

Divorce is an extremely difficult process to undergo. Often the parties to a divorce experience feelings of anger, guilt, sadness and loneliness. Although these emotions are common and are to be expected, these emotions may lead a party to make mistakes that can have potentially long lasting effects on that party's life, both financially and emotionally. Below are some common mistakes made by individuals going through the divorce process as well as tips to avoid these pitfalls.

Mistake #1: Acting out of anger, revenge or guilt.

It is absolutely acceptable to experience these emotions along with a barrage of other emotions during your divorce process. However, it is not acceptable or advisable to take actions in your divorce based upon these emotions. Acting out of emotion instead of acting based upon rational reasoning may lead you to make decisions in your divorce that may negatively impact you later on. Seeking the aid of an attorney, therapist or family counselor may aid you in ensuring that you make sound decisions regarding your divorce.

Mistake #2: Not obtaining quality legal advice.

Although you may have friends or family members who have gone through the divorce process, they are not attorneys and often the advice attorneys give may vary from case to case. Do not take legal advice from anyone other than an attorney who is committed to your case. Divorces are complicated matters which concern the division of financial assets and the future of children. Therefore, only qualified and competent legal professionals will be able to effectively advise you regarding your rights and responsibilities during the divorce process.

Mistake #3: Agreeing to a one sided settlement agreement.

Regardless of whether you are the spouse who initiated the divorce action or you are the spouse who is defending against the action, do not make or accept a one sided settlement agreement. This applies especially if you are the spouse who may be negatively affected by the agreement later on. Although you may be tempted to end the process quickly by signing the first agreement you are presented with, it is very difficult, if not impossible, to undo an agreement that was entered into voluntarily.

Mistake #4: Not checking the paperwork for accuracy.

Attorneys are professionals, but they are also people and people make mistakes. Be sure to check any paperwork you sign for accuracy, especially if the paperwork was drafted by the opposing attorney. You should not sign anything unless it is an accurate portrayal of your agreement.

Mistake #5: Not considering taxes when crafting your settlement agreement.

A divorce settlement agreement often involves the division of marital assets and the award of child and spousal support. With any agreement that concerns the division of money and assets, it is important to consider any tax concerns that may be implicated. Tax consequences should be especially considered if the settlement calls for the division of retirement or pension plans. If you

fail to take these considerations into account, you may be stuck with spousal support payments or a property division that is significantly devalued.

Mistake #6: Failing or refusing to communicate with your spouse.

Often the best settlement agreements are entered into by spouses who are willing and able to communicate with each other about what they desire. Maintaining an open line of communication with your spouse during your divorce and settlement negotiations may save you the cost of a lengthy and protracted court battle.

Mistake #7: Beginning to date again too quickly.

One very common and very dangerous mistake to make during your divorce is to begin dating again too soon. If you are still married to your spouse, refrain from becoming romantically involved with anyone until your divorce is final. Your spouse may use your new relationship against you in the divorce process. Also, flaunting a new relationship may anger your spouse, making him or her more difficult to deal with during the process. New relationships may also have a negative impact on your children. The presence of a new figure in their lives may be confusing and possibly traumatic if it occurs too soon after divorce.

Mistake #8: Not being completely honest with your attorney.

Your attorney can only work with the information you provide. If you fail to disclose everything regarding your case to your attorney or if you mislead him or her regarding essential facts of your case, you will place yourself at a severe disadvantage that may cause irreparable harm to your case. Be open and honest with your attorney, regardless of the issue.

Mistake #9: Not changing your will or estate plan to reflect your life changes.

In many states the occurrence of significant life events invalidates any previously executed wills. Thus, it is important to revise your will or estate plan upon your divorce. This will ensure that your true wishes are carried out upon your death, especially if you decide to remarry.

Mistake #10: Failing to be realistic about your post-divorce financial situation.

The transition from a two income household to a one income household is difficult to say the least. It is important to plan for this reality and not do anything that will make this transition more difficult. Therefore, you should make a financial plan or budget to prepare for your new financial circumstance. You should also refrain from creating any new or additional debts. Finally, do not assume that debts from your marriage are paid. If you and your spouse jointly accumulated debts during the marriage, ensure that your settlement agreement explicitly sets out who is responsible for paying back that debt and remove your name from any liabilities that you are not responsible for, such as mortgages or credit accounts. This will ensure that you are not held liable for debts that you are not responsible for.

Mistake #11: Resuming intimate relations with your estranged spouse.

It may be hard to let go of the emotions that you have fostered for your spouse for what may have been a marriage of several years. However, do not allow these emotions to lead to back into your estranged spouse's bedroom. Resuming an intimate relationship with your estranged spouse during the divorce process may cloud your judgment and lead you to make decisions that are not to your benefit. Do not resume intimate relations with your spouse unless you both mutually agree to reconcile.

Mistake #12: Making oral side agreements with your estranged spouse.

Even if you and your spouse continue to have an amicable relationship throughout your divorce, do not make the mistake of entering into side oral agreements with your spouse concerning issues in your divorce. Although it may seem cold, it is essential to include all of your agreements in your written settlement agreement so that your interests will be protected. It is often very difficult, if not impossible to enforce oral side agreements, especially if your written agreement purports to incorporate you and your spouse's entire agreement.

Mistake #13: Allowing your spouse to convince you not to hire an attorney.

Many couples believe that it is not necessary to hire attorneys to aid them in the divorce process, or they believe that one attorney will be able to represent the interest of both parties. This is not true. Do not allow your spouse to convince you not to hire your own independent counsel to represent your interests. Failing to hire an attorney may lead you to enter into a disadvantageous agreement.

Mistake #14: Using your children as pawns or treating them as adults.

Divorce affects children just as much, if not more, than it affects adults. Therefore, do not force your children to bear the additional burden of acting as an intermediary between you and your spouse or the burden of filling the gap left in your household by the departure of your spouse. Doing so may lead your child to resent you, your spouse, or both of you and may potentially cause permanent damage to your relationship with your child.

Mistake #15: Failing to take control of your divorce.

During your divorce, it is paramount to keep one thing in mind: This is your divorce. Do not allow your attorney, friends or family members to take control of the process. These individuals will not have to live with the decisions made, you will. Therefore, take control of the process and be firm regarding your decisions. Active participation in the process will make it more likely that you will be satisfied with the ultimate outcome.