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AN INTRO TO

# Avoiding an UGLY Divorce

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Navigating the Pennsylvania  
Family Court System  
*WITHOUT Sacrificing your Sanity*

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# INTRODUCTION

*“Start By Doing What Is Necessary;  
Then Do What Is Possible;  
And Suddenly  
You Are Doing The Impossible”  
~ St. Francis of Assisi*

# WHY DID I WRITE THIS BOOK?

## ***Divorce Sucks***

There is no other way to put it. Next to the death of a loved one, or being diagnosed with a terminal illness, coping with a divorce is one of the most painful processes you can endure. Regardless of how long you have been married, you suddenly find yourself having to completely redo your identity; completely revision your future; and likely make some gigantic adjustments to your current way of life. Even when divorce is the best thing that could have happened to your marriage, it is a time of tremendous change and uncertainty. It also brings opinions out of the woodwork. Friends and family who have probably never successfully represented someone else in a courtroom will offer you all sorts of suggestions on exactly what your attorney should be doing or should not doing in your situation!

Getting a divorce is a difficult and stressful transition for anyone. Each individual in the relationship must reformulate the plan for their ideal future - while at the same time contending with whatever stage of the grief process they are in. When children are involved, the burden and stress of each decision increases and the consequences of every decision are compounded and amplified. This creates circumstances that cause great anxiety and stress and causes many decisions to seem overwhelmingly impossible to resolve.

Most clients come to my office mentally exhausted. They are overwhelmed and overloaded with information coming at them from every direction. My hope is that this book will provide a way to clean the mental clutter so you can really assess what your situation is right now, where you want this crazy journey called life to take you and what we can do to put you on exactly *the right path for you* to get you there.

# *“WHY SHOULD I LISTEN TO YOU?”*

I credit my social work background with being able to step back and see the big picture without judging or blaming. It is incredibly hard, when in the midst of emotional turmoil, to try to think through the long-term consequences of decisions you make about your divorce. My job is to do exactly that; to help you think through each decision that you need to make, and to help you understand how to make the best decisions for your needs based on the limits of the law. And trust me I've heard it all. I had one client who was convinced the government had planted a chip in his head; there is nothing you are going to share with me that I have not heard from at least one other client before you.

I also love working with people. I actually never intended to be a lawyer. I wasn't one of those kids who liked dressing up in black robes and holding mock trials. I majored in social work in school. I became involved with the law when I took a job as a paralegal. After being a paralegal for over a decade, I discovered that I loved what I did, but that I really wanted the opportunity to be involved with my clients on a much deeper level. I couldn't help with day-to-day problems like unclogging a toilet, but I wanted to see them through their crisis from start to finish. I despised seeing a client only once or twice and then watching them go on their way. (I will always prefer working with fewer clients and being able to get to know them and their situation in depth to having a large quantity of clients with whom I only have a surface relationship.) And frankly I figured I was just as smart as the lawyers I was working for as a paralegal so I decided to go back to school to get my law degree.

I really want to be a partner with you in this process. I have worked with plenty of clients who have essentially given me free rein, but I genuinely prefer those people who want to be involved in the process. I've known too many people who have come out a court proceeding and have zero idea what was decided, or why it was decided, or what it means for them, or what happens next. I want to make sure that if we are in court, you know why. If we are filing papers, I want you to understand what they say and what we are hoping to achieve. And if something does not go the way we hope I want you to be in a position where we can have an honest discussion about why we got the result we did. This is your divorce and I want you to feel that you have as much control as possible.

Most importantly I am *always* going to be very honest with you. Even when the news isn't great because - after everything else you have been through recently - you deserve the respect of an honest answer. That being said, even when the news is less than ideal, my primary goal is to work with you to develop a good and workable solution for you. A lot of what I do is telling people what to expect and bringing their expectations in line with reality.

For example many people assume that in a custody battle primary custody almost always goes to the mother. Here in Montgomery County that is not the case. Unless there is an extremely compelling reason (such as a breast-fed infant or a clinically diagnosed mentally ill parent), the court starts with the assumption that custody should be 50/50. So if you are someone going through a divorce and have children, we will spend as much time as needed figuring out a custody arrangement that takes into consideration the best interests of everyone.

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CHAPTER

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# 1

## **The Five Essential Tips For Avoiding an Ugly Divorce**

# TIP #1: HONESTY AS THE BEST POLICY

Contrary to all the jokes about lawyers, a good family attorney really does have your best interest at heart. She genuinely wants to be your advocate and to ensure that she helps you create the best, new, future possible. The only way that your lawyer can help make this happen however is if you are completely honest. Failing to disclose all assets and information can end up costing you more money, more stress and more time that could be spent creating the best future possible for yourself. Even if you think something may be insignificant it is important to tell your attorney everything you can think of that will better inform them about the stakes in your case.

It is also wise to remember that what is insignificant to one person is often significant to another (maybe your ex has a weird collection of taxidermy squirrels wearing Victorian era clothes or antique fishing poles that you have absolutely *no interest* in that can be used as leverage in obtaining something you *would* like to get in the settlement). If there is something you truly have a connection to - knowing that helps your attorney really focus their efforts on the most meaningful things for you.

Failing to disclose all relevant financial and asset information is this biggest area where honesty is ABSOLUTELY necessary. Without it your attorney is not able to thoroughly develop a strategy to really advocate for an optimal outcome for you. One of the most important roles of your family law attorney will be to work with you to develop a strategy (and a backup plan if necessary) that utilizes *all of the facts of your situation and how the laws will apply to your unique situation*. This gives you the best settlement possible and a more accurate best/worst-case-scenario so you can sleep better at night knowing the person you've selected to be your advocate is operating with the best information possible.

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## TIP #1

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Almost without fail, "hidden" information gets uncovered during divorce proceedings. The other side may be more aware of assets than you realize or their attorney may have done an expert job accounting for every last cent of your income and expenses as a marital couple and when they bring up something in court that your attorney has no knowledge of it immediately causes you as the client lose credibility and decreases the likelihood of you obtaining a satisfactory outcome from the divorce. For example, I always put in my property settlement agreement that if my client later discovers that his or her ex hid an asset of a thousand dollars or more, than my client can go back to court and revisit the agreement.

I am confident that I'm not the only lawyer who does this. People may think "hey I'm saving in money in the short run by not telling my attorney about that other bank account I have that my ex doesn't know about so it won't get included as part of our assets," only to have to go back and spend more money on legal fees, plus pay a monetary sanction, when this ownership later comes to light. It's much simpler and cheaper to disclose everything at the outset.

## TIP #2: SAVE YOUR SANITY!

Imagine you are sitting at your table and in front of you is a massive puzzle you've had for as long as you can remember with 10,000 pieces (or so it seems) The test of time has worn the box out. The image is faded and hard to discern. Heck lets be honest... the only reason the box is a box and not flat as a pancake is because it's held together by rubber bands and a whole lot of tape. But inside that box are 10,000 pieces of something real. And good. And amazingly beautiful. Memories and dreams and goals that might have gathered a little dust since they last saw the light of day - But all of them are there – waiting for you to dust them off and examine them closely again. Pieces that give you purpose and make you feel connected to yourself and the world again as you concentrate intently on whether that speck of green on one small piece is an eye or a blade of grass.

It's a puzzle you know is going to take a long time to put back together, but you plan to work on it five- maybe ten minutes at a time. A little on nights and a little more on the weekend when the house is quiet and the kids are asleep. You'll have a week or two you miss when your youngest has the flu, your boss has instated mandatory overtime and your oldest is stressing out over going to the prom or college. There will be a lot of memory searching and concentration but you're pretty sure you can remember how to restore it to its former glory. You think to yourself that maybe when you finish it you'll take a new picture of it and firmly tape it to the outside of the box so the world knows again what amazing contents are inside and by adding that tape and paper that you have lovingly printed out you have made the box stronger and more resilient.

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## TIP #2

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Reaching that point in your life where you wake up every day *feeling good* and recognizing the power and capacity of your own strength, dedication and persistence in becoming the best person you can *for you* can take a long time and is a is a tough tough process – especially if you’re going it alone. Getting the help you deserve will help you get all the pieces back together again MUCH quicker than if you tried to go it alone. Your divorce lawyer and a trusted therapist can team up to work with you to get the pieces in place a lot quicker. The eagle eye of your attorney will spot all the edges of the puzzle and have them together before you can blink an eye and a good therapist will be able to point out that maybe that bunch of oddly colored pieces that you can’t swear was a might just be something else that you had forgotten was even in the picture.

A therapist can also provide your children with a place to work through all of their own feelings about their parents divorce. Sometimes it’s hard for a parent to step back from the feelings their child is having and understand that those feelings are not a reflection of their love or devotion to you as a parent, but are a part of the natural emotional processing that has to occur for them to move forward in the healthiest way possible.

Divorces bring out extremes of emotions you never even envisioned that feel like a roller coaster that seemingly never ends. You will have days where you don’t want to get out of bed or times when you cannot stop crying. You might even have extreme revenge fantasies; you may experience anger so intense it scares you.

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## TIP #2

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The good news is that you (probably) aren't crazy. You just need a good therapist who will allow you to work through your emotions in a safe and healthy way. He or she will also help you develop lasting coping strategies for dealing with the intense changes in your life.

There are a lot of great therapists in our community that can help you with all of the emotions that you are working through. As an experienced divorce attorney MANY of my clients have utilized therapists to help process the anger and fear and depression that occur during a divorce settlement. Many of my former clients who have come out the other side of their divorces successfully and happier than they ever dreamed they would have done so with the help of an experienced therapist. Connecting you with one of the wonderful adult, child or family therapists in the Abington, PA area is something I am always happy to help my clients with. The American Psychological Association provides an online therapist locator, (<http://locator.apa.org/>) which can also help you find someone in your area.

You are, of course, always welcome to share all of your thoughts and feelings with me; just remember that I'm a very expensive therapist and a lot less effective and experienced at helping you navigate the emotional side of things.

As for the legal side... That's a piece of cake

## TIP #3: THE RULES OF THE GAME

At some point during every divorce proceeding, the court is going to give an order that is not in your favor, that you do not like, or that you simply feel is unfair. And it is going to be extremely tempting to simply ignore the court's orders. For example a court may order you to work with your ex to put your house up for sale, demand that the car you bought together be given to your ex, or may ask you to attend family counseling or parenting classes for your children. Failure to comply with a court order is called contempt; and courts take this extremely seriously. Refusing to comply only prolongs the divorce process. At worst your refusal can land you in jail.

If you fail to follow through on a court order, opposing council will go back in front of the judge to ask for sanctions to force you to comply. Failing to pay child-support is probably the most well-know example of non-compliance. In one case, upon hearing of failure to pay child support for 10 months, the judge ordered that support to be paid within 30 days or the parent would face jail time. Not only did the offender have to pony up a lump sum of several thousand dollars, they also had to pay thousands of dollars in attorneys fees – for both their own attorney *and* the attorney fees of their ex. And that's just one example.

A judge, upon hearing that a parent has been denied visitation rights, may order additional visitation to make up for lost time; he or she may impose a fine as a penalty; and jail time is always a possibility. It is also extremely likely that you will be ordered to pay the attorney fees incurred by your ex for having to seek legal means to force your compliance.

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## TIP #3

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So even if your ex is acting like a complete waste of oxygen and failing to follow every ruling handed down by the court, when *every* friend you have is urging you to simply ignore an "unfair" ruling, remember that we can always work to fight against a truly unfair ruling. In the short run however the cheapest solution, and the one guaranteed to keep you out of jail, is to follow the court's orders.

## TIP #4: TAKING THE ROAD LESS TRAVELLED

This is THE HARDEST piece of advice for clients to follow and it is a continuation of Tip #3. As you go through your divorce there are going to be plenty of times when all you want to do is scream; or slam the door on your ex and their new trophy girlfriend/boyfriend when they drop the kids off (who are conveniently overloaded on sugar and caffeine *every time* they come home and haven't even begun working on their homework even though it's 9:00 on a Sunday night). You will want to refuse to be cooperative when your ex asks to switch visitation nights or holidays; and are tempted to bake ex-lax laced brownies for their birthday. (Trust me. I've heard some pretty out-there ex-spouse revenge tales!)

**When your ex says they will be there Friday night at 5:00 to pick the kids up and the kids are still waiting on the couch with bags packed at 5:30 brace yourself for some serious High Road Travelling.**

At 6:00 the kids will shed their coats because it's getting a little too warm to be inside with a coat on

By 7:00 the shoes are off and they are getting lost in whatever their favorite TV show or video game is to divert their attention from thinking about what is going on.

At 8:00 they will start nodding off, but resist going to bed because "*they promised they would pick me up tonight!*".

## TIP #4: TAKING THE ROAD LESS TRAVELLED

The whole time this is going on you are texting your ex furiously and leaving voicemails to find out where they are and when they are going to be there. Your heart aches for your child because they might genuinely just wish for things to go back to the way they used to be and you know that is not an option.

While it may not feel like it right now, the best thing you can do for yourself and for your family is to take the high road. This is the time to NOT SAY ONE BAD WORD ABOUT THE OTHER PARENT, order some pizza, find a good Netflix movie you have all been wanting to watch and make some popcorn (or grab that cookie dough and a couple spoons!). Or you can throw an impromptu camping trip in the backyard or build an indoor fort out of the couch cushions with them! Whatever your plans were for a night without the kids should go on the backburner in an effort to make the best of a crappy situation.

Trust me - It will be therapeutic for you and your kids and as you fall asleep that night you will secretly be able to give yourself a Superstar Parent Of the Day award knowing that you were able to rise above a crappy situation and make your child's disappointment as bearable as possible. Caving to the urge to be negative only results in kids that grow up remembering how angry everyone was after the divorce. Making lemonade out of lemons creates lasting memories of all the times you really came through for them when they were having a tough day.

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## TIP #4

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Taking the high road means biting your lip and not saying to your child what a horrible parent the other parent is even though in your heart of hearts you know that parenting just isn't a priority for them. Trust me on this – if you ex truly has zero desire to be a real parent to your child you will **never** need to tell this to your child. They will figure it out on their own and will respect you more for letting them have the dignity and space to understand this really harsh reality on their own.

Being the person that complies with the court's orders even when your ex is refusing to comply with a single request is taking the high road and it can also win you favor with a judge when the circumstances are such that you just need a little bit of something to tip the scales of justice in your favor.

When you're travelling on the high road you are not plastering your Facebook page or blog with status updates about how mean and petty your ex really is or how much their new partner is a spouse-stealer and a trashy human being with the morals and ethics of a slug – even though you have an awful lot of friends who would rally to your support. After a while that social shaming and nastiness that people are so quick to share on social media becomes a double edged sword and people begin to look at you differently. They think – holy cow... if this person is so filled with resentment and hatred, and is so determined to try to ruin this other person's life I can only imagine how miserable living with them must have been. I'm pretty sure that sympathy for the devil is the last reaction you want to create among your friends and family and the only way to guarantee that won't happen is....

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## TIP #4

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You guessed it – *The High Road!*

The good thing is that it is NEVER too late to start taking the High Road! If you haven't been taking the high road expect the transition to be VERY challenging. Your ex KNOWS what your hot buttons are and many of them WILL push that button (repeatedly) if they think they can benefit themselves or their situation by doing so.

If you find yourself struggling each day to take the High Road here's a little life-hack that might help get you through each day until living the High Road is just *something you do and everyone around you knows it*. (When the ex and everyone else around you has realized they can push that hot button all they want and they aren't going to get anything from you but a calm, focused, confident high road response you know you have reached the coveted Master High Road Navigator status!) *Put a rubber band on your wrist*. Every time you are tempted to take the low road give yourself a quick snap of the rubber band. You really do have to do it **every time**. If you need help with accountability tell your kids what it is for and they will be happy to help you when you slip up! I promise, after a while your instinctive responses will be high road choices and you will be an incredible example to your children on how not to sweat the small stuff. A little pain now will pay you back tenfold in rewards down the road.

# *TIP #5: THE MOST IMPORTANT RULE OF ALL*

Studies have shown how well children adjust to a divorce is incredibly dependent on how much conflict they are exposed to during the divorce process. Children who have parents who minimize their exposure to conflict, are allowed to keep steady contact with both parents (assuming that both parents are stable and fit guardians), and see their parents present a united front as far their wellbeing is concerned, appear as healthy and well-adjusted within two years of the divorce as their peers of non-divorced parents.

On the flip side, allowing your children constantly hear you badmouth your ex (even if they overhear phone conversations between you and your best friend), witness ongoing heated arguments, or constantly forbidding them to see their other parent is extremely detrimental to their psychological and neurological development.

While divorce is incredibly hard on the adults, it is equally hard, if not harder, on children. For many children a divorce between their parents comes as a total shock. Especially if they were not aware that their parents were having marital problems. Children whose needs are not properly met during a divorce are at higher risk for emotional problems such as anxiety and depression, and for behavioral problems ranging from acting out at school to drug use.

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## TIP #5

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I know it takes tremendous energy and concentration to be a parent. And I know it takes a toll on your physical and emotional energy to cope with a divorce. There are going to be plenty of times where you feel as if you can barely cope with your own feelings, let alone those of your child. That is the main reason I so strongly recommend finding a therapist for you and your child(ren). A therapist will provide everyone with a safe place to work through the fear, hurt, and anger and sometimes even relief, that comes with a divorce.

It is also *critical* that you minimize your children's exposure to any conflict between you and your ex during the divorce process. Allowing your children constantly hear you badmouth your ex (even if they overhear phone conversations between you and your best friend), witness ongoing heated arguments, or constantly forbidding them to see their other parent is extremely detrimental to their psychological and neurological development. Study after study has found that when children are shielded from this conflict, they come through divorce relatively unscathed. And within two years of their parents divorce, most children appear as healthy and well-adjusted as their peers of non-divorced parents.

Children also do best when they maintain a relationship with both parents. I know it's incredibly tempting to punish your ex by not denying him or her time with the kids. It's so easy to "forget" to mention upcoming soccer games and dance recitals. Always remember that doing so only harms your child. Younger children especially won't understand why they suddenly cannot see both parents on a daily basis. Being allowed to have consistent, ongoing contact with both parents reassures children that their world is safe, and they are loved.

*THE MOST IMPORTANT RULE OF ALL!*

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## TIP #5

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Keep this information in mind as you work through the divorce negotiations. You may feel entitled to primary custody, but your children love that it's their dad who takes them for pizza on Friday night. You may want to take your ex for everything she has, but how will you explain to your children why mom had to move to a different town (with a lower cost of living) and they don't get to see her very often? You may want to be cold and rude to your ex's girlfriend/boyfriend when she/he answers the door when you drop the kids off. Remember that your children are looking to you for guidance and that they will imitate your actions. Seeing you upset and angry about situations they cannot understand will make them withdrawn and frightened. Seeing you polite and able to hold a two minute conversation, gives your children permission to begin figuring out how to adjust to this new world.

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CHAPTER

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**FAMILY LAW MYTHS**

## **MYTH: IT'S A BAD THING IF YOUR LAWYER ASSOCIATES WITH "THE OTHER SIDE"**

**TRUTH:** A lot of people going through a divorce experience tremendous anger toward their soon to be ex-partner. Those feelings are completely normal and healthy. However, many people also expect their lawyer to be equally upset and angry. They would really like their lawyer to do everything he or she can to clobber their partner's lawyer and they believe that, if the lawyers are friends, or run in similar social circles, or have kids that go to the same preschool, the lawyer won't be as good an advocate because they won't want to go up against a friend.

In reality, a good lawyer is someone who will be able to keep her emotions separate from the facts of your case. While being angry (or at least giving the appearance of being angry) may be a useful weapon for your lawyer at various times, she will serve you much better in the long run if she can keep her feelings about your divorce separate from the divorce process. Also there is a very good chance that is not the first time he or she has gone "up against a friend" in the legal process. Each lawyer will recognize that the other person is focused on doing his or her job to the best of his or her ability, and that it's not personal.

## **MYTH: MY EX LIVES WITH THEIR GIRLFRIEND/BOYFRIEND AND SHOULDN'T BE GRANTED CUSTODY/VISITATION**

**TRUTH:** Pennsylvania law is extremely focused on ensuring that children live in situations where they will be safe and taken care of. When custody is being determined, the background of every single person living in the house in which the child will reside is examined. The court wants to know about these people's criminal history, drug history, any history of mental treatment and a host of other items. Those histories are what will be important to the judge, not how long your ex-spouse has been living with his or her new partner or whether you like that person.

## **MYTH: YOUR LAWYER WILL GET A BETTER RESULT IF SHE KNOWS THE JUDGE**

**TRUTH:** If this were the case every lawyer in town would be doing everything possible to spend lots and lots of social time with the family law judges. Unfortunately knowing or not knowing a judge has no impact on the outcome of a case. Whether or not the lawyer has a personal relationship with him has no effect on what a judge takes into consideration when making their rulings and, in fact, if your attorney knows the judge too well personally the judge will remove himself from the case and have it heard by another judge in order to prevent potential conflicts of interest that may actually hurt the clients case more than helps it.

## **MYTH: I WORKED HARD FOR MY PENSION I SHOULD NOT HAVE TO SHARE IT WITH MY EX**

**TRUTH:** Absolutely no one questions that you worked hard for your pension. Unfortunately in the law's eyes your pension is marital property which means you and your ex-spouse are entitled to it jointly. There are exceptions and your attorney can help determine if your situation qualifies as an exception. That being said, there are options if you want to have exclusive rights to your hard earned cash. The first step is to get your pension valued – and for that we work with an actuary who can help us determine the full value of your pension. Once the value is known, you can offer your ex-spouse something of similar value that is also joint property.

For instance if the house has a high enough value, you might allow your ex-spouse to keep the house and you keep your pension in full. That's just one example. Realistically, and this is the part that no one likes to hear, some compromises are going to have to take place.

## **MYTH: MOMS ARE ALWAYS GIVEN PRIMARY CUSTODY OF THE KIDS.**

**FACT:** This statement is especially untrue here in Montgomery County. Family court starts with the assumption that custody is going to be shared 50/50 and it's up to the lawyers to convince the court otherwise. There are extenuating circumstances of course. A judge is not likely to automatically grant 50/50 custody to an infant who is exclusively being breast-fed. But the judges here like to ensure that if the dad wants to be involved, he gets a fair shot.

I had the opportunity to represent a dad who wanted to shared custody with his ex-wife. Prior to our going to court his wife had primary custody of their kids. He was a dad who had moved into a house that had plenty of room for the kids, he lived close by, and he wanted to stay involved in their academic and social lives. The judge granted his request for 50/50 custody.

Assuming that both parents are stable (e.g. one parent is not an alcoholic or has severe psychological problems), research has shown that kids fare much better when they continue to have steady contact with both parents. In fact studies have shown that children of divorced parents who have steady, on-going contact with both parents have fewer behavioral and emotional problems, higher self-esteem, better family relationships, and do better in school than children in single custody situations. And believe it or not joint custody may benefit you as well; divorced parents with joint custody tend to experience fewer conflicts.

And being a single parent is incredibly hard work. If your ex-spouse is a good parent, has a solid relationship with his children, and wants to be involved in their lives, letting him have joint custody can actually take a tremendous burden off of you by giving you some space and time.

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CHAPTER

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**DO YOU REALLY NEED  
AN ATTORNEY?**

While it is possible to pursue a divorce, custody or visitation modification without an attorney to represent you, legal issues involving family and children can often get heated very quickly. An experienced family law attorney can warn you about potential complications that often occur to better prepare you to respond to those events should they occur in your situation as well.

During a divorce, emotions run incredibly high. Even if the divorce is “amicable,” the parties involved are bound to run the gamut of emotion from anger to grief and everything in between. Trying to sort out the complexities of family law is difficult at the best of times, but a time when emotions are running high, futures are being rethought, money is at stake, and children are involved it can become an almost insurmountable task. A family lawyer can take you step-by-step through the process and help you figure out what you legally entitled to. Failing to consult a lawyer, even when the divorce seems simple and straightforward, can literally cost you thousands.

This is especially true if your soon-to-be ex-spouse has a lawyer and you don't. You may agree to terms that seem favorable only to realize months or years down the road that you were entitled to more than you actually received. And by that time it's too late to do anything about it. A common mistake that I see is that people don't realize that the divorce complaint needs to specifically address the distribution of property, retirement plans, cars, even household goods and furnishings. A lot of people assume that the state will automatically just divide everything 50/50 and that is almost never the case. Even a simple mistake like forgetting to record a credit card debt or not giving thought to a future inheritance can either greatly prolong the divorce process, or worse, leave you financially destitute.

I consulted with one person who thought everything was covered, but there was no mention of equitable distribution of property and this person was not entitled to a piece of anything. The only time divorce can be quick and easy is when two people live in an apartment that neither of them want, have no income to speak of, have no retirement accounts, expect no inheritance of any kind, own nothing of any particular value, and have no children.

There is also no guarantee that you and your ex-spouse will be able to work out an agreement without help. During divorce negotiations, all of the problems that contributed to your divorce are extremely likely to re-emerge; not to mention that sitting down and having a rational conversation with your ex about custody arrangements or who retains possession of the house is probably the furthest thing from your thoughts. A competent lawyer will help you divorce your emotions from fact, and allow the divorce process to proceed as smoothly as possible.

Trying to file for divorce yourself can also really delay the divorce process. I worked with one woman who was filing for divorce from her husband. Her husband wanted to represent himself and the court sent his paperwork back. Five times. So everything got prolonged and dragged out.

Hiring a lawyer can also benefit your children. Custody, child-support, and spousal support are highly sensitive, emotionally charged subjects and conflict is bound to arise. Study after study after study has shown that the less children are exposed to these conflicts, the better off they are in the long run. So let the lawyers fight these battles. Once the dust has settled, you and your ex can explain the plan to your children.

When you are facing a divorce you need to be in a place to take care of yourself emotionally and physically. You need to make sure that you and your spouse are available for your children, both physically and emotionally. You are going to have a lot of questions about everything from your financial rights to working out custody agreements. And most importantly you are going to need to start thinking about what your new future is going to look like.

A good family lawyer will not only help you sift through the mire of the legal system, but will also take on that incredibly critical job of being able to help you step back and look at the big picture. For every client I have worked with, my focus has been on not only looking at immediate issues, but helping my clients understand the long term consequences and actions of things that maybe aren't so visible when you're really upset or in the middle of a really emotional crisis.

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CHAPTER

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4

**WHAT ANY  
EXPERIENCED FAMILY  
LAW ATTORNEY  
SHOULD DO FOR YOU**

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## YOUR FAMILY LAW CHECKLIST

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1. Conduct an initial interview to determine your immediate and long term needs
2. Educate you about what happens in a family law case and what expectations you should have
3. Counsel you on all your legal rights and options
4. Make arrangements for any mediation efforts being pursued
5. Oversee mediation efforts
6. Finalize mediation agreements and submit the final agreement to court
7. Prepare comprehensive property settlement agreement including all assets and debts.
8. Attempt to resolve disputes regarding property division, alimony, child support, visitation, and guardianship
9. Draft the petition for divorce
10. File the divorce petition with the clerk of the court
11. Assist in cases where a biological parent may want or have to relinquish parental rights
12. Help determine if someone is qualified to pursue a restraining order
13. File forms to request a Domestic Violence Restraining Order
14. Attend court with you to help obtain a restraining order
15. Determine if temporary guardianship needs to be pursued

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## YOUR FAMILY LAW CHECKLIST

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16. Create documents to prevent foreseeable future issues
17. Gather documentation and evidence to support your position including financial, academic and potentially psychological reports if needed to support your position
18. Analyze the opposition's position to determine how best to counter their position and the potential evidence being presented
19. Interview witnesses for custody related issues
20. Collect evidence such as photographs, hospital or police reports in domestic violence or child neglect/abuse cases
21. Analyze the legal issues and present realistic options for you as well as the pros and cons of each option
22. Decide if an attempt should be made to negotiate or if litigation is the best approach for your situation
23. Go to court to set a court date
24. Prepare you (and any witnesses) for court
25. Organize the preparation of exhibits for court
26. File briefs and motions with the court to eliminate surprises presented by the opposing counsel during the trial
27. Make recommendations to you as to whether or not to appeal a divorce judgment or decree

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CHAPTER

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5

**HOW A FAMILY LAW  
ATTORNEY SERVES  
YOU**

I understand that the disappointment, stress, and frustration that has led you to the point in your life where you're reading a report on avoiding an ugly divorce makes it seem almost impossible to imagine a future without pain and grief.

Nevertheless, I want you to close your eyes for just a second and take a few deep breaths to clear your mind of the overwhelming burden that you are carrying around right now. I want you to imagine yourself three years from now. You are three years older and wiser than you are right now. You have taken this experience and used it to raise your expectations of others to reduce the chance of future disappointments and frustrations. The people you choose to surround yourself with inspire you and motivate you to do great things. Your ability to not only survive, *but thrive* is an inspiration to others who are experiencing the same things you are right now. Your kids are happy and rapidly growing into amazing people who reflect your resilience and determination. Their ability to tackle whatever life throws at them is a testament to your dedication, to your dreams.. You feel happier than you *ever* recall feeling.

Take a look around and envision what things have come to pass for you to feel this way, to be in this place to be in place. Are you pursuing an educational goal that you have always dreamed of? Do you have more time and opportunities to indulge in a hobby that you might have had to put on the back-burner while you attended to the needs of everyone else? Imagine monthly bills coming in and you hardly giving them a second thought because you've reached a point where you are able to make ends meet and provide the best life possible for your children. Let all the pieces of your best possible life fall into place and acknowledge that you have survived hell **and** high water to get there and you deserve the best for yourself. Life feels pretty great right now.

That future destination is possible to reach. The journey begins with an initial intake meeting to discuss all the facts and circumstances that exist right now. We will talk extensively about your needs and wants, and discuss future goals and plans in order to get a complete picture of your short and long term needs. Next, your experienced family law team examines how the law applies to your circumstances, what variables may come into play to influence less than desirable outcomes. The family law attorney then explains all of the options available to get you to that great future you see for yourself and you decide which path is the right one for you. One thing I know for sure is that there is no one "right" path to get you from here to there. The journey from here to there is genuinely a choose-your-own-adventure story and the job of your divorce attorney is to help you consider all of the options you might encounter and understand how your choices will get you closer to or further away from the future you envision for yourself.

I can't speak for other attorneys, but as a dedicated family law attorney my goal is for you to end our formal relationship by walking out of my office with an extensive toolbox at your side, a tangible vision of the next steps you need to take, and a detailed map of your chosen journey in your pocket. You will understand the tools and resources available to you to achieve all of the milestones you hope to achieve and the wisdom to know when to use each of the tools to get you to the next stage of your chosen destination.

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CHAPTER

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6

**A WORD ON  
MEANINGLESS  
ADVERTISING:  
*DECONSTRUCTING THE  
AVERAGE LEGAL  
ADVERTISEMENT***

## ***Better Call Saul!***

These attorneys give the legal profession a bad reputation and are the reason Dikigorosophobia (fear of lawyers) even exists!

Often law practices that post advertisements on billboards, in the Yellow Pages or on TV are either general practice offices where attorneys (or their staff) are working on an estate plan one morning, a tax resolution issue in the afternoon and are in court representing a DUI case the next day *or* they are advertisements that exist out of necessity because these offices need a constant stream of new clients to keep their doors open and the lights on rather than establishing long term relationships with their clients. Referral based practices, on the other hand generate word of mouth referral business based on high quality work and Compassion, Integrity, Commitment, Tenacity and the Creativity to always be looking for the non-obvious solution to provide an optimal outcome for their clients.

Referral based practices deliver security and consistency to their clients and take great pride whenever someone they have served tells a friend or coworker *“I have THE BEST attorney in town – Let me give you their number!”* Referral based practices get clients solely by reputation because when they do a great job for their clients not only win by getting great service, but their clients win by connecting their friends with a great service provider.

When you visit a referral based practice dedicated to serving solely the needs of people in situations just like yours you’ll find you have greater access to information and resources that can help you through the process. You’ll also have the benefit of having greater security in the knowledge that your best interests are being attended to.

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CHAPTER

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7

**OUR IDEAL CLIENTS**

# OUR IDEAL CLIENTS

If you are looking for an attorney that is determined to make the process as drawn out and miserable as possible for everyone involved, then I am not the attorney for you. The primary mission of my practice is to establish common ground whenever possible, and – more importantly – help you, your children and your loved ones enter into this next phase of your life in the healthiest and most productive way possible. If that common ground does not exist in your particular situation our practice policy is to be passionate advocates for your best interests throughout this difficult time in your life so you leave the process feeling like you have a solid foundation on which to build your new life.

Everyone comes to me at different stages in the divorce process, both legally and emotionally. What I can describe are some ideal behaviors, those practices that I ask my clients to embody because they will make the divorce process a whole lot smoother for everyone. I can also say that if you are someone who is looking for a fire-breathing dragon, someone who will help you get revenge at any cost, then I am not the right lawyer for you.

My ideal client is someone who is prepared to:

## BE INVOLVED

As I stated earlier in this book, I genuinely prefer those people who want to be involved in the process. I want to make sure that if we are in court, you know why. If we are filing papers, I want you to understand what they say and what we are hoping to achieve by filing them. And if something does not go the way we hope, I want you to be in a position where we can have an honest discussion about why we got the result we did.

## THINK ABOUT YOUR ACTIONS

It can be extremely tempting in the short-run to make decisions mainly because the outcome will hurt your ex. Remember that these types of decisions can not only make things even more miserable for your children, but will also come back to haunt you later on in the process.

## BE OPEN TO SOME COMPROMISE

Part of our work together will be working to determine what you truly need to have in order to live the life you imagine for yourself. In order to achieve that life there will be times when you will have to be flexible.

## MOST IMPORTANTLY

### TAKE CARE OF YOUR AND YOUR FAMILY'S EMOTIONAL NEEDS

During this tough time when you are trying so hard to stabilize your life and your children's lives you the enormous amount of pressure and stress you are under is tremendous.

Every day can feel overwhelming and like your emotional energy is stretched to capacity. Scheduling a time to talk with a trusted therapist or life coach who isn't directly involved in your situation is the best gift you can give yourself and is necessary to maintaining and improving your emotional well being. Give yourself the gift of an hour or two each week to put down the heavy weight you've been carrying and recharge. If you do I can assure you the foundation you're building for your new life is going to be solid enough for whatever amazing dreams you chose to pursue.

I am happy to help you navigate the legal side of your divorce. A good therapist will help you and your children work through the emotional side. Together these two separate areas of expertise can help you create a unique and fulfilling journey forward that might just surpass your wildest dreams!

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CHAPTER

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8

**WORKING WITH  
CATHY**

## WHEN YOU HAVE A FAMILY LAW PROBLEM YOU DON'T WANT A GENERALIST HANDING IT

You want an experienced attorney who knows the unique aspects of Pennsylvania Family Law and has represented a wide range of clients with a focus on their individual needs who can evaluate your situation and act as a confidant and advocate for your needs.

Ms. Cardozo believes that a good family law focused legal advocate will protect you, your family and your assets and help establish a solid foundation from which to build your new life.

Ms. Cardozo's client relationships begin with a No Hassle Family Law Strategy Meeting, in which we thoroughly review goals, discuss options, and create a plan which not only addresses the pressing issues of today, but the goals you have for tomorrow and what can be done to avoid legal problems and expenses in the future.

What that means is Cathy's clients leave the meeting with a completely clear picture of where they stand, what to do next, and what issues may occur along the way and how to successfully navigate the difficult process of obtaining a divorce.

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# A SPECIAL BONUS JUST FOR YOU!

Our standard No Hassle Divorce & Family Law Strategy Meeting is normally \$750.

BUT if you have read this report and are truly interested in Avoiding an Ugly Divorce just mention this report and I will offer you that \$750 strategy session for \$150.

AND if you retain us, you'll get a full credit of \$150 towards our legal services!

To Download Additional Copies Of This  
Report Visit:  
[CathyCardozo.com/Avoid-Ugly-Divorces](http://CathyCardozo.com/Avoid-Ugly-Divorces)

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## ABOUT THE AUTHOR

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Catherine M. Cardozo is an attorney and the founder of the Law Offices of Catherine Cardozo, LLC. She conducts mediations in divorce and custody, as well as acting as a coach during mediation training sessions. She does volunteer mediation with Good Shepherd Mediation Center.

Ms. Cardozo is a graduate of Temple University, BSW 1988, The Philadelphia Institute for Paralegals 1991 and Temple University School of Law, JD 2002. She was on staff and associate editor on the Temple Journal of International and Comparative Law. During law school she worked as an intern through a clinical program at Family Court of Philadelphia for Temple Legal Aid. Prior to and during law school she had worked as litigation paralegal. Before entering the legal field, she was a social worker with Philadelphia County MH/MR and a counselor with local women's agencies.

Ms. Cardozo is a Montgomery County Certified Mediator and a member of the Pennsylvania Council on Mediation and has received special training in techniques to facilitate cooperative solutions in divorce and family law disputes, such as divorce mediation. Cathy has been a trusted advisor in hundreds of family law cases and will work with you to find manageable solutions for any family law related issue. Areas of expertise are domestic relations cases, dissolutions, separations, nullity, domestic violence prevention, paternity actions, child custody, child support, visitation arrangements, spousal and family support.

Ms. Cardozo has conducted seminars on Divorce and Custody Mediation in addition to Child Support and Custody Issues.

Cathy enjoys a good sense of humor, and has discovered that clients who come out of their divorces the happiest, healthiest and ready to tackle whatever life challenges await have often relied on their sense of humor to get through the toughest days of the difficult transitions they are making. In her free time you'll find her at the gym, curled up reading a good legal thriller, or just out and about having fun with her husband and two smart *and* handsome sons. From time to time she gets inspired and attempts to cook a gourmet meal. She loves international travel and wishes she had more time to see the world.

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## ABOUT THE AUTHOR

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Cathy's memberships include the American Bar Association, Pennsylvania Bar Association and the Montgomery Bar Association

**Areas of Practice: 100% Family Law** Mediation

Child Support Collaborative Law Custody & Visitation Divorce

**Litigation Percentage:** 90% of Practice Devoted to Litigation

**Certification/Specialties:** Legal Intern, Temple Legal Aid Office, Family Law Division, 2002

**Bar Admissions:** Pennsylvania, 2002

**Education: Temple University School of Law, Philadelphia, Pennsylvania, 2002 J.D.**

Honors: Phi Alpha Delta (Roberts Chapter) – Clerk Law Journal: International and Comparative Law Journal, Associate Editor, 1999 – 2001

The Philadelphia Institute, Philadelphia, Pennsylvania, 1991

Paralegal Certificate Honors: Overall G.P.A. 3.71

Temple University, Philadelphia, Pennsylvania, 1988 **Bachelor of Social Work**

Published Works: PA Family Lawyer, Casenote, Summer, 2006