



**FREE  
DOWNLOAD**

# **19 Deadly Sins That Can Ruin Your Worcester, MA Divorce Case**

- What to Do Before You File
- How to Position Yourself to Win
- The Best Interest of the Children
- Custody Cases & Financial Support
- Avoiding Divorce Dangers

**Irwin M. Pollack, Attorney at Law**

# Getting Divorced?

## Heed This Advice to Help Avoid The Biggest Mistakes...

Hello. My name is Irwin Pollack. As both an attorney and single parent myself, I've got some information for you...

Divorce is not failure. It is a transition that happens to a large number of people at least once in their lives. It is about endings, but it is also about beginnings.

Throughout Central Massachusetts and Worcester County, our divorce lawyers and family law attorneys provide clients with a road map of sorts to help those facing a divorce navigate their way through the process as smoothly as possible.

This Special Report – *19 Deadly Sins That Can Ruin Your Worcester, MA Divorce Case* – is full of dos, don'ts, but most importantly a must-read list of the biggest mistakes we warn our clients to never do.

As the Founder and Lead Attorney of The Massachusetts Law Group, I've provided only the advice our attorneys and I believe to be good, sound, and sensible. I've also endeavored to provide not only the what but the how, gleaned from our 30+ years of combined legal experience in each of the Probate and Family Courts across the Commonwealth.

What follows are 19 of the most common mistakes men and women make in divorce. If you can learn to avoid these mistakes, you can alleviate some of the pain and agony that comes with any divorce:

### **MISTAKE #1: Not Planning for Divorce.**

When men and women marry they plan for future events, but not when it comes to divorce. Because of this, when the marriage ends, couples are suddenly confronted with never-ending issues and decisions – issues and decisions they are not prepared to handle.

Strategy and planning will make or break your divorce. In our experience, our attorneys find that men usually don't file the initial papers for divorce. They do well when it comes to getting into gear once the divorce action officially begins, but not until then. Women tend to think that the system will sort itself out and be fair in the end. Both could be more proactive in the planning and strategic development process.

Once divorce begins, there will be a lot of negotiations and paperwork. Detailed accounts of assets and debts need analyzing. Tax returns, income verification, credit card statements, and investment accounts need to be reviewed.

We encourage our clients to copy any account numbers and make copies of all statements; it makes tracking and verification easier. Beyond the finances, it just takes focused attention. Primarily, yours.

### **MISTAKE #2: Using Online Forms or Internet Lawyers for Your Divorce.**

Several companies offer fill-in-the-blank forms for so-called "simple" divorces. They claim to provide the necessary paperwork for people to self-represent themselves when getting divorced. These companies even suggest using the forms as a way to circumvent using a qualified Worcester divorce attorney. However, the claims that they make are often misleading, and these forms should be used with caution, if at all.

One of the problems with online divorce forms is that most offer a one-size-fits all approach to divorces. While a few may offer options for different situations, they tend to be generic and provide no individual attention dealing with children or a family's particular situation.

The Massachusetts Family Law Group offers flat-fee services for most uncontested matters, but our services include representation from one of our lawyers because, just like fingerprints, no two divorces are alike, even though they have common issues. Further, online services do not provide any protection to a timid, or less educated spouse being controlled by a dominant spouse who wants an unfair share of the marital assets and exerts excessive control over the other party to get them. It is important to understand the vast difference between simply filling out online forms and obtaining proper legal advice with individual attention to both you and your children's future well-being.

The individual advice given by an experienced and aggressive attorney can prevent or minimize possible future problems as the children's or parents' needs change, and as visitation and support needs to be adjusted from time to time.

If you do not know where to turn next, contact us for a FREE, no-obligation consultation. Get Call **(800) 970-LAWYER** to schedule an appointment, or consider visiting our sister firm – FlatFeeDivorceAttorney.com.

### **MISTAKE #3: Allowing Your Spouse to Convince You to not Hire an Attorney.**

If your spouse has hired a lawyer, you need to hire only quickly. If you don't, you are an amateur playing against a professional. One underhanded tactic is for a spouse's attorney to claim he or she can represent both parties to save time and money. Not only is it unethical, but it also creates a conflict of interest.

The process is designed to be adversarial, and there is no way a lawyer can fairly represent you both. The odds are that your spouse has something to hide or something he or she wants, and they know that if you hire a lawyer it will be more difficult to achieve that goal.

### **MISTAKE #4: Not Controlling the Process.**

The divorce process can be a very complicated and frightening experience. You should become educated and take action in order to help yourself. A proactive approach will help you make better decisions and negotiate a settlement agreement that is fair to all involved.

Start by being the spouse who files first. Not only will you send a clear message to the other side that you are serious, but the spouse who files first gets to present their evidence first. You will control the order in which the court considers the issues, and you'll get the first opportunity to convince the court how to rule. However, if you can't file first because you've already been served, don't fret. You will be able to present evidence second and often get the last word.

### **MISTAKE #5: Not Hiring a Lawyer Who Concentrates in Family Law.**

The way that most divorce lawyers present themselves to the world, it seems like we are all the same. We all seem to offer the same services, right?

Wrong.

You need divorce lawyers and family law attorneys who practice exclusively, or at least 80 percent or more of their time and focus on paternity, divorce, and other family law-related issues. No Central Massachusetts divorce law firm has a better grasp of custody issues like our attorneys do, and our team combines an understanding of child support and alimony complexities with a manner that can make you laugh.

### **MISTAKE #6: Taking Legal Advice From Family and Friends.**

There's emotional rocks to lean on during the roller coaster called divorce, but don't even think that they're a substitute for an attorney. The only person who can – and should – tell you what is in your best interest during the dissolution of your marriage is your lawyer.

### **MISTAKE #7: Making Legal and Financial Decisions Based on Emotion, Not Logic.**

Consulting a therapist or counselor can help you cope with your emotional pain so you can focus on the legal and financial issues that must be negotiated.

Divorce cannot be settled without the important information and relevant documents. Everything from your monthly budget to your financial future needs to be analyzed. Additionally, if you are impatient with the process, you'll settle for less than what is rightfully yours. Always remember that property division issues are only litigated once; you've got to get it right the first time, because there will be no second chance.

### **MISTAKE #8: Not Recognizing the Benefits of Paying Alimony.**

Alimony tends to be an emotionally-charged word. To the obligor, the concept of continuing to support his or her spouse after the divorce is so unattractive that they will avoid it at all costs. However, paying spousal support instead of child support has its benefits. Think about it: alimony is tax-deductible to the obligor and taxable income to the recipient. The net effect of this is such that increasing spousal support may lead to a true reduction of support.

### **MISTAKE #9: Not Paying Attention to Taxes.**

If you think your former spouse did a number on your finances, be prepared to meet your worst enemy. Without keeping a watchful eye on taxes, your divorce could lead you into a financial train wreck.

Often times, the person who keeps the house later realizes it is truly not affordable, and then gets hit with a big tax bill. Alternatively, the person who takes certain stocks as their portion of property division should be sure to consider capital gains taxes if they plan on liquidating later. The cost of taxes should be factored into every financial decision you make as you and your spouse are drafting your Separation Agreement.

### **MISTAKE #10: Arguing About Who Gets What.**

In most divorces where couples have been married for a number of years, disputes about property arise, and sometimes these arguments are understandable. These arguments, however, can become irrational and vengeance-based. We've heard of clients who claim to have spent 10 times in legal fees arguing over window coverings and lawn mowers.

These arguments can be draining emotionally (not to mention financially), but it helps to recognize that no matter how your spouse handles himself or herself in the bargaining process, the court generally divides property fairly.

### **MISTAKE #11: Using Your Children as Pawns.**

Threatening to limit or deny visitation is a powerful threat, and it can terrify a parent who loves his or her children. Often, parents who are the primary caregivers, but who lack the financial resources, feel that they must use this threat to gain sufficient financial support.

Our attorneys each refers to this as the most toxic behavior associated with a contentious divorce. As painful as these threats are, do not respond in kind. Don't issue threats of your own. Instead, recognize that in most cases the truth will come out.

### **MISTAKE #12: Discussing “Adult Matters” With the Children.**

It is important that discussing child support, custody and parenting plans, financial discovery issues, etc. is left to the parents, and never discussed in front of the children. It is completely inappropriate to discuss child-related expenses, extracurricular activity costs, which parent should get custody, or issues related to credit card debt or retirement accounts if there’s even the slightest chance that the children would hear. Additionally, passing support checks to the other parent through the children (at pick-up or drop-off times) puts them in the middle in an uncomfortable way. Don’t do it – you’re ripping out the insides of your children.

### **MISTAKE #13: Failing to Develop a Specific Parenting Plan.**

After your divorce is final, your relationship with your ex-spouse will change. Sometimes the relationship changes for the better, and sometimes it changes for the worse. The more specific you can be with the start and end times for your children’s parenting time, vacation times, holiday times, etc., the easier the process will be on your children because they will have some routine when the rest of their routines have been interrupted.

### **MISTAKE #14: Making Sloppy Mistakes With Your Financial Statement.**

The judges in Worcester County all agree that the financial statement you file with the court is the single most important document presented to the court. It is a handy measure of the litigant’s credibility, and a good indication of the attorney’s level of preparation.

You should take care to avoid the most common errors that frequently occur, and the ones that can hinder the rest of your case:

- If you receive commission or bonuses, even if they aren’t consistent, it must be disclosed. We often designate same with footnotes, and explain the situation more thoroughly on the back page.
- Don’t duplicate expenses. For example, including health insurance both as a deduction from your paycheck and also as an expense would be improper.
- While it may be easy to do, never omit assets. If later discovered, an undisclosed asset can be the subject to a future complaint for division of property. Think about each bank account, every loan that you’ve applied for over the past three years, the location of any safe deposit box, etc.
- Watch for discrepancies between a present financial statement and prior statements. If an earlier statement states that your food expenses are \$250 per week, this figure should not suddenly change to \$400 unless there has been some specific change in your lifestyle that can be explained to the court.

### **MISTAKE #15: Fighting to Keep the House.**

One of the most common divorce mistakes men and women make is fighting for the home. Beyond the overwhelming task of finding a new place to live and packing up the house, they can (understandably) feel that the divorce will only be made tougher on the children if they’re uprooted. The problem is that a house carries tremendous expenses. All too often, the spouse later realizes that he or she doesn’t have the cash flow to maintain it.

A better plan is for the parties to sell the house while and split the proceeds. Not only will this provide both spouses with more liquid assets, it also allows them to take a tax-free capital gain of \$500,000 on the sale.

Our Worcester Divorce Attorneys deal with issues relating to the marital home and other assets and debts on an everyday basis. For a FREE, no-obligation consultation call **(800) 970-LAWYER** and schedule an appointment at any of our local offices or convenient satellite conference centers.

### **MISTAKE #16: Trying to “Be Nice” and Not “Too Tough” On Your Spouse.**

If you're trying to win your spouse back by being generous or gentle, forget it. It won't work. You're going to let your spouse have everything and you will end-up agreeing to far less than fairness would indicate. If you're hurting, and accept what is offered, you'll later realize how wrong it was and it'll be too late to reverse it.

Go back and read Mistake #7, and then call the divorce lawyers from The Massachusetts Family Law Group. With offices across-the-street and down from the Worcester Probate and Family Court, we're in court almost every day and know what you can expect to have happen.

We know the judges, how they rule, and are experienced and aggressive attorneys advocating for our clients and the best interest of their children.

If you do not know where to turn next, contact us for a FREE, no-obligation consultation. Call **(800) 970-LAWYER** to schedule an appointment. You'll be surprised at how economical our services may be. Many can be offered for a flat-fee.

### **MISTAKE #17: Not Considering Bankruptcy As a Viable Option.**

Bankruptcy may be one of the best options for spouses who want to get a divorce and also have a heavy debt load. Bankruptcy can be filed before, during, or after a divorce but it is in most people's best interest to file just prior to beginning the divorce process.

There are several advantages to filing bankruptcy first. Let's start with the cost. It is much cheaper for spouses to file jointly while they still are married instead of filing individually, on their own, either during the divorce process or immediately thereafter. It also can help simplify the divorce process and make it less painful. By filing for bankruptcy first, couples may be able to eliminate most (if not all) of their debt. In turn, this will lessen the amount of debt that is to be divided during the process and make it easier to identify exactly what remaining debts must be paid by one, or both of the spouses.

However, filing for bankruptcy just before divorce may not be desirable in all cases. Some spouses just cannot sit in the same room together and work jointly toward a joint bankruptcy filing. In these cases, bankruptcy can be filed at the same time as the divorce or after it has been finalized.

No matter whether you file individually or jointly, you should keep in mind that not all types of debt are dischargeable, including divorce-related support obligations such as child support and alimony; student loans; unpaid income tax to either the Internal Revenue Service, the Commonwealth of Massachusetts, or any other state; criminal penalties or fines; and certain property settlement debts or obligations related to your divorce judgment.

Since divorce often turns to bankruptcy, and bankruptcy often turns to divorce, our attorneys know how to eliminate the stress associated with both mounting debt and the breakup of the family unit. We help divorcing couples find financial stability when faced with tough financial challenges that include never-ending collection calls, mortgage foreclosure, and wage garnishment.

If you do not know where to turn next, contact us for a FREE, no-obligation consultation. Get back on the path to financial stability by calling **(800) 970-LAWYER**.

### **MISTAKE #18: Not Having a Plan in Place For When Things Change in the Life of Your Family.**

Even though your divorce decree is a legally binding document, provisions pertaining to parenting and support will often be modified when there has been a substantial change in circumstances.

These changes may happen as children get older and require a new parenting schedule. What happens when one parent wants to relocate, making it necessary to adjust certain elements of the weekly plan or vacation schedule?

When jobs change, or when one of the parties increases or decreases his or her income, there's also the need for a modification if it would affect the other party's right relating to support.

In order to avoid additional legal costs and court time post-divorce, we recommend that the parties' agreement states what they both agree to, in advance, when it comes to certain changes anticipated well in advance. Common issues relate to life insurance, college education, alimony upon remarriage, emancipation of the children, and issues relating to health insurance.

As the months and years go by, change is inevitable and our attorneys help clients get through the process of renegotiating or re-litigating their divorce decree.

### **MISTAKE #19: Making Oral Agreements Outside of the Divorce Agreement.**

Divorce is not the time for oral agreements. Your former spouse can promise you the moon, but without clarifying details in your official settlement, these promises won't hold up in court. In 95% of the cases, there is a clause in the agreement that states how said agreement is the full agreement and that no additional terms can be considered. It may not feel right to make everything so official, but in the end, your former spouse can't make claim to your retirement account, snatch away the lawn mower, or deny parenting time during the Winter vacation. You have proof – in writing.

---

I hope this Special Report and Free Download has opened your eyes to important lessons about setting up your plan and avoiding some of the most deadly mistakes related to your family law matter. Some of them are very likely ones you knew about in your gut; you just never had them executed (until now).

Avoiding these mistakes will ensure you put that you will protect yourself and your children.

Choosing the RIGHT lawyer is an investment – both in time and money.

Take action.

Now.

Our Worcester Divorce Attorneys provide potential new clients with a FREE, no-obligation consultation. To set-up your appointment, call **(800) 970-LAWYER**, or contact us online.

We serve clients in Leominster, Fitchburg, Worcester, Gardner, Lancaster, Clinton, Bolton, Berlin, Acton, Concord, Greenfield, West Boylston, Marlborough, Northborough, Westborough, Groton, Pepperell, Ashby, Townsend, Winchendon, Ashburnham, Templeton, Princeton, Ayer, Harvard, and any of the other towns and cities throughout Worcester County, Middlesex County, or Franklin County.