

How to Turn Your Case into the Divorce from Hell

Let's face it, divorce is no fun. It is painful, traumatic, terrible time in your life, but you can take steps to keep it from turning into the "divorce from hell."

If you really want to create havoc and turn your divorce into your worst nightmare, following are sure-fire ways to do that. As you read this list, don't automatically assume it describes your spouse, and make sure you don't see yourself here either.

1. **Focus only on emotional destruction.** Invest a lot of time in self-pity and find shoulders to cry on - your friends, your family, your future ex-spouse's family, and worst of all, your children. We all know divorce is painful, but if you really do want to get over it at some point and move on with your life while maintaining your friendships and family relationships, you cannot continually involve your friends, your family, your future ex-spouse's family, and your children. This only escalates the emotional discomfort and may destroy important relationships. Spreading your pain is a tactic that rarely accomplishes anything positive for you and often serves to isolate you from friends and family who soon begin to tire of hearing about your situation.

Take positive steps. Engage in meaningful therapy or find a support group. One client got involved with a group of women at her church who were going through the same process. They provided essential emotional and social support for each other, helping through bad times and remaining friends long afterward. Remember, one day your divorce will be over, and you want to be in a position to put it behind you with dignity and grace.

2. **Involve your children in the dispute.** One of the quickest ways to escalate hostilities is to involve your children in fights with the other parent. Typically, one spouse reports to Junior the "Dad can afford to buy you a car, but he just doesn't want to" or "Mom can afford to pay for private school with the money I am giving her." When children are used as pawns by their parents in a divorce, they soon learn that they can use their parents as pawns in the future. The nightmare of that is unimaginable. These tactics are not good for you or your

children. Resisting the temptation may be difficult when you are angry or frustrated or can't afford to buy the little extras your children want, but be advised: you will suffer for it.

Another wonderful opportunity to cause misery is to refuse to take your child to a soccer game or birthday party because it conflicts with your time-sharing arrangement or to insist that the child attend extracurricular events, especially when they are difficult for the other parent to manage.

Another way to stir up the heat is to insist that your soon-to-be ex-spouse discipline the children in a certain way or feed the children at certain times or generally try to usurp his or her parenting decisions. Remember, you each have your separate parenting styles and neither one is necessarily better or worse than the other. One psychologist used the catch phrase "the goodness of fit." He means that some children benefit from a laissez faire parent, whereas others need a stricter regimen. Both parents must be guided by the child's needs rather than their own desires to control each other.

3. **Expose your children to a new person too soon.** Nothing can spell disaster with greater certainty than introducing your date or significant other to your children too soon. In the first place, your children need time to heal and learn to live with you as a single person before they are exposed to a new adult in their lives. Also remember that children very often do not want their parents to be divorced and will do anything to get them back together, including reporting your activities to the other parent. Anger, resentment, and jealousy on the other side are not helpful in lowering tensions.

As a corollary, getting involved with a new person too soon also can be a mistake for you. You need time to heal. Often people say, "I just want to get on with my life" or "it's not fair that I can't get on with my life." Well, you can get on with your life, but you need to let the process take its course. Rushing the process, only seems to impede it.

4. **Get a good custody fight going.** You can argue that your spouse is not a fit parent or doesn't know how to raise children or never cared or spent any time with the children. Generally speaking, every family knows which parent is responsible for day-to-day child care. Only in the rarest of situations is it evenly divided. When you know it's the other parent, it is a costly mistake to battle for custody, unless there is a compelling reason to do so. To gain a tactical advantage in the divorce is not a compelling reason.

Another great way to raise the level of tension is to fight for more time-sharing or visitation in an effort to reduce child support. Generally, everyone can see through this ruse, especially if you are asking for more time with a calculator in one hand.

5. **Play games with visitation.** This tactic can have endless permutations. You can consistently be anywhere from a few minutes to an hour or more late for pick-ups or returns. Fail to appear for visitation and forget to call. You can continually send the children without appropriate clothing or refuse to return clothing. You can inadvertently forget to send the children's school books or assignments or fail to send notices of school events to the other parent. You also can forget to mention long-standing dental or medical appointments or return the children dirty or hungry. Remember, your children's welfare and emotional adjustment should be your primary concern.

6. **Keep secrets from your lawyer.** Don't tell your lawyer about the stash you have hidden in the safe deposit box or the relationship you have or had, or the psychologist you have been seeing for the past three years. Your lawyer really is there to help guide you through the emotional and financial morass, but can't unless you are completely honest. There is no worse experience for a lawyer than preparing for trial and learning on the eve of trial of some deep, dark secret or hidden asset not previously disclosed. Frankly, most people who try to hide assets are not particularly good at it. There always is a paper trail, and judges are astute at discerning dishonesty. If you are caught in a lie, you will destroy your credibility with your spouse, your lawyer, and the court.
7. **Claim fraud.** Insist that your lawyer use evidence of unreported income to bolster your claim for support. This generally is an issue for families living on higher income than the tax return reveals. Before you take this position, understand that signing a joint tax return makes you liable for any fraudulent reporting of your spouse. In addition, many judges feel an ethical obligation to report tax fraud. "I didn't look at the return before I signed it" is never an excuse. You are responsible for your own actions and you always have a choice to file your own separate return, even if it costs more in taxes.
8. **Insist on going to court.** You risk disaster if you demand "I need to tell the judge my side of the story" when your attorney advises the issue is a loser. Success at court is never guaranteed. It is far more intelligent to avoid the courtroom if you or your attorney is fairly certain that your position will not prevail. In the first place, going to court is expensive. In the second place, if you insist on going to court on losing positions, the judge may begin to see you as angry, emotional, or frivolous. This does not, of course, mean that every position you take before the judge must be a winner; however, make sure you are standing on solid legal and factual grounds. Judges are busy people who don't like to be bothered with merit less or trivial matters.
9. **Insist on unreasonable expectations.** This usually starts at the beginning of the case. Occasionally, all of us have unrealistic expectations; however, refusing to listen to your attorney and to consider rational alternatives will escalate the chaos. Among the most important things you can do is to get a clear picture of possible outcomes early in the case. Then focus on what you want to achieve and how you can accomplish it. Listen to your attorney and other professionals on your team. Ask questions and take notes. Be flexible and reassess your goals as you move through the process. Pursuing unreasonable expectations will leave you unhappy with whatever result is achieved.

The bottom line is this: Engaging in the blame game and punishing the other side will leave you the ultimate victim. Remember the old saying, "The best revenge is living well." The best divorce strategy is to focus on issues that are important to you and that are winnable and steer clear of anger, finger-pointing, and retribution. Take responsibility for yourself, focus on what is important, and be realistic. Believe it or not, one day your divorce will be over and you will move successfully on with your life for the benefit of you and your children.

What Spouses Say

Many divorce clients hear comments similar to the following from a spouse at some point during a divorce case. Generally, they are said in the heat of litigation and are meant to hurt, annoy, intimidate, and upset you. By familiarizing yourself with them in advance, we hope that you will be better able to recognize them for what they are, to control your response to them, and to prevent feelings of anger and frustration from making your divorce even more difficult.

- **“I am going to drag** this case out forever. By the time you get your share of the property, you’ll be too old to enjoy it.”
- **“If you persist in demands** for money, I am going to file a custody action and take the children away from you.”
- **“I’ve got the best lawyer** in town. He’s going to kill you and your lawyers.”
- **“Your lawyer is a crook.** His only interest is to drag out the case to make more money.”
- **“You’ve got the most expensive lawyer around.** The two lawyers are going to eat up all of the assets we acquired during the marriage.”
- **“My lawyer knows all the judges.** There’s no way you are going to get a decent result in court.”
- **“I was ready to give you** a fair settlement. Now that you got a lawyer, I am going to play hard ball, and you’re going to end up with much less than I was willing to give you.”
- **“You’re crazy** for pushing this divorce case. All you are doing is taking money away from the children.”
- **“If you don’t settle** on a reasonable basis, I will have to take the children out of school.”
- **“I’m going to tell the children** that you are responsible for this mess.”
- **“At the rate you and your lawyer are going,** I’ll have to declare bankruptcy and nobody is going to win.”
- **“If you don’t settle on my terms,** I’m going to drag your girlfriend [or boyfriend] into this case.”
- **“Your lawyer is too busy** to handle this case.”
- **“You can’t trust divorce lawyers.** They always work with the lawyer on the other side to complicate things, run up unnecessary time, and make more money.”

Your lawyer’s response

We are experienced family law attorneys. We recognize that a divorce is very difficult for clients. We will not be intimidated by these statements or any others. If you have any comments or concerns about something your spouse has said, please discuss them with us.

Finally, we take pride in being your advocate and adhere to the strictest of ethical standards. You can count on our integrity and good faith in representing you.