

7 TIPS FOR AVOIDING ANXIETY AND CONFLICT DURING YOUR DIVORCE

Divorce is an emotionally charged process. Even the most innocuous or insignificant of circumstances can spiral out of control on a moment's notice. These tips will help you maintain your peace of mind and avoid escalating conflict with your spouse during your divorce.

1. Change the way you think about your spouse.
2. Walk away when emotions flare.
3. Use your lawyers as buffers.
4. Believe what your lawyer tells you.
5. Don't fall for threats and posturing.
6. Don't negotiate or settle on your own.
7. Get a post office box and secure your divorce paperwork.

If you are considering divorce, finding a good lawyer should be one of your first steps. Even if you have not made the final decision yet, you will benefit from getting some advice and information.

FAMILY LAW ATTORNEY MATTHEW MARTELL

You can count on three major pluses when you work with me:

- 1. Understanding.** Emotions can run high, even for amicable divorces. I approach all my clients with the understanding that they are facing an unfamiliar challenge, and treat them with care and respect.
- 2. Access.** The divorce process presents questions that many have not had to face before. I am available 24/7 to my clients, and will stay in frequent contact, regularly provide case updates, and answer any questions you have.
- 3. Guidance.** I have many years of experience helping people navigate through what is one of the toughest times of their lives, and understand that many changes - both challenging and positive - will occur during the course of the divorce process. Even in uncertain situations, my team and I offer steady guidance and support.

If you have questions about the divorce process, my team and I are available to answer them.

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A divorce is one of life's most unsettling experiences. Your emotions may be in turmoil as you grieve the loss of your marriage. Your daily routine, place of residence, relationships with children, and standard of living may all be changing. You will need to make many decisions that will have a lasting impact on you and your family.

Choosing the right attorney is crucial.

If you are contemplating filing for divorce or your spouse has already filed, we can help.

We serve clients throughout the region from our office in Lakewood Ranch.

INSIDE

- Answers to frequently asked questions about custody, support, and property.



ANSWERS TO QUESTIONS ABOUT CUSTODY, SUPPORT, AND PROPERTY

HOW IS CUSTODY OF CHILDREN DETERMINED IN A DIVORCE?

The best way to determine custody is for you and your spouse to work out your own parenting plan. The two of you can agree to make decisions about the children together or to give one of you the exclusive right to make decisions. You can also agree on where the children will live and what time they will spend with each of you.

If you cannot agree, a judge will decide. Many factors can affect how the judge will determine custody, including history of each parent's involvement with the children, background of the parents, work history, place of residence, desires and needs of the children, and the children's wishes if they are old enough to express them.

I DON'T THINK MY SPOUSE IS A GOOD INFLUENCE ON THE CHILDREN. CAN I KEEP HIM/HER AWAY FROM THEM?

Unless your spouse is putting the children in danger, the answer is probably no. Children need frequent

continuing contact with both parents if they are to grow up as healthy and well-adjusted as possible. You have to accept that your spouse may not look after your children exactly the way that you might. But that will not matter to a court.

HOW IS CHILD SUPPORT DETERMINED?

In most cases, a parent who obtains physical custody of the children will be given an award of child support to help pay expenses incurred in raising them. State child support guidelines provide a formula for calculating child support. The formula considers the income and other financial resources of the paying parent, how many children the parties have, and the number of children from other relationships that the paying spouse is obligated to support.

CAN A PARENT BE REQUIRED TO PAY CHILD SUPPORT AFTER THE CHILD TURNS 18?

Child support usually lasts until the child turns 18 or graduates from high school. It can last longer in the case of a child who became disabled before the age of 18 or if the parties agreed to post-graduation expenses like college expenses for example.

WHAT PENALTIES CAN BE IMPOSED ON A PARENT WHO DOES NOT PAY COURT-ORDERED CHILD SUPPORT?

The judge can fine the parent and even send the parent to jail. The judge can order that the child support be deducted from the parent's wages. The parent's property can be seized, his or her tax refund intercepted, and his or her driver license and professional licenses suspended. In some cases, the parent can even be prosecuted for a crime.

WHAT PROPERTY WILL I GET TO KEEP ONCE THE DIVORCE IS OVER?

The property that you and your spouse accumulated during your marriage is marital property that will be

divided between you during divorce. In most cases, a 50/50 division is the starting point. The court sometimes orders or spouses agree to an unequal division, for example to adjust for disparities in earning capacity, avoid alimony, or take care of a spouse with special needs.

You get to keep your separate property. This includes property you acquired before you were married and property you received during the marriage as a gift or inheritance. However, earnings from separate property that accumulated during the marriage, such as interest or dividends, are subject to division.

WHAT CAN I DO TO PREVENT MY SPOUSE FROM TAKING OUR POSSESSIONS ON FINDING OUT ABOUT THE DIVORCE?

Usually, the court will enter orders preventing this behavior once a divorce is filed. Here are a few steps you can take to protect your property before the divorce is filed:

- Photograph or video the contents of your home just as you would for insurance purposes.
- Make an inventory of the items that you own with their cost and your estimate of their value.
- Save any purchase receipts or appraisals in a safe place.
- Remove the most valuable items or those that are particularly important to you and store them in a safe place.

