

Realistic Tips to Prevent Financial Ruin During Your Divorce

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Divorce can be devastating – whether you had your attorney file the divorce complaint or you are served with the complaint.

If you are served with a divorce complaint, you should file an answer and/or counterclaim within the time frame outlined in the papers. If you do not file an answer, the plaintiff, your spouse who filed divorce papers against you, will file for default and most likely get everything requested for in the initial pleading. Throughout the process, it is common for those divorcing to feel an intensity of emotions, from anger, to sadness, to despair, to elation.

Generally, the divorce process can be as cost efficient or expensive as you and your spouse decide. There are tips, however, to limit your financial contribution to attorneys and to prevent financial ruin.

1. **Give your attorney all the information he/she needs to learn about your lifestyle and marriage.** This will be very important to determine alimony, equitable distribution and to some extent, child support. Photographs memorializing your lifestyle may also be important.
2. **Listen to your attorney.** You hired this person because you trust them. Trust their advice. If you question their advice, do it openly and make sure all of your questions are answered. Remember, you are paying for a service and this is your divorce. If you are unwilling to follow your attorney's advice, it is time to find a new attorney.
3. **Know what you want.** Make a wish list of items that you want to have at the end of the divorce process (i.e., joint legal custody or sole legal custody); specific time for parenting time; equitable distribution (i.e., sell the house or your spouse purchasing your interest); equal exchange of assets v. sale or liquidation of assets; personal property. Empowering your attorney with this information in advance will save you and your attorney a lot of time throughout the divorce process. This information will also be used to prepare your Early Settlement Statement, a prepared statement your attorney submits to a mediation panel appointed by the court in an attempt to resolve your divorce, which is a requirement if you are getting divorced in New Jersey. (The Early Settlement Statement is not evidential and will be returned to your attorney after the mediation session. You can accept the recommendation of the panel or you can meet with the judge and prepare for trial.)
4. **Make a list of issues you have before you call your attorney.** You will incur unnecessary costs if you call your attorney with questions several times a day, as opposed to having one ten- or 15-minute conversation. Make a list of everything related to your question or issue and make sure your attorney answers all of your questions. If you prefer email, do the same thing. It is better to have one succinct email than five or ten emails in one day.
5. **If your spouse is not cooperating in the divorce process, or has cut off access to marital assets,** your attorney may need to file a motion on your behalf. If there are serious issues concerning the children, a motion may need to be filed as well.

If you have a question or wish to discuss this topic with one of our family lawyers, please give Joe a call at (732) 352-9871.

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