



7 Costly Mistakes to Avoid in a North Carolina Divorce





MISTAKE #1: RUSHING THE PROCESS

Understand that divorce isn't a pleasant process, but rushing through the steps does more harm than necessary.

"I just want to get this over with" should not be your mantra.

Talk to a lawyer and an accountant to understand the legal and financial issues surrounding your divorce.

Do not rush to sign paperwork without first reading and understanding the consequences. Divorces can be stressful, but you should not be in a rush to settle if your interests are not being served.





MISTAKE #2: LETTING EMOTIONS WIN

Few things in life are as
emotionally draining as
divorce litigation.

Intense feelings of sadness, anger, or frustration are completely normal when dealing with a divorce, but it is important to not let these emotions detrimentally impact the legal process.

Acting out of anger or seeking revenge is rarely a good idea, and it often lengthens the divorce process, which brings added stress and added legal costs. It is important to listen to your attorney's advice, particularly in those moments when emotion is getting the better of you.



MISTAKE #3: LOSING PERSPECTIVE

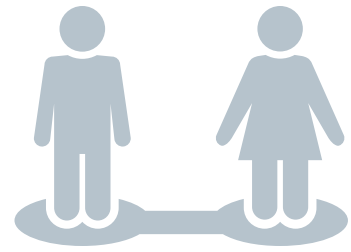
Because of the emotions stirred up in the process, it can be too easy to focus on trivial matters and lose sight of the big picture.



Divorces are often contentious. Parties are dealing with important and potentially life-altering issues related to homes, children, retirement accounts, and more. Divorces can also be expensive.

It is important to make sure that you are not wasting time and resources on minor details. The biggest culprits involve disagreements over personal property, such as furniture or other household items. Pursuing aggressive litigation over such items often costs more in legal fees than what the personal items are worth. Keeping things in perspective and letting some of the trivial disputes go is one of the best ways to keep the process civil and avoid racking up unnecessary legal costs.





North Carolina requires that prior to divorce, spouses live separate and apart for a period of 12 months. The couples must actually live separate and apart; it is insufficient to live in separate parts of the house or separate bedrooms. Even couples living in separate households who maintain the appearance of being married do not meet the separation requirement.



Joint physical custody does not necessarily require a 50-50 time split between the parents. Joint custody entails any situation where the child maintains a residence at the home of each parent and spends a significant amount of time with each parent.



North Carolina allows an award of child support to be modified or vacated at any time. Modifying child support is permissible when there is a substantial change in circumstances regarding the child's needs or the parents' financial situations. The burden to substantiate the change in circumstance in circumstances is on the parent requesting the modification.



MISTAKE #4: FALLING BEHIND



With all of the requests for information, taking a proactive approach to gathering materials & responding to requests will ease the stress caused by the process.

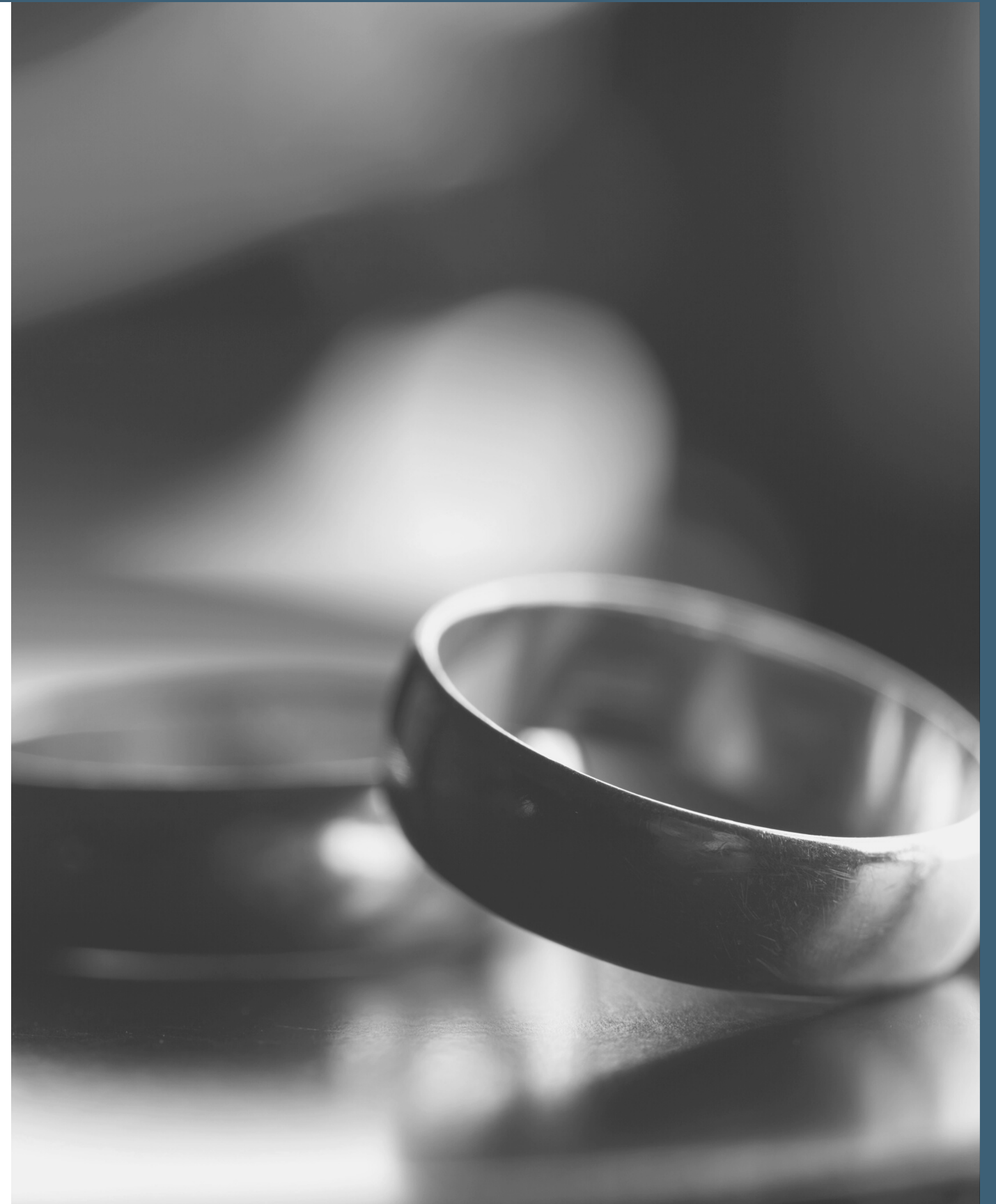
Perhaps the most arduous part of divorce litigation is issuing and responding to discovery requests.

In North Carolina, the discovery process can include depositions, written questions called interrogatories, or requests to produce documents such as bank statements or other financial records. Tracking down necessary discovery documents is often time consuming and burdensome, so proactively collecting relevant information and sharing it with your attorney is preferable to sweating out deadlines.



MISTAKE #5: DIVIDING WITHOUT A PLAN

Property owned by spouses falls into three categories: marital property, separate property, and divisible property.



Marital property consists of virtually any money or property acquired during the marriage and is owned equally by each spouse.

Separate property consists of property owned by one spouse exclusively that he or she acquired before the marriage or after separation, as well as property acquired during the marriage under some distinct circumstances (an inheritance, for example).

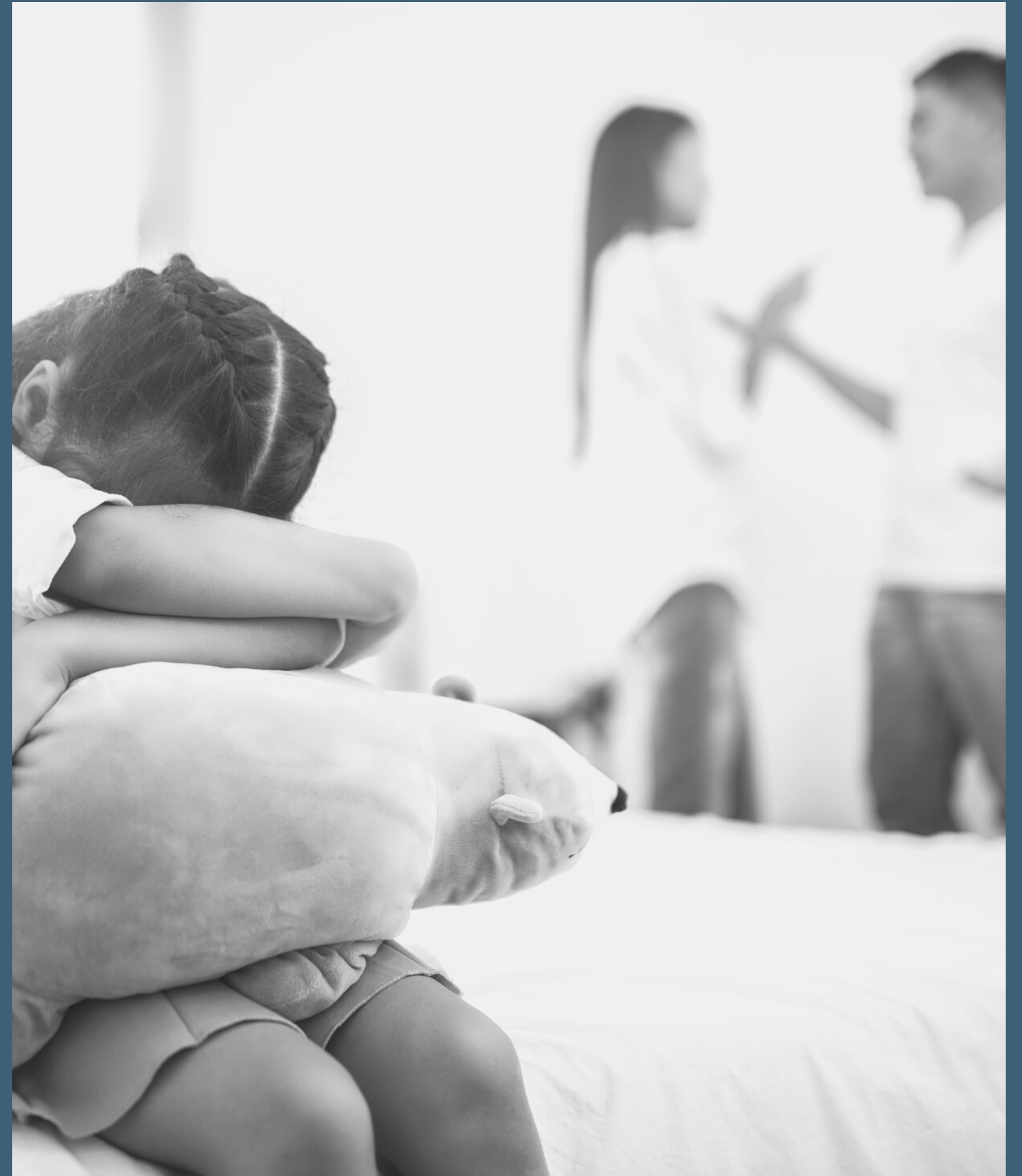
Before a separated couple begins dividing up their real or personal property, it is important to know which category the property falls into. Taking an inventory of the property in dispute is an essential part of ensuring a fair distribution of the marital assets, and failing to do so may leave one side with far less than he or she is entitled to under the law.





MISTAKE #6: INVOLVING THE CHILDREN


Children should have limited exposure to the divorce process and should generally not appear in court, unless health or safety issues necessitate more active involvement.



Most parents do a good job of shielding their children from the volatility that comes with divorce litigation.

Unfortunately, others take a different approach and attempt to use children as pawns or bargaining chips in the hopes of gaining an advantage. In some cases, one parent will speak poorly of the other in the presence of a child in an attempt to alienate the child from the other parent. This type of behavior is not only harmful to children but is frowned upon by courts.





MISTAKE #7: BATTLING SOLO

The process is long, stressful, and involves many complicated pieces. Make sure you establish & stay connected with a strong personal support system, including family, friends, & professionals.



Divorce is complicated. Surround yourself with people who can assist you.

You will likely need an experienced attorney, possibly a financial advisor, and maybe even a licensed therapist to help you navigate this new stage of your life. You should also seek to surround yourself with family and friends who can assist you emotionally and otherwise.



**WE ARE HERE TO HELP YOU THROUGHOUT
THE DIVORCE PROCESS.**

CONTACT US TODAY TO SET UP A CONSULTATION.

704-512-0606

