

TEN COMMON THREATS MADE DURING DIVORCE

Threats and hurtful remarks from a spouse can be gravely concerning, even when the threats are empty and the remarks untrue. The items listed below are common statements made by a vindictive spouse along with a suggested rebuttal for you.

- 1. "I will tell the court what you're doing. The judge will make sure you don't get the kids!"**

When a divorcing spouse threatens anything and everything in an effort to get custody, it usually proves he or she knows they aren't likely to get custody. They feel they need to browbeat their former spouse to frighten them into backing off. They might threaten to reveal secrets such as the fact that you see a therapist, take anti-depressants, or drink one or two glasses of wine every day, for example. Even if the spouse does reveal this information to the court, the claims have little to do with the best interests of the children anyway.
- 2. "You can't take money from me."**

You are simply asking for what you are legally entitled to. Under California law, you are entitled to your fair share.
- 3. "It's my way or you get no money."**

This type of threat is made by someone who is used to feeling in control of the situation—to having things go their way. However, this type of threat has no bearing on reality; the marital assets will be divided pursuant to the law.
- 4. "I plan to go to jail before I give you money!"**

California courts use a variety of tools to make sure you get your support payments. If a vindictive spouse refuses to pay, the court can place them in jail on a charge of contempt. However, this rarely happens because most people would rather voluntarily settle their obligations than spend time in jail.
- 5. "I'm going to quit my job so you can't get any support."**

If someone quits a job during a divorce, the judge will most likely come down hard on him or her. If you are threatened in this way in front of someone else, ask that person to be a witness and testify to the court what your spouse said. A lot of times these threats are made in letters or emails. If you receive one, save the document; it will be useful in court.

6. **“You shouldn’t trust your attorney. Mine will represent you better and it will save money.”**

Your spouse believes that if he controls the divorce, his or her chances for a favorable outcome increase. You are always better off with your own attorney.

7. **“Your attorney is running up your bill by asking for unnecessary documents. You should demand all “discovery” requests be cancelled now.”**

At the start of a case, all divorce attorneys send specific “discovery” requests. These are requests to gather the facts of your case. The discovery requests help an attorney fully understand the extent of the assets and the issues involved in a particular case. The spouse who has to respond to these discovery requests often complains, but without this information you might not know the true facts, and may not get a fair outcome in your divorce.

8. **“Because of this, you won’t see the kids again!”**

California courts usually want both parents to see the children on a frequent and on a continuing basis. If one parent purposefully denies the other parent contact with the children, the court may change the custody arrangement. This includes situations where one parent moves in order to keep the former spouse from seeing the children.

9. **“I plan to fight to the end. I don’t care about paying legal fees!”**

Some vindictive spouses threaten to fight and drag out a case because they think their former spouse will give up—or run out of money. Your attorney should recognize these tactics and push toward trial. If the court recognizes the delay tactics, the judge could sanction the delaying spouse to pay both sets of attorney fees.

10. **“I will file for divorce in Nevada.”**

While a spouse could file for divorce in another state or country, the state laws in your state of residence will determine property division and custody. If your spouse actually carries out this threat, consult with an attorney as soon as you can.

Keep a log if your spouse makes any of the above threats—or threats of this nature. Note the time, date, place, and occasion and write a detailed summary of what was said and by whom.