

# 7 Important Questions You Should Be Asking Your Divorce Attorney

By [Nancy A. Hetrick](#) On 03/16/2023

You've decided it's time to terminate your marriage, and unfortunately, the emotions are too high to make mediation a realistic option, or for whatever reason, you've chosen litigation. If you must go down that path, here are some vital things to find out upfront when interviewing family law attorneys.

## 1. "What percentage of your cases typically go to trial?"

Only about 5% of divorce cases typically go to trial. Trust me when I tell you, you DO NOT want to be one of them. At trial, no one wins. The process is stressful and lengthy. Ask this question to find out just how "litigious" your attorney is. The more they go to trial, the less likely they are to work for settlements and the more likely they are to take an antagonistic approach and leave you paying an inflated bill.

## 2. "What are your processes for reviewing the financial statements for accuracy?"

In my experience, only the highest end, most experienced family law offices even question the accuracy of a financial affidavit. They take your word for it – and your spouse's. Even if you aren't worried about dishonesty on the part of your spouse, I have yet to see a financial affidavit that didn't have at least one mistake. This is what they will base child support and maintenance on. It's CRITICAL that they are completely accurate.

If you are the non-CFO spouse and delegated the management of your finances, does their office have someone that can help you accurately prepare your statement? If not, can you bring in a CDFA® professional?

## 3. "Is it ok if I add a divorce financial planner to my team?"

If the answer to this is anything but "yes", BEWARE! Why would an attorney not want you to have all the information you need? Don't be surprised if your attorney doesn't know anything about CDFAs (Certified Divorce Financial Analysts) and their work. Most aren't really interested in delving into the intricacies of the financials of your case. A CDFA can save you thousands of dollars in both taxes and attorney fees.

## 4. "I want to keep the house, but don't have enough equity to refinance. What are my options?"

Most attorneys will say you have 2 options, either refinance the home or sell. Some will say you can keep the house as long as your spouse will allow you to keep their name on the mortgage. I've never heard them suggest other options. Here are a few that if spouses can agree, a CDFA™ can help you explore.

- Continue to own the house jointly for a period of years, usually 3-5, at which point you would either sell or refinance and split the proceeds.
- Continue to own the house jointly for a period of years, usually 3-5, but the spouse not living there would receive other assets in lieu of his/her share of the equity. To protect their credit, a clause can be written in that you must provide proof of mortgage payment each month and if at any point the mortgage is more than 30 days past due, the house must be sold.
- Continue to own the house jointly and rent it out. A CDFA can help with the terms of such an arrangement.

## 5. "Will we have an opportunity to try to negotiate a settlement?"

I find that most attorneys shuttle written offers back and forth between you and your spouse's attorney without offering you a settlement negotiation meeting. Assuming there are no mental health issues, imagine how productive it would be if you both could meet in a room with your attorneys and actually speak to each other on each point.

## 6. If you have been a homemaker - "How soon will I be expected to go back to work and what will the earning expectations be?"

If you've been a stay-at-home parent for 5 years or more, your skills are outdated no matter what your background is. Be aware that in most states, you will be expected to be self-supporting very quickly. If an attorney tries to tell you that you may get maintenance for more than 5 years, he/she is likely telling you what you want to hear and looking forward to their nice fat case file when you let them fight for an unrealistic settlement. This does vary by state, but Alimony is quickly going the way of the dinosaur.

## 7. "I think my spouse may be hiding assets. How will you be sure we find everything?"

They should respond to this with assurances that they will be going over several years of tax returns and bank statements to look for any anomalies. However, in order to really know for sure if assets are being hidden or diverted, a forensic accountant or CDFA® is necessary to do the detailed work.

Divorce is no fun. You're going to be asked to make major financial and personal decisions that will impact the rest of your life. It's critical that you have the right team of professionals to support you. Be willing to pay for the right people. It will save you thousands in the long term.

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