 2:

### Choosing the Wrong Lawyer

Getting a divorce is like going on a road trip with your lawyer. You can't be sure how long the trip will last, and in the beginning, you don't even know what route you'll be taking. You don't want to make this journey with the wrong person.



What should you look for in a lawyer? You want someone who is experienced in handling divorces like yours. If you have children, you want a lawyer that understands custody law and what the different judges in your area care most about when it comes to awarding custody.

You also want a lawyer who you feel comfortable with. There will be a lot of ups and downs in your case. You want a lawyer who is willing to tell you the good news and the bad news. Most importantly, you want a lawyer that will tell you that you're about to make a dumb decision.

If your divorce is contentious and will need to go to trial, you don't want a lawyer who only focuses on collaborative law or mediation. However, you also don't want a lawyer that will be overly aggressive and push you to trial when you could've settled the case.

You will want to meet with your lawyer before hiring them. You will want to ask them about their approach to divorces like yours.

It's always a mistake to hire the cheapest lawyer you can find. You want a lawyer that you can afford but who charges enough to be thorough and not look for shortcuts or corners to cut.

## Dumb Mistake # 3:

### Waiting For Your Spouse to File

There are many reasons you may think you don't want to be the first one to file for divorce—but none of them are good reasons. Waiting for your spouse to file first is like waiting for someone else to call 911 when the house is on fire.



Waiting too long to file for divorce can make your case much more emotionally difficult, complex, and expensive. Remember, the moment you file for a divorce becomes the status quo for the rest of the divorce. The court can enter orders that prevent undue financial strain, the wasting of marital assets, and the withholding of visitation with children while the divorce is pending.

Often the most challenging part of the divorce process is deciding to file for divorce. But, waiting for your spouse to file first will not make divorce any less painful or complicated. Instead, the opposite is most likely true. The longer you try and live in a broken marriage, the harder the divorce will be.

While the legal system is far from perfect, the laws are designed to help protect the value of the marital estate and the best interests of your children. The longer you wait to file for a divorce, the longer you have to live without the protections that the court system can provide.

## Dumb Mistake # 4: Hiding Information From Your Attorney

There are two people you should never lie to—your doctor and your attorney. Hiding information from your attorney is a form of dishonesty, and it can destroy your case.



One problem with hiding information from your attorney is that the information almost never stays hidden. You end up making it harder for your attorney to properly defend your interests. They cannot be adequately prepared if you are hiding things.

If you have financial accounts you don't want to turn over to your spouse, hiding them from your attorney is one of the dumbest choices you can make. If your attorney learns that you are hiding accounts or concealing other financial information, they have a duty to report the hidden accounts to the court—and they may be ethically required to withdraw from your case.

The truth is secret accounts and hidden financial information are almost always discovered eventually. Few things make judges angrier than when spouses try and hide assets. The last thing you want is for a judge to have any reason to doubt your honesty. If a judge finds that you have lied about your finances, they can impose a variety of different penalties, including finding you to be in contempt of court.

Even if you do manage to successfully hide accounts during the divorce, if those accounts are discovered after the final order is entered, your spouse may be able to reopen the divorce and have the assets divided differently.

Hiding information from your attorney puts them at a disadvantage and endangers your entire case. Don't do it.

## Dumb Mistake # 5:

### Not Prioritizing Your Children

Your children should be your top priority throughout the entire divorce process. The animosity and financial strain between you and your spouse will eventually subside. However, your relationship with your children will suffer permanent damage if they are not your focus during the case.



It's easy to feel overwhelmed during a divorce. However, you cannot decide to set aside your relationship with your children until after the divorce. A contested divorce can last one to two years before it is finished. If you wait that long to build and protect your relationship with your children, your relationship with your children may never recover.

Your children need to know that you love them and that the divorce is not their fault. You don't want to put them in the crossfire of your battle with your spouse. You have to do more than just tell your children you love them. You need to show them by investing time in your relationship with them.

This includes following the court-ordered custody arrangements and making the most of all your time with your children.

If you hope to be awarded custody of your children or generous parenting time, you must prove to your children and to the court that you are invested in your relationship with them. You must demonstrate by your actions that your relationship with your children is your top priority.

Your relationship with your children will outlast your relationship with your spouse. Making that relationship a top priority now will pay dividends far into the future.



## Dumb Mistake # 6: Maintaining Poor Records

You know more about your assets and financial situation than anyone else. But when you go to court, you need evidence to make your case. Your lawyer will need to see and study your records to fully understand your financial situation.



These records include bank statements, credit card statements, insurance policies, retirement account statements, tax returns, and other records about your assets and liabilities. These records allow your lawyer to build your case. Additionally, one of the first orders the court will issue in your case is for you to provide all of these records to your lawyer so that they can provide them to the other side.

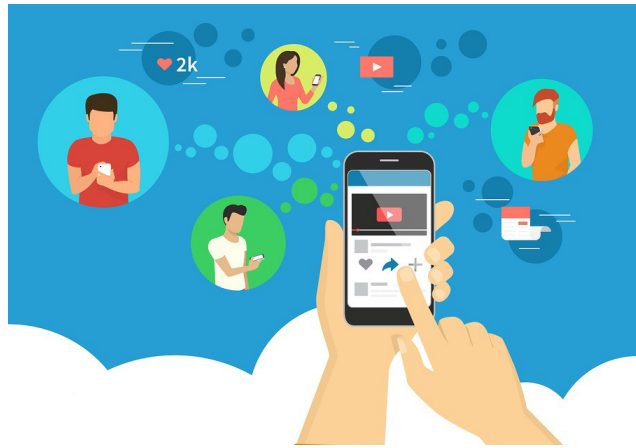
Your financial records are the foundation of your divorce case. If your records are spotty, your lawyer will be at a disadvantage when trying to help you.

One of the best ways to prepare for a divorce filing is to organize your financial records. Keeping accurate and complete records will minimize the costs and fees you have to pay as part of the divorce. Messy, incomplete record keeping can even result in you being ordered to pay court-ordered sanctions down the road.

You want to make sure your lawyer has everything they need to build a strong case. It's almost impossible for you to get the financial outcome you want from a divorce if your records are a mess.

## Dumb Mistake # 7: Sharing Too Much on Social Media

Divorces are emotional. Even uncontested divorces often are gut-wrenching. Many people want to share their pain with the world on social media. While social media can feel private and intimate, everything you post on social media during your divorce is essentially a public record—even if your accounts are private.



Every post, story, or DM on Facebook, Twitter, Instagram, Snapchat, TikTok, or other social media platform can be used against you in your divorce case. Through court-ordered discovery, your spouse can get access to everything you are posting on social media, no matter how private you thought your posts were.

Even your snaps and stories that are supposed to disappear after 24 hours can be recovered and used against you.

Every threat made, every ugly remark, and every detail shared can be used against you in the courtroom to demonstrate your bad conduct.

Often, the safest course is to delete or suspend all of your social media accounts until after your divorce is final. While it can feel good in the moment to vent to your friends on social media, it almost always will come back to bite you later.

You should never share anything on social media that you don't want your spouse's attorney to read back to you later while you're sitting on the witness stand.

If you need an outlet for your feelings, you would be better served by finding a good therapist instead of posting on social media.

## Dumb Mistake # 8: Sharing Too Much With Mutual Friends

One of the saddest parts of the divorce process is that all of the friends that you and your spouse share now will eventually have to “pick a side,” one way or another. Someone you think might advocate for you now may switch sides later on.



Another painful fact is that any of your friends or family members could be subpoenaed to court and asked about statements you made to them in confidence. There is no such thing as a private conversation with friends and family when it comes to divorce.

Your mutual friends may have your best interests at heart, but they may innocently share things with your spouse that are damaging to your case.

That doesn't mean that you have to go through your divorce alone and never speak to anyone about anything. However, you do need to be mindful that things you share in confidence with friends could end up being repeated by them in sworn testimony.

Going through a divorce is one of the most emotionally difficult experiences you will ever have. One of the best things you can do for your mental health, and for your case, is to find a good therapist who understands the divorce process.

You can share things in confidence with your therapist that you cannot share with friends or family members.

Don't let your need to vent jeopardize your case. Don't overshare information about your divorce with friends and family.

## Dumb Mistake # 9: Neglecting Contact With Your Attorney

The events of your divorce will not be evenly spread apart like they are in a TV drama. During the early stages of your case, there will be a flurry of activity. However, after a while, things will seem to settle down.



You will begin to develop new routines. It's easy during these quiet periods to forget to stay in contact with your attorney. This is a critical mistake. While it may seem to you that not much is going on, behind the scenes your attorney is still working hard for you. They have hearings to attend, motions to respond to, and requests from the other side to answer.

Your attorney needs to know what is going on with you, your children, and your finances so they can be fully prepared to advocate for you.

When you fail to stay in touch with your attorney, you make it hard for them to catch up when something urgent comes up in your case. You don't want your attorney ever to be surprised by information they learn in a hearing or during negotiations with the other side.

You know more about the facts of your situation than anyone else. However, your attorney understands better than you what facts are essential to your case. Your job is to share all of your information with your attorney. Details you think are minor could be critical.

You should always return phone calls and emails from your attorney's office promptly—within the same business day when possible. You should also keep your attorney updated on changes in parenting time schedules, finances, your spouse's conduct, and your household.

## **Dumb Mistake #10: Not Preparing Adequately to Testify**

During the early stages of a divorce, your job is to give your lawyer all the information you can about your marriage, assets, and children. You're the expert on your life.



But as the divorce moves forward, a strange thing happens that many people have a hard time dealing with—your lawyer becomes the expert on your life as it relates to your divorce case.

One of the consequences of reading all of our records and building your case is that your lawyer spots events and patterns that you long ago became oblivious to. Your lawyer will tease out what the most important and relevant facts are for your case, and they will work with you to present those facts to the court.

The primary way many of these facts will be introduced to the court will be through your testimony in either a deposition or through direct testimony in front of the judge. The documents and records will be used to back up your testimony. But, your account of the situation will be critical to presenting your case.

Your lawyer will want you to know the details of your case inside out so that you can testify clearly, concisely, and convincingly. You need to have the humility to understand that you need to study the facts of your own case like your future depends on it—because it does.

The worst thing you can do is go to court and try and "wing it" because you think you know your life better than anyone. Your spouse's attorney has been preparing to attack your case for months. They will want to make you look foolish and ignorant.

Failing to prepare to testify plays into their hands.

Listen to your lawyer and study the facts of your case so that you can deliver a powerful presentation in court.

## Conclusion

Going through a divorce is one of the hardest things you will ever do. You need the guidance of an experienced lawyer who will help you avoid dumb mistakes and who will work with you to protect the things you value the most.

Melone Hatley P.C. is a firm dedicated to helping families and individuals navigate challenging and emotional legal issues. Our experienced family law team will help you through each stage of the divorce process. We handle both contested and non-contested divorces and are equally prepared to help you find an acceptable settlement that fully protects your rights or to fight your case all the way to trial.

The sooner you seek legal advice, the better off you will be in your divorce. Contact Melone Hatley P.C. today to schedule an initial consultation. [Visit us at our website](#) to schedule a call or to submit an email question.

Every day you wait to get the legal advice you need makes your case more difficult.