

The 10 benefits you need to secure in your 2020 Divorce Decree.

In your divorce, you don't want to miss out on what you deserve. We agree.

With the end of your marriage, you want to make sure you are going to be alright. You want to secure what your children are going to need. You want a fair outcome of assets, debts, & finances. You want to come away, ready to thrive in your new life that lies ahead. In order to do that, you need a divorce order that covers all of these bases. Your divorce decree, when all is done, should contain the relevant elements below so that you have these benefits going forward.

A dissolution of marriage that turns over a new leaf

While the particular differences between being married and being divorced are seen below, the first benefit identified is psychological: you are once again single. Some people immediately relish the entry of the divorce, whereas others mourn the death of that partnership. Even if you are in the latter camp, there is an advantage to regaining autonomy over your life and direction of your future.



Limit your responsibility for your spouse's debts and spending

While no one gets a divorce with debt division as their top priority, it is very important that the debts of the marriage are detailed and assigned. Further there needs to be the added directives that accounts for undisclosed debts and absolute payment of joint or shared debts so your credit is protected. One of the great benefits of divorce is that you are no longer responsible for the post-divorce spending of your spouse (short of what exceptions you may have for children expenses).



Clear separation of your assets and income

The divorce decree should fully outline all of the assets and property interests you and your spouse have. It should specify what you get and what they get. If you have premarital assets, inheritances, and gifts that qualify, they should not be shared unless you agree. And assets such as retirement accounts that are shared should clearly set out terms and benefits to each spouse. The issue of spousal support should be explicitly detailed. There should be no confusion as whether your incomes are shared after the divorce. And if spousal support is awarded, the decree should detail how much and for how long.



Decision making for the children's health, schooling & religious upbringing

Legal custody is the right to make important decisions on behalf of the minor child. These are medical, educational, religious, and other decisions affecting the welfare of the child. Unless there is a history of domestic violence or other compelling reasons, the courts typically award this "joint" legal custody equally to both parties (as opposed to "solely" one just one parent). It is essential that legal custody be set jointly or solely taking into account of the best interests of the children.



Remove the ambiguity around parenting time for weekdays and weekends

While occasionally there are divorce decrees that define regular parenting time to a parent as “reasonable” or “liberal” without greater details, best practices save parents from problems by specifying which days (at which start times and which end times) each parent has the children in their care. These savvy decrees should also consider contingencies such as sick children and snow days. The specifications of weekday and weekend parenting time should be supported by the best interests of the children.



Remove the ambiguity around parenting time for summers, holidays, & vacations

There will be more to your life and the lives of your children than weekday and weekend routines. A sound divorce decree should allow you to deviate from the weekday and weekend routines for school breaks, your work vacations, birthdays holidays, traveling out of state, and communicating with the children when they are not in your care.



Outline co-parenting guidelines that will end fights and haranguing

Any good family law attorney knows that divorcing parents need additional direction to aid them in their co-parenting. While these guidelines may never be cited because you and your ex-spouse cooperate well in raising your children separately, most divorcing parents avoid acrimony and the types of behaviors that harm your children by including such terms as a Right of First Parenting Time Refusal, the prohibitions of putting your children in the middle, sharing children events, and insulating your children from adult issues, just to name a few of the many that should be considered for inclusion in your decree.



Be assigned tax rights, including claiming the children

You will have great concern for what your tax rights are to claiming children, the prior year’s property taxes, mortgage interest deduction, state tax payments, accounting fees, et cetera in the Spring after your divorce is final. And probably for many years to come. Further the tax effect of dividing retirement, transferring real estate, spousal maintenance terms, disposing of mortgages, and other concerns remain topics that your divorce decree should account for.



Determine a set financial support amount

Child support, medical insurance for the children, their uninsured medical expenses, the costs of daycare, and school expenses (field trips, uniforms, etc.) are expected to be divided amongst the parents. Your decree needs exacting terms that neither parent can exploit to the detriment of the other. Further the parents have the opportunity to include the division of optional expenses such as extra-curricular activities, tutoring, other lessons, and college expenses.



Finally, have a full set of rules that to give you freedom for the future.

While your divorce decree may be dozens of pages long, it can be liberating. One of the greatest advantages of divorce is that your decree is going to outline exactly what your responsibilities are. And if it’s not in your divorce decree and not prohibited by law, you are free to do as you wish. Every component of your divorce decree should be drafted so there is no ambiguity or vagueness.

