

SUCCESSFUL DIVORCE STRATEGIES



**How to ensure a positive resolution
to the end of your marriage**



COMPLIMENTS OF

HORNBARGER VERBITSKY, P.C.

LONG ISLAND DIVORCE & FAMILY LAW ATTORNEYS

445 BROADHOLLOW ROAD • SUITE 110 • MELVILLE, NY 11747

Successful Divorce Strategies

How to Ensure a Positive Resolution to the End of Your Marriage

By

Robert E. Hornberger, Esq.

Christine M. Verbitsky, Esq.

Special Thanks to my publisher and editor, James F. Ruppel, for conceiving of this project as well as his vital editing and feedback.

This book is designed for general information regarding divorce in New York. Other states may have different laws and statutes from those applicable in New York State. The information presented at this site should not be construed to be formal legal advice nor the formation of a lawyer/client relationship.

©Copyright, Hornberger Verbitsky, P.C. 2021



COMPLIMENTS OF
HORNBERGER VERBITSKY, P.C.
LONG ISLAND DIVORCE & FAMILY LAW ATTORNEYS
445 BROADHOLLOW ROAD • SUITE 110 • MELVILLE, NY 11747

Table of Contents

Introduction 1

Chapter 1: Prepare Yourself for Your Divorce 2

Accept the fact that you will be single in the near future.

Look out for your own best interests

Prepare for Losses

Hire an Experienced, Aggressive Divorce Attorney

Chapter 2: Set Yourself Up for Success..... 4

Get a Prenuptial Agreement

Financial Records

Focus on Your Future

Divorce Mediation

Chapter 3: Don't Move Out 7

The Consequences of Moving Out During Divorce

Moving Out Means Abandoning the Primary Care of Your Children

You May Have Two Households to Support While Paying for Divorce

You Will Lose Immediate Access to Your Belongings

How to Stay In Your Home During Divorce

What to Do If You Have to Leave During Divorce

**Chapter 4: Give Your Attorney the Tools He/She Needs
to Build the Result You Want9**

Be Completely Honest with Your Attorney

Be Thorough in Your Documentation

Be Patient; Divorce is a Process

Be Prepared with Your Questions

Chapter 5: Prepare Your Documents.....12

Gather Everything, Even If You Don't Think It's Important

Keep the Original Documents for your Divorce Case

Ask for Help with Your Divorce Papers

Hire an Experienced Long Island Divorce Attorney to Help You Coordinate

Chapter 6: 5 Ways to Save Time & Money on Your Divorce.....14

Correspond with Your Divorce Lawyer via Email Whenever Possible

Need to Call Your Divorce Lawyer? Prepare Your Questions Ahead of Time

Come to Lawyer Meetings Prepared with Documents

Read the Fine Print of Your Divorce Lawyer's Agreement

Hire a Knowledgeable Long Island Divorce Lawyer

Chapter 7: What Not to Say About Your Ex During Your Divorce16

Your Ex-Spouse is 'Crazy' or 'Unstable'

Your Ex-Spouse is Abusive (If They Aren't)

Your Ex-Spouse is Purposely Hurting You (If They Aren't)

Your Ex-Spouse is Drinking or Doing Drugs (If They Aren't)

Your Children Hate Their Other Parent

Chapter 8: Act As If Someone Is Always Watching 19

Your Every Interaction May Be Monitored During Divorce

Behaviors to Avoid and Correct During Divorce

Drinking or drug use

Arguing and fighting.

Being alone with your ex-spouse

Other Important Tips to Keep In Mind During Your Divorce

See a qualified counselor or therapist

Mediation or collaborative divorce

Keep records of every interaction with ex-spouse.

Chapter 9: Keep Records of Your Interactions with Spouse21

Recording Interactions with Your Ex During Your Long Island Divorce

Why Should You Record Contact with Your Ex-Spouse?

What Kind of Interactions Should You Record?

How Should You Record Interactions With Your Ex?

What to Do with Contact Records Once You Have Them

Chapter 10: How to Keep Your Cool During Your Divorce23

Avoid Arguments with Your Ex Altogether If Possible

Refrain from Arguing in Front of Your Children

Consider Your Available Options for Professional Support

Talk to a Trusted Friend During Your Divorce

Secure Seasoned Legal Representation for Your Divorce

Chapter 11: Dealing with your Children During Your Divorce25

Spend Quality Time with Your Children During Your Divorce

Avoid Tense or Upsetting Situations

Talk to Your Children During Your Divorce

Don't Offer Details

Don't Get Too Emotional

Direct the Conversation to Your Child's Experience

Chapter 12: How to Hire the Right Attorney for You27

Schedule a Consultation with a Divorce Attorney

Write Down a List of Questions You Want to Ask Lawyer

Don't Be Afraid to Politely Interrupt Potential Attorney

Make Sure You and Your Prospective Divorce Lawyer Are On the Same Page

Chapter 13: 12 Smart Divorce Strategies29

Prepare Yourself for Your Divorce

Don't Move Out

Act as If Someone Is Always Watching

Keep Your Cool

Manage Interactions with Your Children

Keep Records of Interactions with Your Ex-Spouse

Prepare Your Documents

Hire the Right Attorney for Your Case

Be Honest with Your Lawyer

Give Your Attorney the Tools They Need to Build the Result You Want

Don't Waste Your Attorney's Time

Set Yourself Up for Success

Patience, Persistence, and Pragmatism Are Key to a Successful Divorce

Get Help from Experienced Long Island Divorce Lawyers

Chapter 1: How to Prepare Yourself for Your Divorce



How to Prepare Yourself for Your Divorce

Divorce can be a difficult thing to prepare for because in many cases, it's the last thing you expect. You got married to your spouse with the intention of the relationship lasting "till death do you part", and knowing that you will no longer have this future can be disheartening. Here are some ways you can prepare yourself — and your family — going through a divorce.

Accept the End of Your Marriage

If you didn't want a divorce, you may be hesitant to accept that your marriage is

actually over. You may stall or delay the divorce proceedings in hopes that you will have more time to reconcile with your spouse. Sadly, this strategy is rarely effective and can significantly hurt your case. In fact, you can count on your spouse's attorneys to

be all too accommodating if you want to drag your feet; this gives them more time to prepare and execute a successful strategy.

Give yourself the space you need to reach a point of acceptance and be able to find some peace about your upcoming divorce.

Don't hang on to wishful thinking — sticking to the

Give yourself the space you need to reach a point of acceptance and be able to find some peace about your upcoming divorce. Don't hang on to wishful thinking — sticking to the facts in front of you will save you both time and money later on.

facts in front of you will save you both time and money later on.

Look Out for Your Own Best Interests

Now is the time to start thinking about what is best for you as an individual instead of what is best for you and your spouse as a couple. This may initially be a hard mindset to get into, but it can help you protect your future access to housing, funding, insurance, and your children.

Understand that New York is an equitable distribution state, meaning that property and assets will be divided based on what the court considers fair — which may or may not necessarily be equal. Your ex-spouse and their lawyer aren't going to be advocating for what's fair for you, they're going to advocate for what is most beneficial for their client — your soon to be ex. It's important to be able to stand up for your right to accept what you are owed in a divorce instead of allowing your spouse to claim as much as they can because you want to avoid a contentious divorce.

Prepare for Losses

You will likely lose much more than your spouse, money, and some of your belongings when you get divorced. You'll lose in-laws, mutual friends, and potentially some of your own family members. Prepare yourself emotionally for these additional losses and accept them as they come.

Remember that the people who care about you won't stray away just because you're getting a divorce. If you have friends that choose your spouse's side over yours, know that they weren't true friends anyway and aren't worth your time, effort, or emotion. Grieve the loss and move forward knowing that you're better off without untrustworthy people in your life.

Hire an Experienced, Aggressive Divorce Attorney

The most important thing you can do to prepare for a divorce is to consult with an experienced family lawyer as soon as possible. Your attorney will advocate for you during your divorce, even if you're unable to advocate for yourself. Your lawyer will work with you to create a plan of action designed to create the best future for you and your loved ones; the law waits for no person and you need to make your move. A good attorney can assist you.

Your lawyer will explain to you the critical issues of your divorce, including child custody and visitation if applicable, spousal support, and property division. Not only

will an attorney help you understand the basics of divorce and how the process works, but can also provide you with information and advice specific to your case — something no one else can do.

Now is the time to start thinking about what is best for you as an individual instead of what is best for you and your spouse as a couple. This may initially be a hard mindset to get into, but it can help you protect your future access to housing, funding, insurance, and your children.

You will likely lose much more than your spouse, money, and some of your belongings when you get a divorce on Long Island. You'll lose in-laws, mutual friends, and potentially some of your own family members. Prepare yourself emotionally for these additional losses and accept them as they come.

Chapter 2: Set Yourself Up for Divorce Success



Set Yourself Up for Divorce Success

Many divorced people wish they had gone into their divorce better prepared, especially when it came to asset division and alimony payments. This is true for those who were not the main income earner or were a stay-at-home parent who made non-monetary contributions to the household, but also for the main breadwinner. Taking some time to plan out your divorce before jumping in feet first will help you avoid regrets over a less-than-ideal result for many years to come. Here are few pointers to help you succeed before, during and after your divorce.

Planning a wedding is a joyful experience that will ideally lead to at least several years of wedded bliss.

Nobody wants to think that their union could end in divorce, but we all know that statistically, roughly half of all marriages do.

Get a Prenuptial or Postnuptial Agreement

Planning a wedding is a joyful experience that will ideally lead to years of wedded bliss. Nobody wants to think that their union could end in divorce, but we all know that statistically, roughly half of all marriages do. This is why prenuptial agreements

are important to consider before getting married. Consider listing your real and personal property before the wedding, formally documenting your ownership of business holdings, real estate property, checking and savings accounts, shares, pensions, retirement

accounts, and all other assets of value prior to the marriage. Contacting a family law attorney for the drafting of a prenuptial or postnuptial agreement can help you ensure your assets are properly protected in the event of a future divorce.

Keep Thorough Financial Records During Your Marriage

During the marriage, keep comprehensive financial reports, including records of all federal and New York state tax filings, bank account statements, insurance plans, and all other documentation related to significant assets. You should also include debts or liabilities you have. If you don't have time to generate and save monthly financial statements on a regular basis while earning a living, keeping a house, and raising a child, consider downloading them at least quarterly or at the end of every year.

Look for resources to help you get an idea of your family's total expenses, including necessities like housing, food, clothes, personal care, and extras like gifts, travel, and entertainment. Your listed expenses should also cover any costs related to raising your children, including education, childcare, and extracurricular expenses where appropriate.

People involved in a divorce on Long Island are frequently enveloped in the present and often forget to plan for the future. However, it's critical to ask now what you need to be happy and successful in your newly independent life after divorce.

Focus on Your Future After the Divorce is Final

People involved in a divorce are frequently enveloped in the present and often forget to plan for the future. However, it's critical to ask yourself now what you need to be happy and successful in your newly independent life after divorce. Divorcing couples also struggle to determine the next plan of action because they lack certainty on their priorities and goals. For example, before fighting to win the marital home, you should first determine if you will be able to handle the maintenance and mortgage

payments. Then decide whether you can feasibly keep it or if you would benefit more with an agreement that provides you with enough time to find a new place as well as a deadline for leaving and taking your equity along with you.

Mediate Your Divorce, If You Can

Despite the fact many divorces are settled without going through litigation, most couples spend large sums of money planning for divorce lawsuits that never take place. Simultaneously, they also neglect to plan for the negotiations that will ultimately decide the outcome of the divorce and matters like child custody and visitation. If you and your spouse are on speaking terms and can agree to most of the important issues in your divorce, it's possible that your divorce could be resolved with divorce

If you and your spouse are on speaking terms and can agree to most of the important issues in your divorce, it's very likely that your divorce could be resolved with divorce mediation. You may benefit more from starting with mediation first to determine if it's a viable option for you to save time and money on dissolving your marriage.

mediation. You may benefit more from starting with mediation first to determine if it's a viable option for you to save time and money on dissolving your marriage.

Allowing your divorce mediator to pressure you into a resolution during your first meeting with them generally is not a good idea, even if it initially seems to be. Rather, ask for a copy of the proposed arrangement and consider it for a period of time. You can and should speak with an experienced divorce attorney before signing on any dotted lines.

Even the most straightforward divorce can be extraordinarily difficult. Both you and your partner are on an emotional roller coaster that takes time to resolve. It is important to hire an experienced divorce lawyer to represent your best interests and ensure that the process of dissolving your marriage runs as smoothly as it can. The right lawyer for you will be there for you with an unemotional eye at each stage of the process, ensuring that your divorce is as painless as possible and you receive everything to which you are entitled.

Even the most straightforward divorce can be extraordinarily difficult. Both you and your partner are on an emotional roller coaster that takes time to resolve. It is important to hire an experienced divorce lawyer to represent your best interests and ensure that the process of dissolving your marriage runs as smoothly as it can. The right lawyer for you will be there for you with an unemotional eye at each stage of the process, ensuring that your divorce is as painless as possible.

Chapter 3: Why You Shouldn't Move Out Before Your Divorce is Final



Don't Move Out Before Divorce Is Final

When you decide to get a divorce, moving out of your marital home seems like the logical next step. However, this is likely to hurt you more than it will help you. It won't necessarily make your divorce easier, nor is it necessarily in the best interests of you or your children.

Here's why you should think again before packing up after filing for a divorce, and how to get the legal advocacy you need as you end your marriage.

The Consequences of Moving Out During Divorce

There are many consequences of leaving your home before the divorce is final.

3 Immediate Consequences of Moving Out During Divorce

- 1. You Abandon Primary Care of Your Children*
- 2. You Now Have Two Households to Support While Paying for a Divorce*
- 3. You Lose Immediate Access to Your Belongings & Important Documents*

Moving Out Means Abandoning the Primary Care of Your Children

If you have children with your soon-to-be-ex-spouse and move out, you will automatically be

giving up primary care of them. New York courts consider you and your spouse to have an equal share of primary care when living together with your children. Once you move out or leave the home, the parent remaining is naturally seen as taking over a greater share of the primary care.

Moving out shows the court that your spouse is the primary custodian of the children before you even have a single hearing regarding child custody — even an emergency one. Additionally, your children may not understand the nuances of your moving out and this may cause them to believe you abandoned them or the divorce is your fault.

You May Have Two Households to Support While Paying for a Divorce

Divorce is costly. So is starting your life over. Adding a third financial burden to that is untenable for most people. Simply put, you may not be able to afford to pay for two households while you're also footing the costs of getting divorced.

If you are able to somehow manage to afford all this or at least look like it, you could paint yourself into a corner when it comes to decisions regarding child support and alimony. You don't want to appear as though you have more resources than you do, otherwise, the judge may order you to pay additional support.

You Will Lose Immediate Access to Your Belongings

Once you leave the marital home, you'll need permission to enter it again. If your ex-spouse isn't agreeable, this can make getting important papers, records, heirlooms, tools, and basic belongings like clothes and electronics more difficult.

If you make any attempt to gain entry after leaving and your ex-spouse has not permitted it, you could face potential legal action.

How to Stay In Your Home During Divorce

Be prepared to resist pressure from your ex-spouse, family, and friends to move out. You may hear that it will help make things more "peaceful," or create less stress, but it's important that you stay the course.

Consider moving to another area of the home if possible. Swap bedrooms with one of your children, or sleep on the sofa if you have to. Understand that things will likely be awkward for some time, but it's

the best way to protect your rights and your children's mental and emotional wellbeing over the long term.

Be prepared to resist pressure from your ex-spouse, family, and friends to move out. You may hear that it will help make things more "peaceful," or create less stress, but it's important that you stay the course.

What to Do If You Have to Leave During Divorce

Some situations will require you to leave, such as false accusations of domestic violence or child abuse. If

moving out of your marital home before the divorce is final is necessary, make sure you do the following:

- Take photographs or make copies of all important documents. Leave the originals intact where they are normally stored unless they belong to you personally.
- Create a list of all material possessions in the home and if possible, videotape or photograph them in detail.
- Move somewhere close by so you're never more than a handful of minutes away from your children if they should get into an accident or an important decision needs to be made.
- Document all communication with your spouse in person, by text or phone, or email.

Chapter 4: Your Give Attorney the Tools They Need to Get You the Result You Want



Give Your Attorney the Tools for Success

When you hire an experienced divorce lawyer, you expect that they'll be able to handle your case without issue. In most cases this is true, but they can only work with the information and tools you provide them about your specific case. Even the most skilled family law attorneys need a few things to work with to get you the best possible result you need and deserve.

Here are some tools you can give your attorney to help you get the results you want out of your divorce case.

Even if you've done something you feel has gone too far, your divorce attorney is there to help you. It matters less to them if you've done something "wrong" and more to them about how to get it handled effectively.

Be Completely Honest with Your Divorce Attorney

Your divorce lawyer's job is to work in your best interests. Even if you've done something you feel

has gone too far, your divorce attorney is there to help you. It matters less to them if you've done something "wrong" and more to them about how to get it handled effectively. However, they may struggle in doing so if they don't have all the

information. Never withhold information from your attorney.

Being honest with your divorce lawyer is of the utmost importance, even if it's about information that makes you look less-than-great. Your attorney won't judge you; they will be thankful that they have the information before it's sprung on them by opposing counsel in court or other negotiations. If they have all the information, your divorce lawyer can look for ways to work around potential issues to give your case the best chance of success.

Bring a list of questions with you that you'd like to ask your lawyer, with the most important questions being listed first. You can also bring a pen and paper to jot down answers to these questions. You may think you already know what to ask and can wing it, but you may feel differently when you're actually sitting across a conference room table from your divorce attorney.

Be Thorough in Your Documentation

When it comes to divorce cases, a lot of "evidence" is one person's word against the other. Courts can't necessarily use this information to make a decision, especially one that would impact the physical and psychological wellbeing of children who may be involved, or equitably distributing assets.

One of the most valuable things you can provide your New York divorce lawyer with is documentation. This includes everything from emails, voicemails, and text messages, to your own personal journal entries, bank account statements,

property deeds, and more. Essentially, if there's a document that exists that is related to your marriage in any way, see if you can get a copy of it to your attorney.

Even if you don't fully understand how your lawyer can or will use these documents, the more information your attorney has, the better they can develop an effective divorce strategy.

Be Patient; Divorce is a Process

Rome wasn't built in a day and your divorce won't be resolved in one either. Although you

may be chomping at the bit to get the dissolution of your marriage over and done with so you can move forward with the rest of your life, detangling your life from your ex-spouse's takes time. Your divorce attorney needs your patience and faith in their skill to get the job done to the best of their ability.

This is especially true if the dissolution of your marriage involves property division or child custody and visitation. Custody issues are among some of the most contentious in New York family law, and resolving them can take months or more if your ex-spouse isn't cooperative.

Rome wasn't built in a day and your divorce won't be resolved in one either.

Although you may be chomping at the bit to get the dissolution of your marriage over and done with so you can move forward with the rest of your life, detangling your life from your ex-spouse's takes time. Your divorce attorney needs your patience and faith in their skill to get the job done to the best of their ability.

Be Prepared with Your Questions

If you're just considering the idea of getting a divorce or are beginning the process, you likely have a lot of questions. However, your consultation time is limited unless you want to pay hourly for your attorney's time and risk blowing your divorce budget.

Bring a list of questions with you that you'd like to ask your lawyer, with the most important questions being listed first. You can also bring a pen and paper to jot down answers to these questions. You may think you already know what to ask and can wing it, but you may feel differently when you're

actually sitting across a conference room table from your divorce attorney.

Have your questions ready to go to make the most of your consultation time. After you have hired your attorney, resist the temptation to call them every time you think of something. Undoubtedly, you will have another question shortly after you hang up the phone from your first call, and so on and so on. You will be better served to wait until you have a number of questions ready before making the call or, better yet, sending an email. This will make the best, most efficient use of your, and your attorney's time (and your budget).

After you have hired your attorney, resist the temptation to call them every time you think of something.

Undoubtedly, you will have another question shortly after you hang up the phone from your first call, and so on and so on.

You will be better served to wait until you have a number of questions ready before making the call or, better yet, sending an email.

This will make the best, most efficient use of your, and your attorney's time (and your budget).

Chapter 5: Prepare Your Documents



How To Prepare Documents for Your Divorce

Evidence is one of the most important factors in nearly every legal case, and divorce cases are no exception. What kind of supporting documentation you have can truly make or break your case. In instances of divorce, lacking the paperwork to back up your claims can cost you significantly, and for years to come, in more ways than one.

Here's what you need to know about getting documents ready for your divorce and how you can get the legal help you need during this process from a seasoned New York family lawyer.

Gather Everything, Even If You Don't Think It's Important

Before your divorce gets fully underway, it's critical to gather as much evidence as possible. Don't

In instances of divorce, lacking the paperwork to back up your claims can cost you significantly, and for years to come, in more ways than one.

worry about what is or isn't important; this is a decision your divorce lawyer will make when reviewing your documents. For example, you want to put together property titles, bank account statements, investment records, debt records, and any other paperwork regarding your ownership of property or liquid assets.

Other documents to consider bringing to the table in your divorce are records of any domestic violence that may have occurred in the home, or any abuse you or your children may have suffered at the hands of your ex.

If you suspect that your ex spouse may be attempting to lodge false allegations against you, gather as much documentation as you can that would refute their claims, such as character witness statements from people who know you, alibis for instances of alleged domestic violence, and other supporting evidence.

You may think you don't need all of this paperwork and the truth is, you likely won't. However, it's better to let your attorney sort through what is and isn't going to help your case.

You may think you don't need all of this paperwork and the truth is, you likely won't. However, it's better to let your attorney sort through what is and isn't going to help your case.

Keep the Original Documents for Your Case

When preparing evidence to submit to your divorce lawyer prior to settlement negotiations or divorce litigation, make sure to give your attorney clean copies and keep the originals for yourself in a safe place to which only you have access.

Ideally, this will be someplace outside the home if you are still living with your ex-spouse while waiting for the divorce to be finalized and property to be awarded. Don't leave them somewhere your ex can come across them accidentally. You can ask a family member or friend you trust to keep them for you, but they may be uncomfortable with "getting in the middle," so to speak. A better place is a safe deposit box at a bank that is in your name and to which only you have a key.

A seasoned divorce attorney can help you manage the gathering of important documents and paperwork you'll need during your case, so you can focus on things that matter most, like supporting your children.

Ask for Help with Your Divorce Papers

Putting together years' worth of financial, property, and medical records prior to a divorce can be an extremely daunting task that gets progressively more so the longer you and your soon-to-be-ex-spouse were wed.

Few people are truly prepared for the sheer magnitude of documentation needed for a divorce case, even when the couple doesn't have children together or own many assets. Of course, the more assets you share and the more involved children are in the case, the more challenging the matter becomes.

Ask for help from people in various positions to gather and prepare records for you. For example, you can authorize your personal accountant to put together financial records from all the different places you have assets.

Or, you can request that your local hospital or doctor's office collate your medical records if you were an abuse victim and need to show multiple instances of seeking medical attention for domestic violence both for you and/or your children.

Hire an Experienced Divorce Attorney to Help You Coordinate

Dealing with the red tape of getting a divorce is often one of the things that deters people who want to move forward with their lives from taking that final step. A seasoned divorce attorney can help you manage the gathering of important documents and paperwork you'll need during your case, so you can focus on things that matter most, like supporting your children.

Chapter 6: Five Ways to Save Time & Money on Your Divorce



How to Save Time & Money on Divorce Lawyer

How Not to Waste Your Divorce Lawyer's Time

Hiring a divorce lawyer or family law attorney is a significant investment of time and money. The old saying "Time is money" is never more appropriate than when working with any attorney. The more time a lawyer has to spend on your case, the more money it will cost you. Make sure you're not wasting your lawyer's time — and your money — when working together to dissolve your marriage. Here are some tips to keep interactions with your attorney effective and efficient, and where to get comprehensive legal

The more time a lawyer has to spend on your case, the more money it will cost you. Make sure you're not wasting your lawyer's time — and your money — when working together to dissolve your marriage.

support when going through a divorce.

#1. Correspond with Your Divorce Lawyer via Email Whenever Possible

Generally, most attorneys charge by the hour. It takes less time to answer an email than it does to return a call and have a conversation with you, meaning that you end up paying more to get the same information. When you can, use email correspondence as a primary means of communication with your divorce lawyer.

#2. Need to Call Your Divorce Lawyer? Prepare Your Questions Ahead of Time

Sometimes calling is just unavoidable. Keep the conversation on track by preparing the questions you have ahead of time, so you can easily go down the list of what you'd like to know and your attorney can answer each.

You could also consider arranging a call first via email and sending your lawyer a copy of the questions you plan to ask. This way, they can have the information about your case ready at the time of the call and aren't spending time on the call looking for it. You'll likely still be charged for the time it takes to do the research, but it's typically more efficient if your lawyer can do it prior to the meeting.

#3. Come to Lawyer Meetings Prepared with Documents

If you've scheduled an in-person meeting with your lawyer, ask them ahead of time what documents you should bring. Obtain copies of these records in advance of your meeting, ideally even sending them to your attorney ahead of time, so they can review them before the meeting.

What you don't want to do is meet with your lawyer to discuss what documents to gather, then meet with your lawyer again to read over them, and potentially again to discuss what they mean for your case. Instead, your in-person meetings should be spent talking about information you're both already familiar with, so the time can be used to strategize solutions.

#4. Read the Fine Print of Your Divorce Lawyer's Agreement

Before retaining a New York divorce lawyer or family law attorney, read the fine print of any contracts or agreements that you sign. Make sure your contract outlines how and when you can communicate with your lawyer within the agreed upon cost. Ask if there are any additional fees for paperwork, copy services, etc. and if you go beyond a certain threshold, if you will be charged an hourly rate.

Some people are under the misconception that discussing cost with an attorney is offensive or uncouth, but your lawyer would much rather be clear and upfront about what you both can do and how you can work together to achieve your goals.

An attorney that has been working with families for years is far more efficient with their time than a lawyer that just passed the bar exam.

This means that they'll likely be able to do the work needed to process your case in fewer hours, reducing the overall end cost of getting a divorce.

#5. Hire a Knowledgeable Divorce Lawyer

The most important thing you can do is hire an experienced, knowledgeable divorce attorney to handle your case. An attorney that has been working with families for years is far more efficient with their time than a lawyer that just passed the bar exam.

This means that they'll likely be able to do the work needed to process your case in fewer hours, reducing the overall end cost of getting a divorce. Ask your lawyer how many divorce cases similar to yours they have represented and out of those, how many were successful. You can also ask your lawyer how long their average case takes and/or how long they expect your case to take.

Although getting a divorce is typically a difficult or unpleasant experience, the divorce attorney you choose to represent you can make the difference in how your case moves forward and ultimately, how much time and money you both spend on the case.

Chapter 7: What Not to Say About Your Ex During Your Divorce



What Not to Say About Ex During Divorce

What you say about your ex-spouse during the process of dissolving your marriage can either help or hurt your divorce.

While no one is expecting you to sing their praises, for your own protection there are some things you definitely shouldn't say about your ex.

You should avoid saying things like:

Your Ex-Spouse is 'Crazy' or 'Unstable'

Your ex may be emotional, manipulative, and erratic during your divorce. They may have even acted this way prior to the divorce, contributing to its necessity. However, suggesting to others that

5 Things Not to Say About Your Ex During Your Divorce

- 1. Your Ex-Spouse is 'Crazy' or 'Unstable'*
- 2. Your Ex-Spouse is Abusive (If They Aren't)*
- 3. Your Ex-Spouse is Purposely Hurting You (If They Aren't)*
- 4. Your Ex-Spouse is Drinking or Doing Drugs (If They Aren't)*
- 5. Your Children Hate Their Other Parent*

your ex is “unstable” or “crazy” won’t help you and can make your case more challenging.

For example, if you do too good a job of painting your ex as too unstable to work or live independently, you may get stuck paying more alimony or spousal support.

Your Ex-Spouse is Abusive (If They Aren’t)

Making false allegations of abuse or domestic violence can be detrimental to your divorce case, even if those claims are successful. If you share children with your ex, and your allegations result in their being removed from your ex’s care, this will have a profound negative impact on your children and their overall development.

Unless your ex-spouse is legitimately being violent, making threats, or causing you to reasonably believe that you and/or your children are in danger, do not accuse them of such. Even if you’re making a joke or exaggerating a non-serious issue with friends, this may cause damage that cannot be undone.

If your ex is being abusive, make a police report and go through the appropriate channels to ensure your family is protected.

Your Ex-Spouse is Purposely Hurting You (If They Aren’t)

Many people feel like their spouse is out to get them during a divorce and are purposely making the divorce process more difficult. While this may be true, not much can be done about it unless you have hard evidence of certain behaviors.

Talking to others about how much your ex is making things more difficult for you on purpose may

seem cathartic, but it can make you appear “desperate” or “paranoid” — not a good look for you in court. To make the best case for yourself, you want to appear rational, confident, calm, and collected.

Instead, vent to a therapist or divorce counselor about the petty things your ex does to hurt you any way they can. If you have evidence that your ex is hiding assets or emotionally manipulating your children to dislike you, contact your divorce attorney to explore your available legal options.

Your Ex-Spouse is Drinking or Doing Drugs (If They Aren’t)

Don’t accuse your ex of abusing alcohol or doing illegal drugs unless you are confident and have evidence of such abuse. If you report to the police, child protective services, a school, or another mandatory reporting authority that your ex is involved with illegal activity, you’ll unlikely be able to prevent an

investigation. If it doesn’t turn up anything, you could be held responsible for false reporting.

Talking to others about how much your ex is making things more difficult for you on purpose may seem cathartic, but it can make you appear “desperate” or “paranoid” — not a good look for you in court. To make the best case for yourself, you want to appear rational, confident, calm, and collected.

If your ex is involved with drugs, alcohol, or other illegal behavior, make a formal police report using the evidence you've gathered.

Your Children Hate Their Other Parent

It's not just important that your ex refrain from emotionally manipulating your children to dislike you; the reverse is also true. You should also go one step further and avoid talking to others about your children hating their other parent, even if it's something you believe happened organically.

You may get inadvertently blamed for manipulating your children to alienate their other parent, even if you were just discussing how the kids seem to act. Instead, do your best to encourage and facilitate a relationship between your children and their other

parent. Not only is it better for your children, it also helps protect your reputation.

How to Know When You Need the Help of a Divorce Lawyer

Whether the idea of getting a divorce is still on the table for consideration, or you're ready to move forward to the next step, it's crucial to start working with an experienced divorce attorney as soon as you can. Your lawyer will work to protect your legal rights and best interests during your divorce and the sooner you act, the better for your case.

You should also go one step further and avoid talking to others about your children hating their other parent, even if it's something you believe happened organically.

You may get inadvertently blamed for manipulating your children to alienate their other parent, even if you were just discussing how the kids seem to act.

Chapter 8: Act As If Someone Is Always Watching During Divorce



Someone May Be Watching You During Your Divorce

Divorcing your spouse is often a long, emotional, complex process that saps you of time, energy, and money. Despite most divorces being emotionally tumultuous, you aren't afforded much reprieve; there is little to no grace for you if you make a mistake.

Here's why you should behave as if someone is watching your every move during your divorce and what you can do to protect your legal rights and best interests from a spouse who may attempt to make you look like someone you're not.

There's a good chance you'll be watched during your divorce. Where you go, what you do, and who you see may be information that your ex-spouse regularly seeks out. If they obtain any evidence that can be used against you, this could radically damage your case.

Your Every Interaction May Be Monitored During Divorce

There's a good chance you'll be watched during your divorce. Where you go, what you do, and who you see may be information that your ex-spouse regularly seeks out. If they obtain any evidence that can be used against you, this could radically damage your case.

Behaviors to Avoid and Correct During Divorce

As you begin the divorce process, you should review your behavior and actions for anything that needs correction before the divorce gets underway. Make an effort to avoid or correct behaviors that could have a serious negative impact on the outcome of your divorce, such as:

- **Drinking or drug use.** Avoid using alcohol or drugs during your divorce. If you do consume alcohol or drugs, now is the time to stop. It may seem harmless to enjoy a bottle of wine on a Friday night, but this can be dangerous if you have any history of drug or alcohol use or your spouse is likely to lie or exaggerate about your activities.
- **Arguing and fighting.** It's critical that you avoid yelling, arguing, or fighting with your soon-to-be-ex-spouse, especially if you have children. Not only will this impact their wellbeing, but it could also give your ex-spouse ammunition to use against you in a false domestic violence claim.
- **Being alone with your ex-spouse.** If you need to meet with your ex, be sure to do so in a public place or with a friend or family member present. Don't allow yourself to be alone with them; there will be no witnesses to refute any claims of domestic abuse, and it will be your word against your ex-spouse's.

Behaviors to Avoid

- *Drinking or drug use*
- *Arguing and fighting*
- *Being alone with your ex-spouse*

Consider

- *Seeing a therapist*
- *Mediation or collaborative divorce*
- *Keeping records of every interaction with your ex-spouse*

Other Important Tips to Keep In Mind During Your Divorce

There are many things you should do in addition to what you shouldn't. These tips can help strengthen your divorce case and increase the likelihood of a favorable outcome.

You may want to consider:

- **Seeing a qualified counselor or therapist.** Proactively seeking out emotional and mental health support during your divorce shows that you're aware of the potential impact of the split on your emotional and physical wellbeing and are taking steps to prevent potential problems. If you have children, you can encourage them to see a therapist or counselor who can help them process difficult emotions about the divorce.
 - **Mediation or collaborative divorce.** If you and your ex-spouse are at least on speaking terms, you may want to think through the options of divorce mediation or collaborative divorce. Both offer a resolution for the end of your marriage without having to engage in divorce litigation.
- **Keeping records of every conversation or interaction with your ex-spouse.** If possible, obtain audio or video recordings of interactions between you and your ex. If your ex sends messages or emails, make copies and keep them in a safe place that only you have access to, ideally somewhere outside the home if you are still living with your spouse.

Chapter 9: Keep Records of Your Interactions with Spouse



Recording Interactions with Your Ex During Your Divorce

It's important to cover your bases when getting a divorce. You can be sure that your ex-spouse isn't going to protect you, nor will their legal team. It's up to you to make sure you have the evidence and support you need during your divorce.

Here's what you should know about recording interactions with your ex and how to get the help you need during the difficult process of dissolving your marriage.

Many issues within a divorce are "he said, she said" problems, where there are no third-party witnesses, and it's one spouse's word against the other's.

When you obtain records of contact with your spouse, you create a "paper trail" that can be used to protect and defend yourself as needed.

Why Should You Record Contact with Your Ex-Spouse?

Many issues within a divorce are "he said, she said" problems, where there are no third-party witnesses, and it's one spouse's word against the other's.

When you obtain records of contact with your spouse, you create a "paper trail" that can be used to protect and defend yourself as needed. For example, if your ex falsely accuses you of domestic violence, and you have a video recording of the time in question that shows no altercation, this can be

used to prove to the court that the allegations are false.

What Kind of Interactions Should You Record?

Generally, you should have a record of all contact you have with your ex, whether it's by text, phone, email, or in person. Print copies of all emails and store them in a paper folder, along with saving them in an email folder. Save all voicemails and texts, and make copies of any important video or telephone recordings. Once you and your spouse decide to dissolve your marriage, everything they say and do in connection with you and vice versa should be at least noted. Just be sure to never record your children. These records are not admissible in court and the court frowns upon the recording of children, even if they are your own.

New York has one-party consent laws regarding the recording of conversations between two people, meaning that only one person needs to provide consent to record and that person can be you.

How Should You Record Interactions With Your Ex?

Ideally, record interactions in whatever way you can as soon as they occur. This may not always be feasible, but being aware of the need for records can help you remember to save things you might ordinarily delete, etc.

If you can, record verbal conversations with your smartphone or a tape recorder. New York has one-party consent laws regarding the recording of conversations between two people, meaning that only one person needs to provide consent to record and that person can be you. Take photographs or record video footage if your ex comes onto your property or if they happen to run into you out in public. If you have no way to record an interaction, take notes of what happened to the best of your recollection as soon as you can get to a pen and

paper. Sign and date it, and keep it with the rest of your records.

What to Do with Contact Records Once You Have Them

Keep any records of contact with your ex-spouse in a safe place to which only you have access. Do not trust anyone besides your divorce attorney with the location and content of these records, even close friends and family. If you are still living in your home during the divorce process, make sure wherever you're storing those records is outside the house. A safe deposit box in your name only is an excellent place to keep any important documents and items during your divorce.

When you hire an attorney, allow them to review all the raw evidence you have to determine what can and cannot be used in court and what may best support your case.

How to Get the Legal Help You Need During Your Divorce

Going through the process of getting a divorce in New York can be frightening and overwhelming, even if it's something you wanted or know is best for you and your family. It's critical that you have someone on your side who can help you navigate through the legal system and who knows how to protect your rights.

At Hornberger Verbitsky, PC, we understand how difficult a divorce can be and are committed to providing our clients with the comprehensive support they need throughout each stage of their case.

Chapter 10: How to Keep Your Cool During Your Divorce

How to Keep Your Cool During Your Divorce



Keeping your cool during your divorce can be very challenging, but it is one of the most important things you can do to prevent unwanted escalation and negative consequences. This is particularly true if you and your ex-spouse aren't able to get along or have difficulty communicating with each other. That said, it's absolutely necessary to give it your best effort.

Here are several things to consider and what you need to do to get experienced family legal help you can trust.

“Duking it out” with your ex when the process of divorce is already in motion isn't going to do anything more than hurt you, your children, and potentially even your case.

Avoid Arguments with Your Ex Altogether If Possible

Ideally, you will be able to avoid arguments with your soon-to-be-ex-spouse entirely. You can pursue divorce resolution via divorce mediation if you and your ex are on relatively civil terms, or you can decline all contact and proceed to divorce litigation. Either way, “duking it out” with your ex when the process of divorce is already in motion isn't going to do anything more than hurt you, your children, and potentially even your case.

If your ex is working hard to start a fight, continue refusing to rise to the occasion. It's difficult, but it's important that you don't allow them to disrupt your emotional state or give them anything they can use as ammunition against you. They may start an argument so they can record and blackmail you, and then threaten you with the footage in an attempt to "punish" you or gain more control over the divorce.

Refrain from Arguing in Front of Your Children

Arguing with your ex-spouse isn't good, but arguing with him or her in front of your children is even

worse, especially in the eyes of a New York family court.

Arguing and fighting can quickly give your ex plenty of things they can use to say you are abusive or violent, especially if they were recording the conversation.

Regardless of whether these are false accusations of domestic abuse, if the court has evidence that you were willing to fight with your spouse in front of your children, you may not be able to get much of a word in edgewise. Make a concentrated effort to be positive and consistent around your kids, no matter how your divorce starts to shape up.

Consider Your Available Options for Professional Support

Getting professional support during a divorce is always a good idea. Don't be afraid of the stigma of needing help when you're going through something difficult; the notion of considering needing mental health support during crisis is no longer considered a weakness.

Whether you visit your church counselor or see a therapist, having someone experienced with dissolving relationships can be helpful in gaining perspective and getting your life back on track after a divorce. You don't necessarily need the most skilled or expensive counselor; even joining an online service can help you get through the toughest parts of reconciling the end of your marriage.

Talk to a Trusted Friend During Your Divorce

If you can't talk to a counselor about your divorce, ask if a trusted friend will let you vent for a little while. Make sure this person isn't going to escalate an already difficult situation. You want someone who will listen, but not egg you on or give you bad advice. Ideally, avoid choosing a current or former friend of your ex-spouse's, even if they are or were very close to you too. Divorce can make friendships awkward, leaving friends unsure of which "side" they should take or if they should take a side at all.

Talk to friends, family members, or acquaintances with whom only you have a relationship. But be careful to avoid giving out details that could get back to your ex-spouse or compromise your divorce in any way.

Secure Seasoned Legal Representation for Your Divorce

Don't wait to make sure that you have adequate legal representation for the entirety of your divorce case. Your future and best interests are on the line, along with those of your children if you have them. It's critical that you act early and act fast. If not, it could be too late, and you could miss your window of opportunity to fight for important things like child custody, visitation and financial support.

5 Ways to Keep Your Cool During Your Divorce

- 1. Avoid Arguments with Your Ex*
- 2. Don't Argue in Front of Children*
- 3. Seek Professional Support*
- 4. Talk to a Trusted Friend*
- 5. Secure Seasoned Legal Representation*

Chapter 11: Dealing with your Children During Your Divorce



How to Interact with Your Children During Divorce

As a parent going through a divorce in New York, all eyes tend to be on you. Your soon-to-be-ex, the judge, the guardian ad litem, and other key parties will all be paying close attention to how you interact with your children. They'll be looking for signs of child abuse or domestic violence, and will be evaluating the impact of your home environment on your children's wellbeing.

Here are some simple guidelines on how to interact with your children during a divorce to ensure you get the best outcome and how to get

experienced legal help during this difficult chapter in your life.

Spend Quality Time with Your Children During Your Divorce

Your soon-to-be-ex, the judge, and other key parties will all be paying close attention to how you interact with your children.

They'll be looking for signs of child abuse or domestic violence, and will be evaluating the impact of your home environment on your children's wellbeing.

First and foremost, your children want to know that even though you and their other parent weren't able to make it work between the two of you, you still love them and cherish your relationship together. Make it a priority to spend quality time with your children engaging in fun activities that help keep their minds

off what's going on in the background.

Attend their school or sporting events to cheer them on, go to birthday parties, get involved in the classroom, and take them to various activities that allow you to join too. It's important to show the court that you're committed to enriching the lives of your children, but even more critical to show your children that your time, effort, and love are freely available to them.

Avoid Tense or Upsetting Situations

Do what you can to avoid involving your children in tense or upsetting situations. This includes arguing with your ex in front of them or yelling at them when they've done something wrong. Now is the time for gentle parenting and to make an active effort to protect the emotional health and wellbeing of your kids.

Talk to Your Children During Your Divorce

It's important to communicate with your children about what is going on in the family in an age-appropriate way. You must walk the fine line between giving your kids enough information to quell their curiosity and divulging so much that they begin to feel burdened by the matter and responsible for its outcome.

Don't Offer Details

It's not necessary to divulge the details of the divorce to your children, even if they are old enough to understand what happened between you and their other parent. Avoid conversations about "whose fault it is" or "he said, she said" discussions. This accomplishes very little to help your child process the reason for the

divorce and what life will be like in the future, but can cause them to become confused and unsure of their emotions.

Don't Get Too Emotional

There's nothing wrong with showing emotion when discussing divorce with your children. It's an emotional situation, after all. What you want to avoid is "venting" to your child or using them as an emotional crutch to help you process your own feelings about the divorce. Emotional support is important for you too, however, a close friend or an experienced family or divorce counselor are much better resources than your children.

Direct the Conversation to Your Child's Experience

Once you've let your child know that you're getting a divorce and have given them an appropriate amount of information, direct the topic of conversation to your child's experience. Let them know it's okay to ask questions and that you will answer them as best you can. Make sure they understand that their experience is important to you and you're there anytime they need support.

Consult a Divorce Lawyer With Child Custody Experience

You also need good support during your divorce, but your child isn't a good place to get it no matter how old they are. An experienced attorney can help you navigate the difficult process of dissolving your marriage while directing you to supportive resources.

7 Tips for Dealing with Your Children During Your Divorce

- 1. Spend Quality Time with Your Children During Your Divorce*
- 2. Avoid Tense or Upsetting Situations*
- 3. Talk to Your Children During Your Divorce*
- 4. Don't Offer Details*
- 5. Don't Get Too Emotional*
- 6. Direct the Conversation to Your Child's Experience*
- 7. Consult with a Divorce*

Chapter 12: How to Hire the Right Divorce Attorney for You



How to Hire the Right Divorce Attorney

If you are in the process of dissolving your marriage, or are simply considering the possibility of getting a divorce, the idea of hiring a family law attorney can seem overwhelming. The divorce lawyer you hire has a significant impact on the overall outcome of your case, particularly when it comes to critical matters like child custody, child support, alimony, and property division.

Here are several things to keep in mind when meeting with various family law firms and how to choose an attorney that is the best fit for you

The divorce lawyer you hire has a significant impact on the overall outcome of your case, particularly when it comes to critical matters like child custody, child support, alimony, and property division.

Schedule a Consultation with an Experienced Divorce Attorney

Scheduling a consultation with one or more lawyers is the first step toward determining which one may be a good fit for you. You won't be able to get a feel for how your divorce lawyer will work with you or how well you will get along without first meeting him or her. Book your initial meeting for a time that is convenient for you, where you'll have plenty of time and energy to ask questions about your case and what legal options are available to you.

Write Down a List of Questions You Want to Ask Your Potential Divorce Lawyer

Don't go into the consultation with your potential lawyer unprepared. You should have a list of questions to ask the lawyer during the initial meeting so you can maximize the use of the time available to you. Good lawyers are busy people so you will do yourself a favor if you are considerate of their time and make the most of it by being prepared. Be aware that not all of your questions may be able to be answered during the allotted consultation time, however, you can select the most important or applicable questions to ask first. Bring a pencil or pen and a pad of paper to jot down answers to your questions for later reference.

Don't Be Afraid to Politely Interrupt Any Potential Attorney

The time spent during an initial consultation with your prospective divorce attorney is intended to do two things: one, it should help the lawyer determine whether they can take your case, and what kind of case it will be, and two, it should help you determine if you want to work with the particular attorney. Don't be afraid to politely interrupt a line of conversation that doesn't specifically serve either of these purposes. Topics outside these issues are generally considered less prudent to discuss during the first consultation.

Make Sure You and Your Prospective Divorce Lawyer Are On the Same Page

Most importantly, you should take time during your initial consultation to make sure you and the attorney you are considering hiring are on the same page regarding your case. For example, if your goal is to attempt to mediate your divorce and the

attorney you are consulting with is pressuring you to litigate, this is a clear sign that you and the attorney aren't seeing eye to eye. Alternatively, you may be set on litigating your contentious divorce because you stand to gain the most from doing so, but the attorney seems fearful of going to court and may pressure you to accept an unfair settlement.

An Experienced Attorney Can Save You Money

Be cognizant of the fact that an experienced divorce lawyer knows the intricacies of the law, and the courts, and therefore what is possible to achieve in your particular case. He or she may steer you in a direction where you can get the best possible outcome with the least possible investment in time and money.

Be cognizant of the fact that an experienced divorce lawyer knows the intricacies of the law, and the courts, and therefore what is possible to achieve in your particular case. He or she may steer you in a direction where you can get the best possible outcome with the least possible investment in time and money.

Ensure Your Attorney Listens to Your Wants and Needs

Make sure the lawyer you hire listens to what is important to you and takes your thoughts into consideration when determining how best to proceed with your case. If you feel like the attorney you're meeting with has an

agenda other than what is in your best interest, it may be a good idea to consult with a second or even third lawyer for another opinion.

Don't wait to get experienced legal help with your divorce. Dissolving your marriage, especially if you have children, is a difficult and emotionally draining process. You deserve affordable, comprehensive legal advocacy during this difficult time. Without it, your future and the future of your family could be impacted for years to come if a judge awards your ex-spouse with custody of your children against your will or determines that the family home will go to your ex or any number of other outcomes that can have a negative impact on your and your family's future.

Chapter 13: 12 Smart Divorce Strategies



Top 12 Smart Divorce Strategies

12 Tips to Make Your Divorce Sensible, Straightforward, and Successful

Learn How to Take Control of Your Upcoming Divorce

Your upcoming divorce may be something you've known about for some time, or it may be something that seemingly blindsided you out of nowhere. Either way, it's important that you take steps now to understand the best legal approach to increase the chances that you will not be taken advantage of in the final divorce decree.

Here are our top 12 smart divorce strategies that will arm you with the knowledge needed to take action to protect the rights and best interests of you and your family.

Prepare Yourself for Your Divorce

Divorce is emotionally tumultuous, regardless of whether or not it's something you wanted or something that will benefit your family in the long run. You didn't take your vows intending to be in this situation, but here you are. Taking steps to mentally prepare yourself for the dissolution of your

It's important that you take steps now to understand the best legal approach to increase the chances that you will not be taken advantage of in the final divorce decree.

marriage at the start of the divorce process can help make things much easier for both you and your family.

Accept the End of Your Marriage

Making the final leap from having a marriage that is on the rocks to getting a divorce can be a difficult one no matter what your situation is, even if it's something you know is the right move for yourself and your family. Give yourself some time and space to accept that your marriage has reached an end and that your vision for your future has radically changed. Don't expect to be at peace with it right away and be prepared to have ups and downs in your healing journey.

Take Action Now

While you may need time to accept your divorce, don't hesitate to get a divorce attorney involved as soon as possible, even if you're not sure whether or not you want to file for a divorce. Any delay now can negatively and dramatically affect you in the future. You can consult with your lawyer to find out where you stand and what actions may or may not be in your best interests before it's time to take those actions. Get the information you need to make critical decisions that will affect your family right now and in the coming weeks, months, and even years.

Don't Move Out During Your Divorce

One of the most common mistakes that divorcing people make is moving out of the family home before the divorce is finalized. Many people feel that they can't bear to be in the same house as their soon-to-be-ex and think that it would be better for all involved, including their children, if they were not living, and fighting, with their spouse. Others don't see this as an issue, but you give up a lot of



rights if you do move out of the house too soon.

Living in the same house as your soon-to-be-ex-spouse can be an extremely uncomfortable experience and many people are tempted to stay with a friend or rent a short-term apartment. However, moving out can have a significant negative impact on the future of your case.

Things to Think About Before Leaving the Family Home

There are many things you should think about before leaving your house, such as:

- Will you be financially supporting two households?
- Will you be leaving most of the childcare to your ex?
- Will you lose access to your belongings?
- Will you lose access to paperwork you will need to prepare your divorce?
- Will you lose access to your children?

It's important to seriously consider the ramifications of moving out before you relent to the pressure to leave that you are, or will likely receive, from your ex, family, and friends.

Act as If Someone Is Always Watching

You need to always assume that your behavior during your divorce process will be carefully monitored for anything that can be used against you or for your spouse to gain the upper hand. If you make certain mistakes, you could risk losing credibility, assets, access to your children, and more. It's important that you pay attention to what you're doing and saying, as though someone was watching your every move. While uncomfortable, this awareness can save you from accidentally hurting your own case, losing assets, access to your children, and more.

Correct Unfavorable Behavior

You have an opportunity now to correct any behavior that may look unfavorable in the eyes of a family court. You can't change the past, but you can show that you have changed your ways for the better. For example, getting a drinking or drug problem under control voluntarily now can make a significant difference in a child custody case in the future.

Keep Your Cool During Divorce Process

Maintaining civility and composure is critical when going through your divorce. While going through the process of either an uncontested or contested divorce can be harrowing, allowing the stress to come out in your words and actions not only makes you look less in control but also impacts how a New York judge will see your case.



Never Argue In Front of Your Children

Arguing in front of your children is one of the fastest ways to compromise your case. Family courts want to make sure you're not exposing your children to unnecessary stress or hostility in the home environment. Keep any disagreements with your spouse to texts and emails and you'll get bonus points for creating a paper trail at the same time.

Consider Professional Support

Going through the process of divorce is difficult on the best of days. Consider proactively getting professional therapeutic support to help you manage the divorce before you reach a crisis point.

Manage Interactions with Your Children

Going through a divorce with children is challenging; there are many more legal issues that arise when you divorce the other parent of your children, including child custody, visitation, and child support. Managing interactions with your children during your divorce is key because you can be sure that New York family courts are paying extra attention.

Get Involved

One of the primary factors courts look for when evaluating child custody cases is how involved each parent is with their child. Even if you didn't do it before, make sure that now you go to school plays and athletic events, show up for your visitation, and in general, take an interest in what your kids are doing; the courts will be looking for this effort.

Don't Talk About Your Ex-Spouse in a Negative Way

It's important that you do your best to foster a relationship between your children and your ex-spouse, even though it may be difficult for you to do so, especially now when you might not want a relationship with him or her. Never speak ill of your spouse in front of your children or try to turn them against your spouse and favor you. This is considered parental alienation and can result in negative consequences for you.

Get Professional Support for Your Children

You should also proactively consider professional support for your children from a pediatric counselor or therapist. Even if they seem to be doing well, working through their feelings about the divorce as it's happening can help them process these big changes in a healthy way.

Keep Records of Interactions with Your Ex-Spouse

So many issues in a divorce are one person's word against the other, with little evidence to back up either party's claim. Keeping accurate records of all interactions with your soon-to-be-ex-spouse can help you put together a divorce timeline and provide evidence for any claims you may need to make during your case.



Log Every Phone Call, Text, Email, or Other Interaction

As soon as you learn of your divorce, begin logging every interaction with your soon-to-be-ex-spouse, including calls, texts, and emails. You also have the right to audio or video record your conversations if necessary.

Write down everything that was said or anything that occurred during the interaction as soon as you can; the details will muddy over time and may be more difficult to recall later.

Keep This Information in a Safe Place Only You Can Access

Keep all information you collect in a safe place that is only accessible by you. If you are in the family home, store this information at your work, a friend's house, or in a safe deposit box.

Prepare Your Documents

The court will need to see all of your financial records, including records of property and assets you own, and any other documents relevant to your divorce. Begin getting these together as soon as you learn of your divorce; it

can take time to request copies of account history and transactions from some entities and it's important to allow enough time for that to get done.

The last thing you want to do is be left with you and your divorce attorney scrambling at the last minute to get your financial records put together before your hearing.

Obtain Copies of All Important Documents



You will need to obtain copies of the following documents, if applicable:

- Tax returns
- Pay stubs
- Financial statements
- Loan documents
- Credit card statements
- Mortgage statements
- Retirement benefit
- Material possessions
- Bank records
- Prenuptial or postnuptial agreements
- Insurance policies
- Court documents
- Bills

This is not an exhaustive list of documentation that may be requested by your attorney or a judge during the process of your divorce. Ask your divorce lawyer what documents you may need to gather in your specific case.

Hire the Right Attorney for Your Case

The divorce lawyer you hire can have a significant impact on the success or failure of your case. Working with the right family law attorney can save you time, money, and stress both during your divorce and after.

Vet Attorneys in Your Area

Start your search for the right divorce attorney by doing some background research on the lawyers in your area. Look for attorneys who work exclusively with family law and have the experience to back up claims of successful divorce settlements.

Prepare for Your Initial Consultation

Write down questions you want to ask the attorney during your initial consultation and take advantage of the time that is offered to you. You can also consult with more than one family lawyer not only to find the right fit but to get greater insight into where you currently stand with your divorce and where you may want to go next.

Make a Decision

There are multiple factors that should go into deciding which attorney to hire. Most importantly, you should work with someone you feel good about and who is eager to represent you.

Be Honest with Your Lawyer

The importance of being honest with your attorney cannot be overstated. Your divorce lawyer represents your best interests regardless of why you are divorcing or if you are accused of infidelity or domestic violence.

Your attorney is not invested in determining whether or not an accusation against you is true; they're invested in helping you win your case, but they need to know the facts to best represent your interests.

The Consequences of Misrepresenting the Truth

If you misrepresent the truth, it will most likely come out later in court, leaving your attorney blindsided and unable to effectively help you. Your attorney may later struggle to trust what you tell them and may have difficulty making a strong argument on your behalf.

Give Your Attorney the Tools They Need to Build the Result You Want

It's critical to ensure that your divorce lawyer has the tools and resources they need to create the case result you want. Your attorney can only work with what you give them, and providing them with inadequate information can make it more difficult for them to advocate for you.



Don't Waste Your Attorney's Time

Time is money in divorce cases, and the longer your divorce stretches out, the more money it will cost you. Wasting your attorney's time is essentially wasting your own money. It's important to be conscious of how much time your lawyer is spending on your case and what you can do to make your communications with your attorney more efficient and effective.



How to Maximize the Efficacy of Your Communication with Your Divorce Lawyer

Don't email or call your lawyer multiple times throughout the day whenever you think of a question. Instead, write them down throughout the day and call or email once with your questions or concerns at the ready.

Whenever possible, communicate via email or text if you're paying on an hourly basis; these take less time for your lawyer to check and enable him or her to respond quickly.

Set Yourself Up for Success

How you handle your divorce case now plays a significant role in how successful the final outcome is. It's important that you take action today that builds a foundation for successful independent living in the very near future. If you don't, you could be in trouble months and even years down the road when you don't have the resources you need to live your life the way you want and deserve.

Fight for Equal Representation In Your Divorce

All persons are equal in the eyes of the law, including in a divorce. You have as much right to your children and marital assets as your ex-spouse does, and it's important that you fight for that equal representation. Here's how you can do that.

Understand What Is In Your Best Interests and Advocate for Them

Know that you're not necessarily just fighting for the best outcome now, but you're also fighting for your future and the future of your children. Child custody, support, and divorce decrees are legally binding and require a process to modify, meaning that the terms you decide on now will likely impact you long into the future.

Advocate for your best interests today, while you still have the opportunity to do so.

All persons are equal in the eyes of the law, including in a divorce. You have as much right to your children and marital assets as your ex-spouse does, and it's important that you fight for that equal representation.

Patience, Persistence, and Pragmatism Are Key to a Successful Divorce

Three of the most important things to have when getting a divorce is patience, persistence, and pragmatism. Instead of letting emotions cloud your judgment when making critical decisions about your family's future, embracing practicality can make your divorce go much more smoothly.



Understand that even the fastest divorces aren't overnight and be willing to exercise patience when going through the various steps needed to finalize the end of your marriage. It takes time to go through the process of dissolving a marriage, and the more issues you have to resolve, the longer it's likely to take. Finally, be persistent and advocate zealously for your best interests.

How your divorce ends now has the potential to impact you for many years to come; make sure you're standing up for the future you.

Get Help from Experienced Long Island Divorce Lawyers

Get help from experienced Long Island divorce lawyers Hornberger Verbitsky, P.C., by calling **631-923-1910** or by filling out the short form on our

website <https://divorce-longisland.com/contact-us/>

We are available now to discuss your divorce and what steps you can take to protect your family's best interests starting today.

Conclusion

Thank you for downloading and reading our latest eBook, *Successful Divorce Strategies: How to Ensure a Positive Resolution to the End of Your Marriage*.

We hope that after reading this book, you will be better prepared to make the correct decisions during your divorce to ensure you set yourself up for financial, emotional and relationship success after your divorce.

Whether you're in the process of divorce already or are planning to start proceedings soon, by downloading and reading this book, you've taken the first step toward ensuring your live post-divorce gets off on the right foot.

If you haven't yet started the process of divorce, we encourage you to download our popular Second Edition of the *Guide to New York Divorce: What You Need to Know Before Hiring a Divorce Lawyer in New York*, from our website at <https://divorce-longisland.com>. That book will help you gain a better appreciation for the divorce process in New York. You will learn many of the intricacies of the divorce process in New York, including divorce methods, child support, spousal maintenance, and property division.

While that book was published to help those considering ending their marriage as a guide to how to select the best divorce lawyer or family law attorney before entering into the process of divorce, this book is intended to help those who have decided to get divorced achieve the best resolution of their marriage and protect their lives post-divorce.

Our firm is here to help you cope with the emotional and financial burdens of divorce. If you still have questions, or wish to schedule an appointment for a **complimentary** consultation at our private offices in Long Island, New York, please do not hesitate to call us at **631-923-1910**.

Sincerely,

Robert E. Hornberger, Esq.
Robert E. Hornberger, Esq.

Christine M. Verbitsky, Esq.
Christine M. Verbitsky, Esq.