



## DO'S and DON'TS

by Dr. Barbara Kuehn

First and foremost, don't believe everything you read on the Internet!

Searching on the Internet can be a great tool much of the time, except when searching for legal advice. More often than not, you may be reading something that is the law in another state or country.

**If you have children:**

**Do NOT discuss your marital woes/divorce or separation issues in front of, with or in earshot of the children.**

This includes arguing with your spouse/partner or even discussing the issues with your partner/spouse; or talking on the phone, where the children can hear you.

Doing this is one way to create such anxiety in your children without realizing it. People believe that children are resilient and are not impacted by this. However, they most certainly are. They fear 'where will we live' or 'will I have to change schools' or 'will I see my friends' or 'who am I going to live with' but never voice any of their concerns to you. They are like sponges and soak in everything, but say nothing or question nothing because of their fear of the unknown.

Your children's best interests are paramount when separating/divorcing from their other parent, never forget that. Judges are not happy when they hear that the parents have been arguing about the issues in front of the children or where they can hear what is going on, even worse, discussing the situation with the children. There are ways to discuss their changing life with the children without discussing the details of the situation with them. Assuage their fears and concerns by assuring them that both of their parents love them very much and will always be there for them, that they are cared for very much and that they need to only worry about being a kid.

**Do NOT make drastic changes too soon.**

This is another way to create anxiety in your children. Unless you are faced with a domestic violence situation where moving out of your former family residence is an immediate need, sit tight for a while working through the initial process.

**Do NOT assume that the mother always gets primary physical custody.**

A huge misconception over the years has been that Mom always gets primary custody. While that was the case decades ago, things have changed. Not surprisingly, Dad's have been awarded primary physical custody. This has come with the advent of Mom's working outside of the home, having careers that are more time consuming, perhaps, than Dad's. It does not mean that Mom is a bad Mom or Dad is a bad Dad, it just impacts the custodial arrangement and deciding what is in the child's best interest. Remember, that is what is paramount in the Court's mind.

**Do NOT rely on your memory.**

Keep a diary or calendar of events [if in your phone, be sure to download it to your computer and save it so that it isn't accidentally erased, or your ex may get your phone, or you may lose your phone].

This diary/calendar includes a log, for example, of the children's interactions with their other parent, when they go to spend time with that parent, the time they are picked up or delivered and returned, whether or not the other parent is participating in the day in and day out caring for the children, medical/dental, etc. appointments, school.



AND if there is a situation where you find yourself in a negative position with the other parent, be sure to document all of the details, who was there, date, time, what happened, if the children were present, photos, video or recording, if possible. Such a diary / log / calendar will prove a great tool later on if you need to describe what has been happening, instead of trying to go back and recreate from memory.

**Do NOT delay getting legal advice from a California family law attorney.**

Many people rely on what their friends and family tell them should be happening, or what happened in their case, or they rely on the Internet which as mentioned above may not be accurate in California. What happened in another person's case may or may not happen in your case. The facts and circumstances are different in every case, although they may be similar. The process can be complicated and the most minor of a mistake in the process could have devastating results later on.



You can even seek out the assistance of an attorney for what we call divorce planning in order to get some advice in advance of making a decision and coaching from the attorney about how to handle a situation.

**Do be honest and forthright.**

It does you no good to embellish, exaggerate or inflate the truth of your situation. It will only come back to haunt you later. The Court will find out and then your credibility with your Judge has been tarnished. This means mistakes from the past or currently. Your attorney needs to know everything so that your attorney is not blind sided when in court. Knowing everything, the good, the bad and the ugly, will help your attorney be better prepared to represent you.

**Do abide by and follow every court order.**

The Judge issues orders to be followed. Not following the Orders can have serious consequences; monetary and emotional, as well as possible jail time. It does you no good to ignore Court Orders. Even if your Ex may not be honoring the Orders, is no justification for you to not honor the Orders. Let your Ex be the one that the Judge is angry at for disobeying the Orders, not you.

**Do pay your support on time and the amount ordered by the Judge.**

You may not be happy with the amount of child and / or spousal support that the Judge ordered you to pay, but it is an Order of the Court and the Order must be followed. Pay it on

time and pay the correct amount. Do **NOT** unilaterally deduct anything from the support without an Order from the Judge allowing you to do so. Failure to pay your support could result in jail time.

**Remember:**

Child related issues will be with you and your Ex until your child turns 18 or graduates from High School, whichever is later, but no later than their 19th birthday, or they become emancipated, marry or join the Armed Services. This means support and custody issues. Once your child is an adult, your obligation to support the child ends, except in special circumstances. Also, under California law, there is no legal obligation to provide college tuition for your children, unless you and your spouse agreed to do so as part of your divorce.

AND, remember everything does work out in the end, if everything has not yet worked out, you have not reached the end.