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Special strategies for divorce

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DoOver.com

Published Thursday, November 11, 2010

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One of the problems with divorces is that they're never really over. You survive the negotiations or trial and then find that problems crop up in the months and years afterwards, sending you back to court. This can lead to a feeling of always being on edge, waiting for the next problem to come up, forcing you to head back for another expensive round in court.

It's possible to prevent this constant revolving courtroom door with a little forethought when you are negotiating your divorce agreement. Follow these unique strategies for clauses to include in your divorce agreement to reduce future conflict and protect yourself after the divorce.

Cost of living increases. The cost of living typically increases each year by 0-4 percent due to natural inflation. So if you divorce when your child is one year old, your child support payment could be 60 percent lower than what you should be getting by the time the child is 16 because the cost of living has increased 4 percent every year for 15 years. Avoid poverty during the teenage years by including a clause that will automatically add cost of living or inflation costs to your child support or alimony amount.

Designate the state child support agency for collections. Have your state child support agency collect and enforce your child support. This will save you hours of frustration, trying to nag your ex to pay you or chasing your ex down if he/she takes off. There is usually a small fee involved, but it is always well worth it.

Plan for nonpayment. Include a clause in your agreement that if your ex fails to pay child support (if you are not using the state agency) or alimony, that you are automatically entitled to a wage garnishment order, permitting you to have money taken out of his/her pay.

Prepare for relocation. Many families end up back in court when the custodial parent needs to relocate due to a job change or remarriage, both of which are very common scenarios in the years after the divorce. Build a relocation plan into your agreement that sets up how far you can move, what kind of notice you must give, and what visitation plan kicks in if a move happens.

Choose dates. Too many people conclude a divorce and then sit around waiting for an ex to comply with orders to transfer assets. This often leads to a trip back to court for enforcement and arguing about what time frame is reasonable. Cut to the chase by including a specific date all asset transfers must happen by.

Build in visitation flexibility. One very short phrase in a divorce agreement can make parenting much, much easier. Tack on the words "and at other times as agreed to" to the description of when visitation occurs. This gives you the flexibility to change the schedule at will, as long as you both agree.

Mediate. Instead of heading back to court for every little disagreement about custody or payment, include a clause that you will mediate any future disputes before going to court. Mediation is cheaper and faster than court. Specify how many good faith mediation sessions must happen before either of you are allowed to file court papers.

Specify dependent exemptions in advance. Each year, one of you can claim each child as a dependent exemption on income taxes. Spell out in advance who gets the exemptions when. Some parents alternate them yearly.

Agree on college costs. Even if your child is a baby, at some point you're going to face the cost of college. Include a clause stating how you will share these costs. It's possible to make the clause flexible, comparing incomes and allocating cost based on your incomes at that point in the future.



The insertion of these clauses will make your post-divorce life much simpler and reduce conflict with your ex as you move on.

Brette Sember is a former family law attorney and mediator and author of "The Divorce Organizer & Planner," "The Complete Divorce Handbook: A Practical Guide," and "How to Parent with Your Ex: Working Together for Your Child's Best Interest." She writes for DoOver.com, the online magazine and resource for the 850,000 women who divorce each year.

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