

FIVE COSTLY DIVORCE MISTAKES



Everybody has advice for the friend contemplating separation or divorce. Leave or don't leave. Stay or don't stay. Don't take anything, or back up a Uhaul and empty the house. If you are having marital problems you can expect to get if from every corner of your world. Friends, family, acquaintances and total strangers. As a practicing family law attorney for almost fourteen years I have just about heard it all. The purpose of this article is dispel some of the myths and focus you on avoiding simple mistakes that can have devastating effects.

- **MISTAKE NUMBER ONE:** Walking out without planning. The simple truth is that divorce is always emotional. Unfortunately, emotion and critical thinking are not exactly peanut butter and chocolate. When you are overcome with anger, jealousy, guilt or sadness, you are much more likely to make rash, ill advised decisions. Stop and think before you act. Do your homework, and yes, this would include a consultation with a divorce lawyer. Simply wailing out in a fury may feel good, but that act can make it much more difficult to see your children, get your property, or defend or assert support and alimony claims. You need a plan, and you need to lay the groundwork first.
- **MISTAKE NUMBER TWO:** Signing anything you do not fully understand. If I asked for a show of hands of how many of you understood all of the legal documents you have signed that you completely understood I would anticipate about 10 percent of you to reach for the sky, which would mean 90 percent of you are honest enough to admit that most of these documents are filled with archaic blabber that makes no sense in our day in time. Divorce attorneys know this, and they take advantage of this fact. Divorce lawyers are paid to represent the interest of their client, not to draft a fair agreement. A simple review can usually be obtained for a few hundred dollars and it can save you a world of headache down the road.
- **MISTAKE NUMBER THREE:** Blissful Ignorance. If you are in a marriage where the other party controls all of the finances then you have some homework to do. Whether your lack of knowledge is due to an overcontrolling spouse or just being content letting your other half deal with the finances, you need to have an idea of your finances. If you are married, your name is probably on many if not all of the loans and bank accounts. Investigate and find out what is going on. Ask questions and snoop. Do not do anything to put yourself in danger from a neanderthal control freak, but understand the first step in any divorce is asserting your rights as an individual, and this would include knowing what you have and what you owe.
- **MISTAKE NUMBER FOUR:** Listening to your friends. Keep your friends close, and your enemies closer. Well if you don't like divorce lawyers, then they would be your enemies in this scenario, so keep them close! Would you follow your non-stock broker neighbor's advice to put everything you own into some penny stock he just knew was gonna make it big? I hope not. Why not? Because if he was so smart he wouldn't be your neighbor. All other people know is what happened to them or what they have been told. A million different things affect a divorce and the majority of people who enjoy talking about the details of their personal lives are, shall we say, prone to embellish. No divorce is the same, so doing what somebody else did, or risking your life's savings on what someone else heard is not a wise decision.
- **MISTAKE NUMBER FIVE:** Failure to formalize agreements. Most people who divorce in this country wind up coming to some sort of agreement on how to divide property, deal with child custody, child support, and other marital issues. The mistake people make too often is to stop there, and simply count on the good will of their soon to be ex to follow through. No "agreement" is binding unless it is formalized in either a contract "Separation Agreement and Property Settlement" or some form of Consent Order. In separation and divorce, most if not all

states require written, notarized agreements that meet certain legal formalities to be recognized and enforced. An informal agreement also is likely to leave out certain important details, such as agreeing that one party shall take the house and mortgage, but failing to require them to refinance the loan into their name alone within a certain time, or requiring that a deed be signed. Simple oversights in drafting agreements can be catastrophic.

Get informed before you get divorced and protect yourself. Knowledge is power, and you will want to start your new life confident in the knowledge that you have done everything you can do to get off to a good start.

[North Carolina Divorce Information](#)

Glenn S. Doyle

Doyle & Doyle, PA

Attorneys at Law

Raleigh Divorce Lawyer

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