

**10 COSTLY MISTAKES
PEOPLE MAKE
WHEN CONSIDERING
DIVORCE**

**Learn How To Avoid These
Mistakes And Protect Your Rights**

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10 Mistakes To Avoid And Things You Must Do To Protect Your Interests Before Becoming Involved In A Divorce Case

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If you are making the decision to divorce your spouse or if that decision has already been made by your husband or wife, it is important to begin to protect your interests so that you are fully prepared for all the potential issues that will arise in the case. Although a divorce case does not always have to begin as an adversarial process between the parties, you must be on guard for different situations that may arise that could adversely affect the outcome of the case. Even if the matter appears to be amicable, the following are ten common mistakes people make in not seeking to protect themselves.

1. Not being familiar with finances.

It is imperative at the outset of any divorce case that you attempt to become as familiar as possible with the family financial picture. Frequently, one party is in the dark with regard to the handling of the family finances. One spouse may be responsible for paying all of the monthly bills and for accumulating information for the preparation of jointly filed tax returns. If that is the case, tax returns along with paystubs and W-2 forms should be gathered for review as quickly as possible. You should also attempt to obtain as much information with regard to all property that is owned by either one of you including bank accounts, retirement accounts, real property as well as items of personal possession. During the case, both parties will be called upon to submit sworn statements as to the existence of assets and what their true income is. However, it goes without saying that in certain situations, individuals may attempt to conceal this information and not be forthright in submitting documentation. In many cases, income and assets may be hidden.

2. Not paying attention to cash flow.

Frequently, leading up to a divorce, there are either withdrawals made from accounts or a depletion of income or assets. By not being fully aware that this is taking place, your financial interests may be jeopardized. It is extremely important to be on the lookout as to any significant or unsubstantiated withdrawals from checking accounts or debit cards. Also, it is vital to review credit card statements to see if there are expenses being incurred by your spouse that are not related to the marriage and are not considered to be joint marital obligations. If this is the case, suspicious spending habits should be monitored. If you are unaware of how much, or on what your spouse is spending money, your financial outcome of the case could be compromised.

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3. Not realizing your spouse may be diverting funds.

Oftentimes when a spouse is contemplating divorce, large amounts of money are transferred to either family members or friends for "safe keeping". Bonuses or commissions paid may be delayed. Sometimes these monies are shipped to foreign bank accounts. Many times these withdrawals or transfers are made during the course of the marriage unbeknownst to the unsuspecting spouse. Once gone, it may be difficult to retrieve these monies and if there are no other assets to credit these monies against, the innocent spouse may be without a possible remedy to be reimbursed. It cannot be emphasized enough that it is important to keep an eye on large balance transfers or withdrawals.

4. Not realizing there may be a significant other.

Frequently, if there is a boyfriend or girlfriend involved already, there may be expenditures being made by your spouse that are personal in nature and obviously not marital expenses. These include lavish gifts that may be bestowed upon this other person including jewelry, flowers, clothing, vacations or hotel expenses. Often times, these expenses are paid from marital funds or placed on joint credit cards. If you are not careful, you could actually be funding these expenses incurred by your spouse on behalf of another person! Also, it is important to note that if another individual is involved who may be exerting influence upon your spouse, this may significantly impact decisions regarding the amount of support to be paid or to be received as well as child custody and parenting time issues. If another person is involved, you should be aware of it.

5. Not taking inventory of personal property.

It is extremely important to know exactly what you have! If a divorce is imminent, it is recommended that you either video tape or photograph valuable items of personal property. Often times, these items have a habit of "disappearing" with no explanation. It then becomes difficult to convince a court that these items existed in the first place if there is no verification or documented proof of their existence. There are too many cases of personal property having vanished from the home without recourse. The courts are powerless to require the return of property once taken unless there is proof

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that it existed in the first place. Oftentimes, a judge can only issue an order that says if the party allegedly taking the items has the property in his or her possession, it must be returned. This is impossible to police. Once the item is missing, you can kiss it goodbye. Video or photographic images are essential to protecting the return of these possessions.

6. Allowing yourself to be bullied into a false sense of security.

In many cases, a domineering or controlling spouse will promise that he will always take care of you. There usually is a conversation along the lines of a desire to get the divorce done as quickly and cheaply as possible and not to involve attorneys. This should immediately raise suspicions as someone attempting to conceal income, not wanting to divide assets equitably or someone not wanting to pay a proper amount of child support or alimony. A common refrain is, "We can either litigate the case in court for the next year or two and pay thousands of dollars to attorneys or we can save that money and use it for our children and not go through the heartache and stress of divorce litigation." Before agreeing to anything, it cannot be stressed enough that you should seek the advice of an experienced divorce lawyer with whom to discuss all possible issues. Once you sign an agreement with your spouse, even if no attorneys are involved, it may be too late to try and reopen the matter if you detect that you were taken advantage of.

7. Allowing your spouse to alienate you from friends and family.

Many husbands or wives seek the deterioration of their spouse's outside relationships. This is done in an attempt to weaken their backbone to stand up for themselves and demand what is fair and just. If you no longer have family or friends to help you through the difficult and trying time that a divorce may present, you will be devoid of a support system to help you survive. It is crucial that you have outside people with whom to discuss your case and upon whom you rely for advice besides your attorney. Often times, family members, friends and even therapists provide guidance and necessary support when called upon.

8. Not objecting to rising monthly expenses which may be used to establish a standard of living.

Since one of the most important components of an alimony award is to maintain a comparable standard of living to what was enjoyed during the marriage, many times expenses are either inflated or artificially incurred in order to justify a higher support amount. If you see your spouse charging items on a credit card that were not typical during your marriage and you feel are unexplained, this may be a method by him or her to incur as much debt as possible. In that manner, he or she will be able to complete a monthly budget form to be submitted to the court indicating how much money is necessary to maintain those living expenses after the divorce is finalized. It may be extremely difficult to refute the existence of that type of lifestyle if in fact these expenses can be legitimized as being necessary and incurred for the proper benefit of the marriage. An alimony award could be based upon an inflated lifestyle.

9. Allowing a potential domestic violence situation to arise.

A common question when seeking divorce is, "How can I get my spouse to leave the home?" A spouse can only be removed from the home if in fact domestic violence has been proven. The court will then issue a restraining order prohibiting that spouse from returning to the home or having any contact with the victim of the domestic violence. Unfortunately, the domestic violence statute is used by divorcing couples as both a shield and sword. Besides the legitimate complaints that are filed in order to protect against actual violence, oftentimes bogus complaints are filed based upon contrived altercations and confrontations with spouses. If you allow an argument to get out hand so that there is evidence that you committed an act of purported domestic violence, a restraining order can be issued against you which would require you to be evicted from the marital home. It goes without saying that this could seriously impact not only support to be paid but also your relationship with your children as well.

10. Taking for granted not being involved with your children or allowing the children to be pushed away.

If you do not devote substantial time with your children and participate in their activities, this could seriously impact the issue of custody and parenting time at the time of the divorce. If custody or parenting time is truly an issue, there may be testimony taken in court that the offending spouse is not adequately involved with the children's lives and should not enjoy a custodial relationship that you may seek or

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desire. If your spouse is prohibiting you from spending quality time with the children, it is absolutely necessary for you to take a stand in order to promote a meaningful and beneficial relationship with the children. Both parents are entitled to be parents to their children and one should not be excluded from their lives by the other. Therefore, it is important to maintain an even and consistent relationship with your children during this time.

Contact Us

This could be the most difficult and trying experience of your lifetime. Emotions run high. If you are contemplating filing for divorce, or as soon as you are aware that your spouse intends to file for divorce, contact us. At the Law Offices of Jeffrey W. Goldblatt, we have been advising and representing divorce clients for over 30 years. We especially take pride in our close personal relationship with our clients.

We are always available and communicate regularly and frequently with our clients. Mr. Goldblatt personally handles and oversees every case in the office. He is always available for consultation either on the telephone, email or in person. He strongly promotes that such communication with him take place on a constant basis. He is ready to protect your interests by either negotiating a fair and equitable solution of the legal issues presented or by proceeding to court and advocating for you to the best of his ability. He has handled thousands of divorce cases throughout the state of New Jersey. He is ready to stand by you and work with you to further your interests.

With offices conveniently located at 4G Auer Court, East Brunswick, New Jersey 732-238-8700 and 63 West Main Street, Freehold, New Jersey 732-780-9333, we are here to serve you.

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