

Family Law

The newsletter of the Illinois State Bar Association's Section on Family Law

Lists of Do's and Don'ts for Clients

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Most of the time, when a client who is in the process of a breakup contacts our team, they say they want to have an inexpensive, quick, cooperative, and peaceful divorce or parenting agreement. Then, the things on this list happen and the process becomes expensive, prolonged, and ugly. We know these things, but here are two lists to share with your clients.

To make things expensive, drawn out, emotionally exhausting and combative, here is the list of things to do. Most attorneys will advise you to avoid this conduct.

- Engage in any type of physical, emotional, or financial violence or aggression.
- Get an Order of Protection to try to gain an advantage with parenting time.
- Report your partner to DCFS without a very solid safety concern.
- Leave the local area, state, or country with the children.
- Move in with a new significant other.
- Have a new significant other in your home.
- Introduce a new significant other to your children without advance discussion.
- Post pictures of you on vacation, at bars or with a new significant person.
- Stop paying routine bills particularly mortgage, internet, and credit cards.
- Try to persuade your partner to give up support or a portion of the assets.
- Speak negatively about your partner to your children.
- Get a new tattoo.
- Hide, sell, throw away or pawn wedding and engagement rings.
- Refer to your children as "MY" children.
- Try to hide money or transfer it to a friend or family member.
- Quit your job.
- Sign up for a dating app membership.

- Interfere with parenting time for your partner and your children.
- Move out of the shared home before the process is finalized absent physical violence.
- Destroy or hide financial documents.
- Buy a weapon.
- Try to "share" an attorney.
- Initiate court proceedings when you are angry.
- Focus on "percentage" of parenting time. Parenting is a 100 percent job with shared duties and time.
- Expect to "win" or take the other person "to the cleaners".
- Disparage, discredit or insult your partner's attorney. This just heightens lack of trust and causes arguments about attorney's credentials, competence and advice that increase the fees.
- Don't file tax returns.

If you do the things on this list, you and your children will lose, and the attorneys will profit.

The things to do to get your breakup done faster, cheaper, and friendlier.

Rule #1 - Avoid doing all the things in the first list.

Be honest with your attorney. Listen to the advice of your lawyer and not your friends or coworkers.

Keep your attorney informed. We need to know these things and more!

1. Money transferred to a friend or family member.
2. Planning on quitting a job or thinking you may be fired.
3. You really don't want to have kids so much but don't want to look bad or you want to pay less in child support.
4. Plans to move in or on with a new partner.
5. Plan to close a business that you own.
6. Anticipate a significant bonus, raise, or increase in income.

7. Sales of stock and IRA/401K withdrawals before they happen.
8. Inheritance received or expected.
9. Loans to or from family and friends.
10. Tax obligations/unfiled taxes.

Stop arguing with or trying to persuade your partner about anything. You will not be able to convince them that you are correct.

Embrace that you will be sharing decision making and parenting time. Do not focus on percentages of parenting time. Parenting is a role you have 100 percent of the time with shared decision making and parenting time for the best interests of your children.

Appreciate that you do not know your spouse or partner any longer. Do not rely on what you know they would always do.

Understand that all income is marital income and "ours" until the day the divorce is finalized. Divisions of accounts that you do before the divorce are not final.

Pay the household bills to keep credit scores up. It will be easier to do a buyout/refinance and to find a new place to live.

Hire an attorney who will make a concerted effort to reach a settlement sooner rather than later. Preferably, a settlement can be reached before anything is even filed with the court. Refer to the lawyers from Collaborative Divorce Illinois for lawyers who are committed to peaceful resolutions. ■