

SEVEN SIMPLE STEPS TO TAKE BEFORE
FILING FOR DIVORCE & TEN THINGS THAT
MAY SURPRISE YOU ABOUT A NEW JERSEY
DIVORCE

**A Complementary Guide for Clients and
Prospective Clients**

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INTRODUCTION

Hello. If you're reading this e-book, then perhaps you or someone you know is contemplating a New Jersey divorce. You may have important questions that need to be answered, such as:

- Should I leave or stay in the marital residence?
- How is custody addressed in the interim?
- How are assets divided?
- What can I do to make sure my spouse does not dissipate marital funds?
- How does the Court system work?
- How do I find a qualified New Jersey Divorce Lawyer?
- How does the court system work?

Through my years of family law practice I've learned that the better informed my clients are, the easier it is to assist them through their important and unique legal issues.

Courts, attorneys, the law itself—these things can be intimidating at first. I hope this information helps make the process less so. It's important that you take steps to understand *your* rights and the legal process.

Divorce likely will impact your finances, your lifestyle, and most importantly your children. Moving through the process informed and with the right attorney can have a huge impact on the outcome and on your life. At Carl Taylor Law, LLC, we believe in educating our clients. You need to be aware of all your options to help decide the path forward. If you wish to reach out to us for a consult and to learn about our client-first service, I look forward to speaking with you.

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SEVEN SIMPLE STEPS TO TAKE BEFORE FILING TO IMPROVE YOUR RESULTS

“Help me, help you.”

In one sense, an attorney-client relationship is not dissimilar from a doctor-patient relationship: the client (or patient) must take an active role in obtaining the desired results. A doctor can advise a patient with high blood pressure to watch their sodium intake, but it is the patient’s responsibility to eat more celery and less fast food.

Likewise, an attorney can warn a divorce client to stop posting to Facebook pictures of the client “partying” while engaged in a contested custody dispute, but if that advice is not heeded, then those pictures may later materialize as evidence used against the client.

One of the primary goals of my practice is to advise my clients how they can help increase their own odds success. Here are just a few of my tips for how you can help achieve great results in your divorce or family law case.

1. Keep a Journal/Log. In family law matters, there exists an almost unlimited number of issues that can arise. Keeping a log may not only prove to be evidentiary at a later court hearing, but will also assist in your keeping track of the process.

2. Don't Lose Your Temper. Text messages, phone conversations, and emails are often used in court to demonstrate domestic violence, lack of fitness of a parent, and many other issues. What may seem like blowing off steam in the heat of the moment may later be taken out of context or used to demonstrate a pattern. Anger may also hurt your odds of quickly settling a case.

3. Consider Meeting with a Mental Health Expert. It is often helpful for those going through a divorce to meet with a mental health professional. The old

saying that a divorce is worse than a death in the family is, according to most of my clients, very accurate. Having access to a professional in your corner can help alleviate some of the stress or even simply provide coaching to unlock post-divorce goals.

4. Be Very Careful When Using Social Media.

When you go on Facebook or 'Tweet' something, be careful. Again, many things can be taken out of context and it's easier for others to access your social media information than you might expect. You should also note that what has already been posted may be required to remain online as once a suit is filed non-spoliation of evidence is often required. You should access your online profiles and modify them appropriately prior to the divorce filing.

5. Take Notes and Store Documents in One Safe Location.

When you speak with your attorney or something important occurs in your case, take notes. You should ideally maintain a notebook/ binder of all important documentation and

information relating to your case. Keep this binder in a safe/private place.

6. Get Your Finances in Order. Make a list of all bank accounts, maintain copies of most recent statements, write down important online banking log-ins and passwords, and otherwise fully understand the marital assets and debts prior to filing for divorce. This will assist you should your spouse attempt to dissipate marital funds. Likewise, do not commingle non-marital funds (such as gifts, inheritances, or personal injuries monies), particularly if you are considering divorce, as such action may convert such “exempt” funds into “joint marital” funds.

7. Don't Be Afraid to Ask Your Attorney Questions. You hired an attorney in part to have someone available to answer those questions. At Carl Taylor Law you are encouraged to have an open-dialogue with counsel so that you're both on the same page and can obtain the best results relating to YOUR specific priorities.

There are many more ways a client can assist in reducing the costs of litigation, strengthening their case, and helping to achieve greater results in their case. When dealing with the Court system—things can sometimes feel a little outside the client’s control—but focusing on what can be controlled or affected should help both attorney and client achieve a successful outcome to the case.

TEN THINGS THAT MAY SURPRISE YOU ABOUT A NEW JERSEY DIVORCE

Every divorce case is both fact-sensitive and people-sensitive. I often joke that although I've "been divorced" (on behalf of my clients) numerous times, even I will find something unique about each case. There are certain "surprises" however, that are much more common. Learning the below list will help take some of the guess-work out of your divorce.

1. **"Fault" Isn't That Important.** You may be shocked to learn that "marital fault" is often unimportant in terms of dividing marital assets or even with regard to issues of parenting time. For instance, if one party committed adultery, it's generally not going to make much of a difference in the divorce negotiations or to a family court judge, provided that the affair doesn't in some way negatively impact the children (example: spouse is now dating someone with criminal background or

history or drug abuse, alcohol abuse, or child abuse).

2. The Laws are (Essentially) Gender Neutral. If the breadwinner of the family is the woman, then she will (provided the laws are properly followed) likely be paying alimony. As for parenting time, the biggest factors will be past history of care for the children, not whether you are a mother or a father. In today's modern courtrooms, gender neutrality is becoming more the norm—not just in theory but in practice.

3. There's Probably Not a Conspiracy. I've had a lot of clients tell me that their ex is "well connected so they are probably getting special treatment from the court," or that they think a "certain judge favors [men] or [women] or [etc]," but in reality, such issues are rare or completely non-existent based upon my own experiences. It doesn't mean people are always treated fairly or that the proper decisions are always rendered—but it does mean that the reasons behind such issues are almost certainly not nefarious.

4. The Judge Likely Won't Speak With Your Children. If there is a custody issue and your child is under 13 years old, few if any judges will be willing to hear the child's custody preferences, even off the record. This issue is up to the discretion of the judge— and once a child is 14-18 more judge's will allow such a meeting—but most judges prefer to keep children out of the courtroom.

5. You Can Sue or Be Sued for a Marital Tort. Under the Tevis v. Tevis case New Jersey Courts recognize “marital torts.” Accordingly, you can sue for “personal injuries, physical or emotional” as part of a complaint for divorce. The process is similar to suing for other forms of personal injury.

6. Children May Not Be Emancipated at Age 18 (or even 21). The basic emancipation standard in New Jersey is whether a “child” has moved beyond the “sphere and influence” of his or her parents. Unlike in Pennsylvania, parents might be required to pay for college (or even graduate school) for their children, along with basic child support and other expenses. This is a fact-sensitive inquiry. Although

there is a presumption of independence at eighteen (or graduating from high school), you will find it is rarely enforced unless a child is truly on their own and not attending additional schooling.

7. Lawyers Cannot “Represent” Both Parties.

Sometimes a prospective client will call me up and ask if I will draft a settlement agreement for a divorce. They want me to codify what both parties’ wish for their divorce or to have both parties come in to meet with me. This presents a conflict of interest and I won’t do it. That’s why I will only represent one party and recommend that each party have their own, independent legal advice.

8. Grandparents Often will have no Right to “Grandparent Visitation” Without a Court Order (and even that will be difficult to obtain). A parent’s right to parent their children will supersede any right a grandparent thinks they have to visitation.

9. Divorces Can Take 1+ Years. Particularly in complicated or contested divorces, one or more

years is the rule, not the exception. This is another reason why it's important for you to negotiate and to do so in good faith. If both parties agree to the divorce terms you can be divorced in a matter of weeks rather than years.

10. Prenuptial Agreements are Becoming More Common. Today, I see a lot of clients inquiring about prenuptial agreements, which are no longer in the purview of movie stars, tycoons, or celebrities. Prenuptial agreements will continue to become more the purview of the everyday couple contemplating marriage.

CONCLUSION



I hope you enjoyed the information presented in this ebook. I look forward to potentially working with you to ensure a smooth, just, and client-first family law representation. Carl Taylor Law, LLC handles divorce, custody issues, post-judgment motions, and all other types of family law matters in New Jersey.

If you wish to contact my firm to schedule a consult, contact us today at 908-237-3096, visit www.cartaylorlaw.com, email me at carl@cartaylorlaw.com, or

[Click Here to Schedule Your Own Consult.](#)

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