

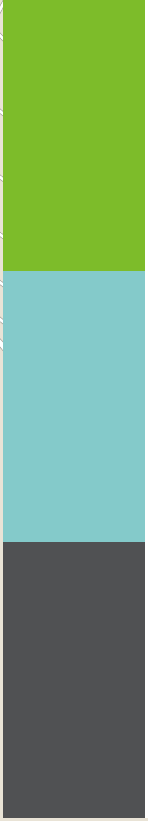
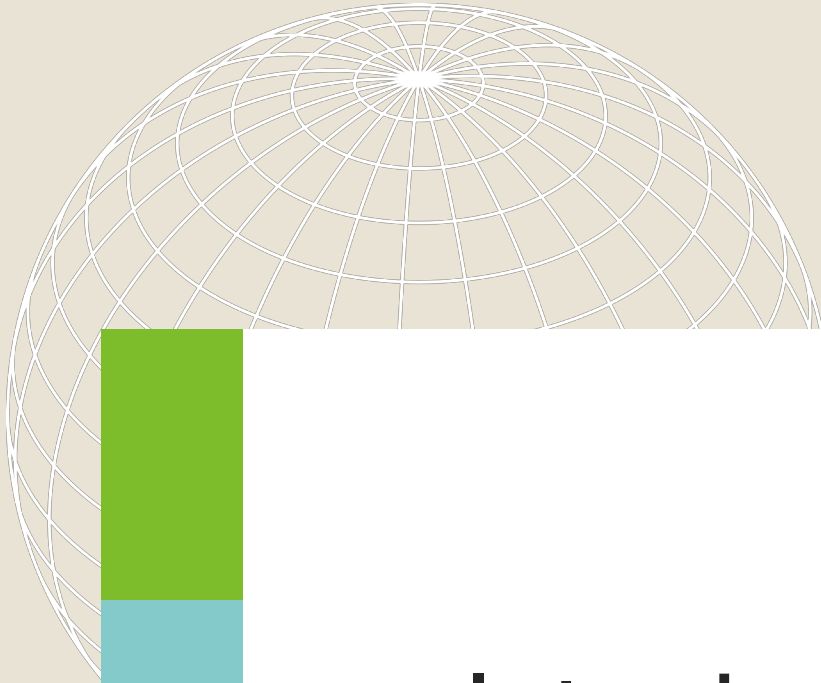
Your Guide to

Dirty Divorce Tricks



TABLE OF CONTENTS

	Introduction
1	Dirty Divorce Tricks : Faking Violence, Conflicting Out Attorneys, & Becoming a Helicopter Parent
2	Dirty Divorce Tricks : Hiding Assets, Starving the Spouse Financially, & Intentional Un/Underemployment
3	Dirty Divorce Tricks : Making Secret Copies, Stealing, and Spending
4	Dirty Divorce Tricks : Dummy Emails & Extortion
5	Dirty Divorce Trick(s) : Alienating the Children from the Other Spouse
	Conclusion





Introduction

Introduction

In this eBook, we'll explore 12 dirty tricks that parties pull when going through a divorce. Getting divorced is not straight-forward for every couple; in fact, for most couples, it isn't straight-forward. Some couples will be upfront and honest with each other and some couples will not be as fortunate. Some spouses will fear getting an unfavorable outcome, losing custody, paying more support, etc. and will grow desperate to win their case. People that are desperate for something so serious can be dangerous; if not identified and addressed immediately, you could face HUGE problems.

The honest truth is that people play games. Don't allow your divorce to turn into one.



Dirty Divorce Tricks: Faking Violence, Conflicting Out Attorneys, & Becoming a Helicopter Parent

Dirty Divorce Trick #1:

Faking Violence

The vast majority of the time, injunctions or restraining orders are filed because a party (or the children) is the victim of domestic violence and truly needs protection. We've been there for the clients who truly need protection from a violent intimate partner.

Domestic violence is very serious. It is despicable to make false allegations regarding violence. But it happens, especially in the divorce context. It is not uncommon to see a party file an injunction and make outrageous allegations to get the upper hand in a child custody case and even a divorce. That's because injunctions don't just restrain one party from being in contact with another party; they can restrain a husband or wife from seeing their children on a temporary basis. With this in mind, it is often an advantage in litigation to file first and see an emergency restraining order.

Unfortunately, we've have seen spouses fake violence as part of a custody play and we've confronted this in the courtroom. The spouse who finds him/herself served with injunction paperwork must take action immediately. Often these injunction hearings will take place in a matter of weeks after the initial paperwork is served. These injunction hearings can be full-blown day-long trials. But, the effect they can have on time-sharing of the children, or custody to name a couple, is so significant that they are worth the time and energy put into defending them. A party can get a Temporary Restraining Order ex parte, which means that you don't have to attend the hearing in order for the other party to obtain the order against you. At the ex party hearing, only one side will be presented and the judge will typically have no choice as a precaution to believe what is being presented, at least until there is a full hearing.

Fortunately, the truth has a way of coming out in the courtroom, especially when you hire experienced trial lawyers. It is heartbreaking to see a false allegation of family violence made. But hearings and trials are designed to expose the truth, and handled correctly, the truth will come out.

Dirty Divorce Trick #2 :

“Conflicting Out” Good Attorneys

Sometimes a spouse will call all the other attorneys in town to attempt to conflict out the other spouse from using those attorneys. Unbelievable, right? Believe it.

Once even a potential client calls an attorney and provides them with details regarding their pending or soon-to-be-filed case, that attorney would face problems trying to later represent the other party without a conflict. Scared litigants know this and try to use it to their advantage. We’ve even seen lawyers do this!

Imagine this example : Wife that is mad Husband and wants him to not have a good attorney. The wife spends an afternoon on the phone setting consultations with the best divorce attorneys in town. The wife ultimately chooses one attorney and files for divorce but has already given identifiable details to all of the attorneys that she has met/talked to. The husband then tries to call the best attorneys in town and goes through the first three; all three have to turn him down from even speaking to him because they are conflicted out from have speaking with Wife.

This dirty trick can be painful and often creates a difficult situation for the other spouse. However, if the other spouse does a good job of working up the evidence to prove that the other spouse did this, it can be useful evidence in a divorce case. When you suspect that litigation is around the corner or impending, hire an attorney quickly. You don’t want your spouse preventing you from getting a good one.


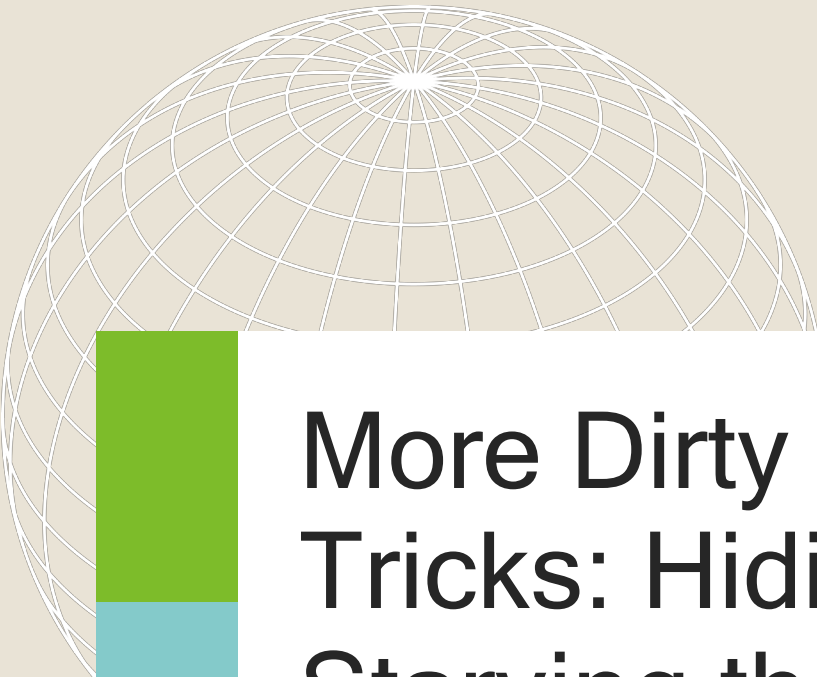
Dirty Divorce Trick #3 : Turning into a “Helicopter” Parent...At Least Temporarily

Imagine this : During a marriage, Henry Husband was an absentee father. He didn't go to any of the events for the children, didn't take the kids to school, never bathed or fed them, and didn't take them to their doctors' appointments. Miraculously though, when Wanda Wife files for divorce he turns into the most hands-on parent that the world has ever seen.

Wanda Wife is furious because she knows that while it would be great if Henry Husband would continue to be such a hands-on parent, it won't happen. Rather, he is playing games to try to maximize time-sharing with the children. Here's the kicker : Henry doesn't actually have any intention of exercising the time-sharing he is trying to get. Instead, he knows that if he maximizes his time-sharing that his child support and spousal support obligation will be less.

Identifying if someone is attempting to pull this trick takes some case-by-case analysis. It is true that there are certain situations when a parent truly does want to spend more time with the children. Furthermore, there is a possibility that seeing that your family is dissolving, will renew the parent and make them strive to be the best parent that he/she can be. However, it is also common for one parent to be simply trying to do this for financial gain or minimize his/her financial loss. In this case, the Wanda Wife should talk to her attorney to develop a strategic plan during the pending divorce to show the true intentions of Henry Husband.

Remember, if a parent truly wants to be a hands-on parent, it is a win-win for all parties (including the children). But if the parent does not want to be a hands-on parent, he/she needs to be exposed so that the children do not suffer by having an artificially low child-support amount or artificial attention from their parent(s).



More Dirty Divorce Tricks: Hiding Assets, Starving the Spouse Financially, & Intentional Un/ Underemployment

Dirty Divorce Trick #4: Hiding Assets

Playing dirty during a divorce is very common. In fact, we'd argue that this one is the most common. Most of the time, spouses are angry or upset with each other and one (or both) of the spouses embark on a mission to ruin the other spouse. While some people spread untrue rumors or try to "expose" the other spouse, others try to ruin the spouse in a way that stings - by hurting the other spouse's pockets. In fact, one of the most common dirty divorce trick is hiding assets and/or income from the other spouse during the divorce. In fact, oftentimes the spouse was hiding assets during the marriage too. However, this is not always known to the other spouse during the marriage as sometimes only one spouse will handle the finances, manage the financial accounts, and the like.

These dirty tricks are real and do happen often. If left unchecked they can lead to a negative outcome for the affected spouse. If you're not careful, you could receive an unfair outcome when your divorce is final.

Dirty Divorce Trick #4: Hiding Assets (cont.)

Much like everything else, the first step is to identify the problem. The next step is to take corrective action when the problem is recognized. When you suspect that your spouse is hiding something, be sure that it isn't community assets. If it is, be sure to let your attorney know as soon as possible.

Hiding Assets in Anticipation of the Divorce

Sometimes a spouse will hide assets when they know that divorce litigation is impending or imminent. Most commonly, the spouse that controls the money or other assets hides some or all of those assets (and documentation evidencing the value(s) of those assets) from the other spouse in the anticipation of the divorce.

Consider the all too-typical scenario of a breadwinner husband who makes more money and also controls the finances. The wife has access to the joint bank account from which she goes shopping, pays certain expenses for the children, and otherwise goes about her daily business. Husband pays all of the household bills and expenses. Even though the wife may have access to the joint account, she may not necessarily know exactly how much money the husband has, is making, or where the husband's putting money besides what hits that joint bank account.

Dirty Divorce Trick #5: Starving the Other Spouse Financially

Another dirty financial trick is when the spouse who controls the purse strings cuts off the other spouse or severely restricts their financial support. Divorce attorneys call this, “starving the spouse.” The goal of this trick is to force the dependent spouse to give up and agree not to fight the case in court so that the spouse with the financial leverage secures a better deal. Quite frankly, the independent spouse can usually fund the litigation upfront, with the money that they have stowed away or earned. The other spouse (that may be unemployed) may have to either borrow the money for the litigation or may seek the money from the Independent spouse in a court of law.

Dirty Divorce Trick #5: Starving the Other Spouse (cont.)

Consider this hypothetical scenario: A husband and wife have been together for 25 years. The husband was a military man, ultimately reaching the level of Lieutenant Colonel. He retired and took a civilian contractor job. The wife raised the children and was unemployed (though raising the children was a job in itself). Eventually, the wife reached an age in life where it would be unlikely that she could re-enter the workforce. The husband had a dominant personality; the wife was more submissive. This couple was what many refer to as "traditional" or "old school". In other words, the wife was a homemaker and the husband was the breadwinner. Over time, the finances became a controlled situation, where the husband would "give" a certain sum of money every month to the wife, just like an allowance. If wife needed more money, she would simply ask for it, and the military husband would give it. Eventually, these two headed for divorce. The military husband, always the one in the relationship to spell out the parameters of a deal, laid it on the line to the wife; husband would agree to give her X years of alimony at Y number of dollars. She better take it, he said, or he would cut her off completely and leave her with nothing. Wife felt overwhelmed and highly pressured to settle the divorce prematurely.

Time and time again, this hypothetical scenario has played out. Time and time again, the dependent spouse believes the statements of the husband since that's how they operated during the marriage and that was the dynamic they had. So if the husband says that a certain bank account does not exist, it is as good as law. The objective reality is that the husband would put himself in a precarious situation if he cut off his spouse that depends on him at any point before the divorce is final or during the proceedings. The court has the inherent power to order temporary support, sometimes even on an expedited basis, to make sure that the needs of each spouse are met, even while a divorce is still pending.

Dirty Divorce Trick # 6: Intentional Un/Underemployment

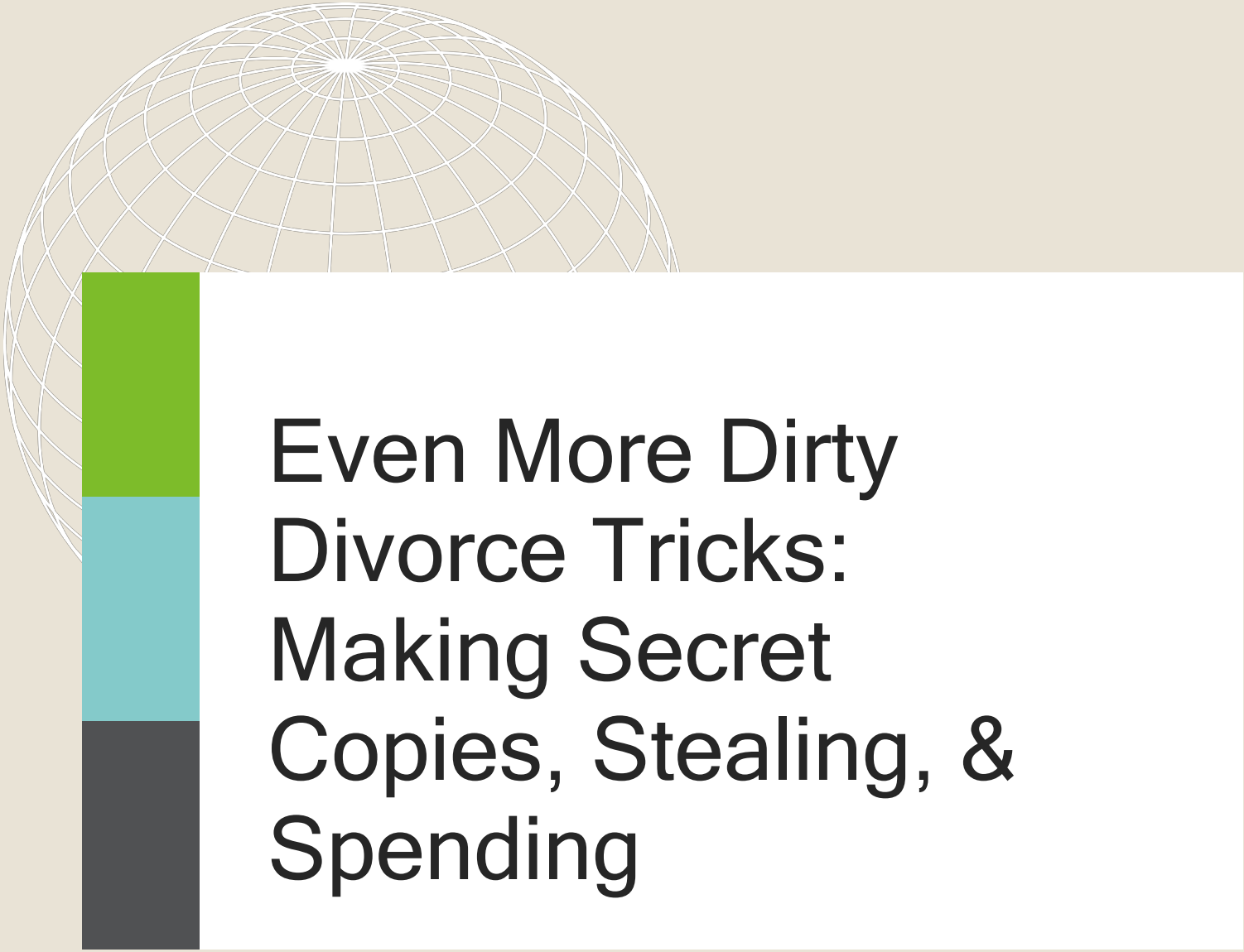
In Texas, spousal and child support are heavily dependent on the net income of the paying spouse. Simply put, the more the paying spouse makes, the more he or she is likely to pay in support to their children and/or spouse. Another way of thinking about it is that if the paying spouse makes too little money, the court will be unable to order him or her to pay spousal support to the other spouse, and only nominal child support.

So, do you see why another common dirty trick is for the payor spouse to simply quit his/her job until the case is finalized? The thought process behind this trick is that the spouse could throw his hands up in the air and say, “Judge, I just don’t have any money to pay support.”

While this trick is common, the other spouse can fight back. Texas law allows a spouse to argue for imputation of income to another spouse if that other spouse is voluntarily unemployed or underemployed.

So for example, consider the case of a crane operator who during the marriage worked a 40-hour workweek and lots of overtime. In anticipation of his divorce, and not wanting to pay support to his spouse, the crane operator leaves his job and takes a job working in a supermarket instead. Of course, the crane operator has specific skills that will allow him to get back to operating cranes for as many hours a week as he wants – and that’s fully what the crane operator intends to do once his case is finalized, and the support obligations are taken care of.

In this fact pattern, the other spouse can argue to the judge that the crane operator spouse’s former wages should be imputed for purposes of calculating alimony and child support since he is intentionally underemployed. Then, the wife should argue, that alimony and child support should be based upon the former crane operator spouse’s imputed income, and not the current income while working at the grocery store.



Even More Dirty Divorce Tricks: Making Secret Copies, Stealing, & Spending

Dirty Divorce Trick # 7:

Making Secret Copies

In anticipation of divorce, it is very common to see one of the parties gather evidence against the other party. Maybe one spouse has proof of the other spouse's affair, but the proof is on the accused spouse's laptop, in his/her email, or in his/her password-protected phone. Perhaps one spouse has proof that the other has wasted assets but it is on the accused spouse's electronic device(s). Snooping in the accused spouse's things is crossing the line, no matter how desperate you are for answers or proof; so, when one of the parties goes into the private computer or email of the other party and makes secret copies or downloads of the other party's information, this crosses the line as well. In many circumstances, this sort of behavior is not just unethical but is also downright criminal. This is especially true with electronic documents that are enumerated under the Texas statute regarding specific privacy expectations. Criminal penalties exist for any spouse that not only downloads or copies this information but there are separate offenses for each person that it is shared with as well.

When a case is heading for divorce, as crazy as it sounds, the best thing that both parties can do is to make sure that their email, social network accounts (i.e. Facebook), and computer passwords have been changed and are all secure. If you do not have any of your devices password protected, then it is likely that the snooping spouse can argue that the devices are shared between you to and therefore, do not require protection from them. Passwords show that you are the only person with intended access.

You would be surprised at how much a suspicious spouse will comb through the accused spouse's things. The best maneuver is for a spouse to eliminate the ability of the other spouse to do this.

Dirty Divorce Trick # 8

Opening Mail and Taking Medical Information

On a similar note, a dirty trick that goes back well before the invention of email and digital records, is the theft of the physical records including bank statements, healthcare records, and other documents. Many times bank statements, health insurance information, etc. is regularly mailed to the billing address. Therefore, it is fairly simple for a spouse to get their hands on these documents, especially if the document(s) get mailed to the marital home (that the spouses still share).

Healthcare records are especially problematic due to HIPAA laws. In other words, a spouse will need to seek the okay from the other spouse before turning over any of his or her healthcare records. Especially in contested child custody litigation, an overly aggressive spouse may use the dirty trick of stealing the health records of the other spouse, turning them over to his or her attorney, and trying to use them to a tactical advantage without permission of the other spouse or the court.

This dirty trick, in the right circumstances, can be used against the offending spouse and could be damning depending on the information.

Dirty Divorce Trick # 9: Spending Money Excessively

In this case, the spouse who is dependent on the small business owner will need to be proactive to avoid this dirty trick. This is not the time to be going on extravagant trips, spending money on paramours or mistresses, buying expensive vehicles, gambling, etc. If you do, the court can determine that you have wasted community funds and order that the community estate be reimbursed by the amount that you wasted.

A spouse also can prove to the judge that the money was spent unreasonably and with the intent to hurt the spouse. In other words, it wasn't reasonable and necessary expenses that were consistent with what the parties had seen during the marriage. If the spouse can prove this to the court even though the money is already gone, that spouse may be able to get the judge to hold the other spouse's wild spending against him/her in any financial settlements made during the divorce case.



Dirty Divorce Tricks : Dummy Emails & Extortion

Dirty Divorce Trick # 10:

Dummy Emails

Beware of the emotionally unstable spouse who has good technological skills. In recent years we've seen a huge rise in a spouse creating dummy emails and fake Facebook posts. There are programs that enables a person to go online and create text messages that were never sent, emails that were never read, and social network posts that were never made.

This is often used for child custody purposes, and almost always used to paint an unflattering or unstable picture of the other spouse. This is why it is important that you save any electronic communication between yourself and the other party. That way, you may be able to show that the other party is providing inauthentic documentation.

Imagine the following example: a technologically savvy wife enters into divorce litigation with a not so tech-savvy husband, and custody litigation ensues. The technologically savvy wife decides to create a fake profile of the husband on Facebook that looks identical to the husband's "real" profile. The technologically savvy wife then sends messages to herself from the fake profile of the husband whereby the husband "incriminates" himself and makes comments that could be very damaging to his custody case. The technology savvy wife then takes these printouts and sends them to her attorney, who then uses them in the case as evidence against the husband.

This happens much more often than you would ever guess. When this happens, it becomes incumbent on the aggrieved spouse to subpoena records from Facebook, Internet providers, email accounts, and other social media accounts to prove that the technologically savvy spouse is creating fake evidence. This could get costly and timely, therefore extending the litigation.

Dirty Divorce Trick # 11:

Extortion/Blackmailing

Extortion is more rampant in divorce litigation than in almost any other area of law. Extortion is another word for 'Blackmail'. It means that one spouse is either holding something "hostage" from the other party or is obtaining something from the other spouse through coercion. This coercion does not need to be physical but could be threats of abuse, violence, ruining ones reputation, etc.

Texas extortion laws offer many possible penalties. The factor that determines the severity of the punishment if convicted is the amount or value of the goods, services or cash that the defendant gains from the crime.

- For the smallest amounts (\$50 and under), the charge will be a "Class C" misdemeanor carrying a penalty of a simple fine of up to \$500.
- The most serious charge will be for stealing \$200,000 or more in goods, services or cash. This is considered a first degree felony and can be punishable by five to ninety-nine years in prison and/or a fine of up to \$10,000.

If you don't want to wound up in jail/prison, with a criminal record, and/or paying a fine, we suggest that you don't attempt this dirty trick.


Dirty Divorce Trick # 11 :

Extortion/Blackmailing - Examples

Some acts of extortion are subtle. Here are a few examples :

- Mr. Smith is a seasoned military officer and wife, Mrs. Smith is a teacher. His wife finds out about her husband having an affair. She tells him, “You will give me 100 percent custody of the children or I will tell the military about your affair.”
- Let's imagine that Susan has taken out a domestic violence charge against her husband. She tells her husband that she will drop the charges against him if he will just agree to pay a heightened amount of alimony and child support.
- Justin has has some nude pictures of his wife in his phone. These are pictures that were taken by the husband in confidence during the marriage. However, he now wants a tactical advantage; he tells the wife that he will ruin her by showing her boss these pictures if she doesn't play ball and give him the deal that he wants.

While the above tactics may almost seem like they are hardball negotiation tactics, in Texas, they very well may rise to the level of extortion. And in Texas, extortion can range from a Class C misdemeanor to a 1st-degree felony. This sort of dirty tactic is used all the time with unbelievable success. The spouse that is the victim of extortion needs to take action and have an aggressive attorney turn the tide on the husband. Bringing this sort of stuff to the judge can have an equalizing effect and ensure that fair resolutions happen rather than the unfair resolutions that the extorting spouse is looking for.

A decorative graphic on the left side of the slide. It features a white wireframe dome structure on a light beige background. Below the dome is a vertical bar with three colored segments: a green top segment, a teal middle segment, and a dark grey bottom segment.

Dirty Divorce Trick(s) : Alienating the Children from the Other Spouse

Dirty Divorce Trick(s) # 12 : Alienating the Children from your Spouse

One of the most common dirty divorce tricks is when a spouse intentionally alienates the children from the other spouse to hurt the other spouse or to decrease the amount of time that the other spouse has with the children. Some spouses will literally hide the children from the other spouse by denying access, moving to an unknown residence with the children, withdrawing the children from school (and not telling the other parent where the child(ren) are enrolled, and otherwise being evasive about the children visiting with the other parent (or speaking to them).

This is one of the harshest tricks as people love their children and typically had regular contact with their children when they were happily married. It is a huge blow to all of a sudden be separated from their own children.

Imagine a mother who refuses to allow the father to see the children more than a couple of hours a week (supervised) during a pending divorce case. Remember that absent an emergency, there can be quite a lag of time between when a divorce is filed and when the court finally has an opportunity to hear the issues about child custody. During this pending time, the mother continuously and repeatedly talks badly to the children about their father. The mother is in essence trying to turn the children against the father. The hope from the mother is that at the end of the day the mother will, or the court will allow the mother to present the testimony of the children who will say that they don't want to be around their father. This is especially true if the children are 12 years old or older since the judge may consider the children's testimony at his/her discretion.

These cases are grave and severe. When they happen, the dad would need to be aggressive and tactical with his attorney. Often the best maneuver is to get experts such as psychologists who are trained in spotting and dealing with alienation involved in the case to help prevent the alienation and to reduce the children's direct involvement with the litigation. The psychologists can provide the judge with their opinion and personal interaction regarding both parents.

Conclusion

Some of the dirty divorce tricks discussed may seem silly at first glance. You may even say, “that wouldn’t happen to me”. But these tricks are very real, and they happen all the time. They can all be defended, and in many cases, they can be turned around so that the offending spouse who tried to play the dirty divorce trick will actually come off in a worse position in front of the court than if they had done it the right way. However, to turn around the tricks discussed you will have to take a proactive approach to identify and then work with your attorney to stop the trick(s), minimize the damage, and then show it for being what it is.

If you still have questions after reading this eBook, you likely need a personalized plan and answers catered to your situation. You can accomplish this by contacting an experienced family law attorney.



WALTERS GILBREATH
PLLC
BETTER APPROACH - BETTER RESULTS

**BOARD
CERTIFIED®**
Texas Board of Legal Specialization
FAMILY LAW

*“Better Approach. Better Results. That’s
what we do here.”*

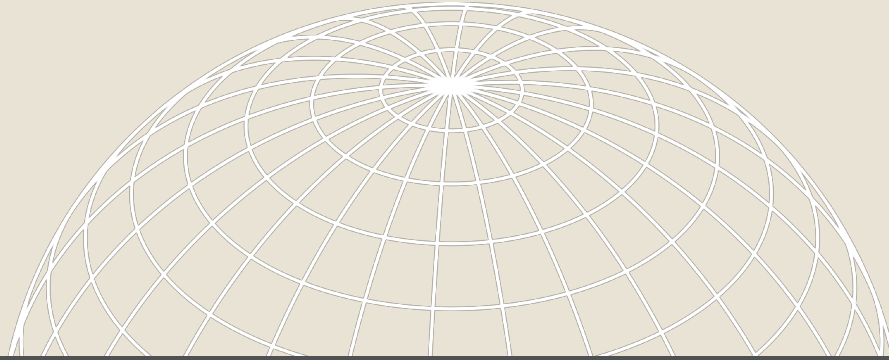
- Walters Gilbreath, PLLC



Learn More About Our Firm

How much will this cost? How do you handle cases like mine? What makes our firm the best choice? These are all good questions. We have answers.

www.waltersgilbreath.com



Walters Gilbreath, PLLC

Visit us : www.waltersgilbreath.com

Call us : (713) 275-7830 (Houston)

(512) 320-9160 (Austin)

(469) 250-0447 (Dallas)

Come and see us in Houston, Austin & Dallas.

[Click Here to Schedule a Meeting with an Attorney](#)