

# WHEN DOMESTIC BLISS BECOMES A MATRIMONIAL MISS

A SURVIVOR'S GUIDE TO DIVORCE



*Dawn M. Boyd*  
*Law Offices*

**DAWN M. BOYD**

(260) 244-6900 | [www.dawnboydlaw.com](http://www.dawnboydlaw.com)

# WELCOME



The term, "Family Law," is a bit of a contradiction as the name itself should logically represent the building up of a family, when in reality, it denotes the legal process whereby a family is dismantled, at least partially. It includes, but is not limited to, divorce, paternity, custody, support, and property division. It is not a happy area of law. Nonetheless it is very important to assist parties to conclude legally what has already occurred both emotionally and practically. By the time you come to my office, I understand I am most likely the last stop on what has been a long relational road.

I began practicing Family Law in 1998, initially delving into contested litigation for almost all of my cases believing I was best serving my client's interests by battling it out in court and making the other side look bad. (Likewise, they tried to make me and my client look bad.) Over time it became apparent there were no winners at the end of the day, just battered parties with thinner wallets.

I believe there is hope for Family Law to serve as a spring board to assist clients with making decisions and taking action by the most constructive means possible. Lengthy and costly court battles, although lucrative for the attorneys, are not necessarily the best course of action for the parties, especially where children are involved and the parties will have to deal with each other long after the courthouse closes and the attorneys go home. Conversely, there are times when, due to the conduct of a party, it is the only productive route to take.

Whichever direction your case takes, know you have options. Take the time to educate and prepare yourself. The following is a guide and basic overview to assist you as you initiate or contemplate initiating divorce; however, the same principles will apply to other areas of Family Law as well. I welcome the opportunity to meet with you to discuss the specifics of your situation.

Wishing you strength and hope,



## DAWN M. BOYD

Your Life Matters  
PO Box 608  
Columbia City, IN 46725

[info@dawnboydlaw.com](mailto:info@dawnboydlaw.com)

[www.dawnboydlaw.com](http://www.dawnboydlaw.com)

Phone: (260) 244-6900

Fax: (260) 244-6902

DAWN M. BOYD

(260) 244-6900 | [www.dawnboydlaw.com](http://www.dawnboydlaw.com)



*Dawn M. Boyd*  
*Law Offices*

# WHEN DOMESTIC BLISS BECOMES A MATRIMONIAL MISS

## A SURVIVOR'S GUIDE TO DIVORCE



You did not enter your marriage expecting to end up here, in my office discussing the disintegration of your marriage from the one person to whom you once pledged your undying love and devotion. You are, most likely, feeling conflicted emotionally, uncertain if you are making the right decision and unsure of how to protect yourself and your interests, much less where this will lead. No one can predict with certainty how your future will progress; however, in the midst of the major life changes commencing with a divorce, the following guidelines can at least alleviate and expedite the process for you and your family.



**Be Realistic.** Most likely, you will not receive everything you want and compromises and concessions will have to be made. Try to envision your situation from the perspective of a disinterested third party to get an idea of how your situation will be treated by the court.

**Prepare Financially** for both the expense of the court proceedings as well as the transition from being married to single. The dissolution proceedings themselves require court filing fees, service of process fees on the other party, attorneys' fees and in some jurisdictions mediation fees. Depending upon the issues in dispute and the extent of disagreements, there may be additional fees related to appraisals, home studies, or evaluations. As you and your spouse transition from supporting one household to supporting two, there will be additional expenditure adjustments with the parties going either from two incomes to one income, or a former homemaker and primary caregiver having to seek paid work outside the home. Close or have your name removed from joint credit accounts to avoid further liability to third party creditors and open an individual bank account to keep any post dissolution filing income separate from any joint accounts.

**Organize and Compile Documents** to verify the amount and value of marital assets and liabilities. Include bank statements, credit card statements, retirement accounts, IRA, real estate appraisals, tax records, life insurance policies, stocks and bonds, and anything that verifies the value of tangible and intangible assets subject to division by the court.

# WHEN DOMESTIC BLISS BECOMES A MATRIMONIAL MISS

---

## A SURVIVOR'S GUIDE TO DIVORCE



**Agree on the issues you can** to limit the contested issues in dispute and the duration and expense of the proceedings. It is better if you and your soon to be ex-spouse can agree and decide how your marriage is to end, including the issues of property division and the upbringing of your children. Otherwise, you will have a disinterested judge, who has limited information of the parties and their circumstances, making decisions over which you have no say and to which you will be legally bound. Moreover, parties are more likely to be satisfied and cooperate with their own agreements.

**Co-parent your children.** There is nothing worse than making a child feel responsible for a circumstance over which he or she has no control. Be honest and age appropriate with your children about the changes taking place in your lives without overwhelming them with details over which they have no control. The better you and your ex can cooperate and co-parent, the more stability and peace of mind you can provide for your children. If you are having difficulty dealing with the emotional and legal aspects of your divorce, seek the support of a trusted friend or relative, or counselor if you can afford one.

**Allow time for transition.** In all likelihood, your family is going from one household to two. Prepare and make arrangements to live separately, including the division of personal property, so that the moving spouse can set up a second household, especially if children are involved.

**Seek legal counsel.** The saying, an ounce of prevention is worth a pound of cure, holds particularly true in legal matters. Even if you cannot afford an attorney to handle your entire divorce, it is worth your time and money to at least consult with a Family Law attorney about your case to obtain guidance and an explanation of the law.

**Update and Change Legal Documents** in which your spouse is named as your agent, executor, beneficiary, or third party beneficiary, unless the court orders otherwise. Examples include Powers of Attorney, Advanced Medical Directives, Wills, Pay on Death Accounts, Life Insurance Policies, or Annuities. Note, you may have to maintain your spouse on health insurance coverage pending the divorce proceedings.

# WHEN DOMESTIC BLISS BECOMES A MATRIMONIAL MISS

## A SURVIVOR'S GUIDE TO DIVORCE



**Make legal decisions based on emotions.** Divorce courts are known as courts of equity, which means there are no winners or losers. The court will look at facts and property values to evaluate and achieve fairness and equity between the parties. Often, what the court deems equitable, the parties may not, but again, this is why it is important to look at your case as a disinterested party.

**Use your divorce proceedings to punish or exert revenge** on your soon to be ex-spouse. If it's over, then it's over. Move on and find the best life you can for yourself and your children. It is understandable to grieve the loss of what was or what might have been; however, lingering there will keep you emotionally in the bad marriage you are seeking to leave. Allow yourself to heal and be happy again, which in turn can be the best revenge.

**Seek legal advice from non-attorneys**, such as your best friend's cousin's mother who divorced in Oklahoma and was awarded the entire marital estate. What transpires in one situation will unlikely transfer to yours. Moreover, you could end up taking advice which is prejudicial to you.

**Disregard a court order.** This should go without saying; however, parties often think they know better or that it simply should not apply to them. The reasons are limitless. If you need relief from a court order, the remedy is to file a motion to modify. Otherwise, the aggrieved spouse can file contempt proceedings against you seeking sanctions and attorney's fees.

**Post updates on social media regarding your divorce.** Keep to yourself your opinions regarding your soon to be ex, the play by play of your divorce, your escapades, and expenditures, etc. This could later be used against you in court.

**Place your children in the middle of your divorce.** Again, this should go without saying. Your children are not responsible for the disintegration of your marriage. They are not your confidants, counselors or messengers. You are the parent and protector of your children regardless of who retains physical custody. It is wholly inappropriate to discuss the details of the divorce with your children or to disparage the

# WHEN DOMESTIC BLISS BECOMES A MATRIMONIAL MISS

---

## A SURVIVOR'S GUIDE TO DIVORCE



other parent in their presence. Your children will either feel conflicted loyalties, guilt for loving the other parent, or project the comments onto themselves resulting in low self-esteem and insecurity.

**Battle over consumer goods.** It is less costly to purchase new than it is to litigate over who gets the T.V., the knick knacks, the treadmill, etc. With technology, other items such as photos and files, can be duplicated with ease.

**Hide income or assets.** This is fraud upon the court. Full disclosure is essential in any marital dissolution. All property, regardless of how it is titled, and acquired either before or during the marriage, is considered marital property and subject to division within the marital estate. Your case can be re-opened and property re-distributed if it is later discovered assets were not disclosed. Moreover, the guilty party can, and most likely will, be assessed the innocent parties' attorney fees and other financial losses as a result of the non-disclosure.

**Commit marital waste or dispose of marital assets pending the proceedings.** This will most likely result in you receiving a lesser percentage of the marital estate by offsetting the value of the disposed property to you, regardless of the amount for which it was sold or disposed. For example, if you sell your spouse's heirloom antique china on e-bay for a fraction of its value in a gesture of spite, the value, not the price, will be attributed to the assets awarded to you.



### Download Ebook

<https://toi.infusionsoft.com/app/form/dawn-boyd-ebook>