

# The Common Threats in A Divorce

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The divorcing person's guide to the psychological warfare of words that may be expected over the next several months:

**1. "I will tell them X and you will never get the children."**

"X" can be an affair, that you are seeing a therapist, having two or three glasses of wine per day or any other situation. Chances are "X" has little or nothing to do with the best interests of the children and will be disregarded in any planning for the children's lives.

**2. "Your attorney is a dud, or out to get our money, or why don't we use one attorney and save money, or your attorney is really partial to me, etc."**

These are divide-and-conquer tactics. If there is a way to save attorney fees and costs, we welcome it and will be glad to discuss it with you.

**3. "Unless you play this my way, you'll never get a dime."**

The threatener is used to being in charge of things and that is no longer the case. The property will be divided and support will be awarded, probably in accordance with the schedule.

**4. "Why are you trying to take my money (my pension, my children, etc.)?"**

The answer is simply because you are entitled to it, and you are willing to share.

**5. "I'll go to jail before I'll pay you a dime."**

So be it. There are various ways to enforce support obligations. Ultimately, contempt of court can mean a jail term; however, this is very rarely the case, and most people end up paying voluntarily.

**6. "I'll quit my job before I'll pay you that kind of money."**

Attempt to get a witness to this kind of a statement. If intent to avoid support obligations by quitting one's job can be proven, the support obligations would continue at the same amount.

**7. "When the judge sees my expenses, he will award less (more) than the support from the schedule."**

This is not true unless there are extraordinary expenses. It should be remembered that the supported spouse will get less money than needed and the supporting spouse will pay more money than can be afforded.

**8. "You'll never see the kids again."**

There are laws prohibiting kidnapping. A parent who attempts to move to avoid visitation may find the visitation extended to longer periods of time with the added expense of travel costs. Failure to allow visitation is one of the reasons why the courts change custody from one parent to the other.

**9. "If you don't see this thing my way, the judge will order that we sell everything."**

The court will not order the sale of an asset unless there is a good economic reason for it that is in the best interests of both parties. Instead, the court will generally do all or a combination of the following:

- a. Award individual assets or obligations to one or the other spouse;
- b. Award an asset to both spouses 50%-50% because the asset, such as a limited partnership, cannot be valued; or
- c. Provide that one spouse receive an asset (such as a residence) conditioned on an equalizing payment or promissory note to the other. Where there are minor children and tight economic circumstances, the court may also temporarily award the family residence to the custodial parent with sale and equal division to occur later.

It is suggested that anyone suffering unduly from these kinds of comments and threats keep a running diary with dates, places, occasions, and summaries of conversations occurring. (Do not tape-record a conversation without consent; in some states, such as California, it's a felony with a heavy fine!)

It is not recommended that you telephone your attorney as each of these threats come in. The purpose of listing them here is to show how common they are and that the best thing to do is ignore them and go forward with attempting to reach a reasonable resolution of the case at hand.