

## **Ten Things You Should Know Before Filing for Divorce**

**By John E. Finnerty, Esq.**

1. During a divorce, a couple must resolve their economic relationship, including distribution of property they acquired during the marriage and setting appropriate alimony and child support obligations. They must fix a parenting plan with respect to access to their children and custodial rights, or the Court will decide these issues for them.
2. Strong emotions - anger, grief, sadness, hostility, even denial - are regular ingredients in every divorce. These many emotions of divorce are the key reasons the divorce process can be so unpredictable, lengthy and costly. Professional counseling - even a small amount of it, before, during or even after the divorce process - can help the participants of divorce get through it.
3. To the extent that spouses allow their emotions to effect their decision making in divorce, they will enrich their lawyers - and impoverish themselves. Litigants must approach the end of their marriage as a business proposition that requires an equitable sharing of assets and appropriate assessment of support rights and obligations, and implementation of a parenting that recognizes each parent is entitled to continue a relationship with the children and, most importantly, that their children need both of them.
4. New Jersey has no-fault and fault grounds for divorce. The reasons that you state for filing for divorce in your divorce papers - extreme cruelty or no fault separation, for example -- are usually accepted at face value by the court. The court normally does not care who or what was responsible for breaking up the marriage. (That was not the case 30 years ago, prior to the passage of no fault divorce laws; back then some judges used to lecture spouses about the need to keep a marriage together, and occasionally judges would deny a divorce request.) Marital misconduct may become relevant with respect primarily to parenting issues.
5. While it may be tempting to try to avoid the expense of representation, virtually no one - not counselors or even judges - recommends that you enter into the divorce process without the advice or representation of a reputable divorce attorney. The good attorney will recognize the important issues of your divorce quickly and intelligently - and help you focus on and achieve the results you'll both want and need, consistent with the parameters within the system or the judge assigned to your case. Having no representation or advisor - especially when substantial assets are involved - is widely regarded as just plain foolish.
6. "Digging in Your Heels" always costs more. It may sometimes be worth it, but a large amount of time and expense goes into the divorce process when two sides refuse to communicate on basic issues.
7. Bergen County will expect you to attend a two-hour presentation on the effects of divorce on children. You will sit with a small number of the other 12,000 people (6,000 couples) who file for divorce in Bergen County every year, and you will receive a lecture and watch

## **Ten Things You Should Know Before Filing for Divorce**

**By John E. Finnerty, Esq. (cont.)**

a video on the importance of communication and commitment to proper child-rearing during and after a divorce.

8. During the divorce process, the Bergen County Court system will expect you and your lawyer to show up for Case Management Conferences to report on the progress of your case to the court. After a few months, if no progress is made in reaching a settlement, the court will assign you a trial date. Most divorce cases - about 95 out of 100 - are settled before going to trial.
9. You will be expected to fill out a Case Information Statement, which is a court-approved form that contains significant information about your economic life, including lifestyle expenses, assets, liabilities, income, health insurance, and other insurance benefits and the like. Both sides must complete these forms. They are a critical part of the case because the courts rely upon them, in part, in the event the litigants cannot come to a consensual resolution. You may need to retain experts to value assets and you have an absolute right under court rules to do so.
10. No one can make up your mind about whether to initiate a divorce. Many professionals familiar with the divorce process every day see individuals who are considering divorce - but who have great difficulty making up their minds about doing so. Second thoughts are normal. Consider consulting a professional therapist or psychologist to sort out the many complex emotions of divorce - before you even begin the process.