

# 7 Things Your Divorce Attorney Wants You to Know

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Here are the top 7 things we wish our clients knew when going through a divorce.

1. There is no such thing as “fair” in a divorce. There are two sides to the divorce process, and therefore 2 different views of both the marriage and the divorce. So while you may think it’s “fair” for your spouse to pay you \$10,000/month in spousal support, the other side may think it’s fair to pay \$1,500/month. Discussing the factors that a court will consider in all dissolution matters, and providing options and a view of both sides of an issue, is something an experienced attorney can help you with.
2. The divorce process may take longer than you think. While you may think the issues in your divorce should be easy to resolve, the other side may not feel the same way. Additionally, you can’t force someone to settle a case, and in only certain circumstances can a court order someone to the negotiating table. Having an attorney who can give you reasonable expectations for timelines, and explain the issues with getting a case done quickly, is very helpful.
3. Judges may not look at custody the same way that you do. In Missouri, there are statutes and cases that outline what courts should look at in deciding custody matters. Oftentimes the courts will look at factors you think should be less important, or carry less weight, so having an attorney who can talk with you about how judges may view your situation is an important part of the process.
4. Moving out doesn't mean you are legally separated. Physically moving out of the marital residence, or moving to a different room in the house, does not mean you are legally separated. In Missouri, a legal separation is the same process as a divorce, except that the marriage is not considered irretrievably broken. Getting legally separated in Missouri means a lot more than simply moving away from the other person.

5. The divorce process maybe more expensive than you think it should be. While you may think a case is straight-forward and easy to resolve, the other side may see things differently. Also, when one party is more difficult to work with, or their attorney is more difficult to work with, it can increase costs and delay the process. Finding an attorney who can explain the issues to you, and the reason the process is more costly, can go a long way to easing your mind about that issue.
6. People often want the other person to “pay for their lawyer”, but in Missouri, since attorneys’ fees are a marital debt, generally speaking you each are paying for half of all fees. There are cases where one person may pay more of the fees in an allocation of assets, or may be ordered to pay fees during the process, but that is not always the case. Your attorney should be able to explain the options for payment of fees during a divorce.
7. Dating before you are actually divorced can complicate the divorce. When one person has moved on faster than the other, having another person in the picture can make the process more emotional for the other side, and may cause an increase in cost and delay the process. So before entering into a relationship after the divorce is filed, talk to your attorney first.

For these or other family law questions, please contact one of the family law attorneys at Sandberg Phoenix.