

Preparing for an acrimonious divorce

This advice is not for the many parents who are able to negotiate marital separation without going to court, agreeing to arrangements which genuinely put their children's interests first. Luckily there are many of them and their children are the ones most likely to do well in the separated households. There's good advice on the [For Kids Sake](#) website to help parents achieve amicable post-separation family arrangements.

Sadly, all it takes is one parent making trouble and divorce becomes an almighty battleground, with years of legal wrangling wiping out much of the family's assets and causing immense damage to children. This is often fuelled by lawyers and advocacy groups, who take advantage of the fact that our legal system is incentivised to reward bad behaviour.

In recent years the ferocity of these skirmishes has been turned up many notches, as false allegations play an increasing role in tilting justice in favour of the accuser – usually a woman. [Here's](#) a retiring Family Court judge speaking out about this, and a [barrister](#) writing about how this has now become a standard tactic in family law proceedings, loading the system against men. [Research](#) shows that 74% of Queensland magistrates have said they've witnessed vexatious (false) AVO's and that in NSW, over 90% had witnessed them, nearly 60% seeing them occasionally and 10% of magistrates saying that over half of all AVO's were vexatious. Our Mothers of Sons who have watched their sons and grandchildren suffer through this process have good advice for other families.

When the marriage is crumbling

Many mothers wished their sons had done more to protect themselves against false accusations even while still in the marriage or partnership.

Their advice for men is as follows:

- Ensure there is a lock on his phone with a carefully chosen private password. Do not allow electronic devices used by other family members to be connected to his personal account because even a child's laptop or phone could allow access to his emails and texts.
- If he is in an at-risk marriage/relationship he should keep a daily diary, noting what he did every day, where he went, who he saw.
- Pay for everything with credit cards and keep receipts. Cancel any credit cards not solely in his name and, similarly, secure assets such as his car, making sure they are not in joint names.
- Don't use a pre-paid phone service. Use a plan with an itemised monthly account of all phone numbers sent and received.
- Use Google Maps to track his movements.
- Take regular photos of his activities with a mobile which records place and time.
- Keep all correspondence with his spouse, including text messages.
- Document his active involvement with the children, collecting evidence of strong affectionate relationships.
- Cancel social media accounts.

Note that any mother who believes false accusations could be levelled at her or other family members, needs to also follow the above advice.

We disclaim all liability resulting from any views or any information contained in this advice. We recommend you seek appropriate independent professional advice before entering into any commitment based on these views. March 2021

After separation

Once it is clear the relationship is breaking up, here's advice from our mothers to your son:

- Try to persuade your spouse into mediation as this is your best chance of setting up workable post-separation arrangements. [Here's](#) advice on choosing a suitable mediator.
- Avoid lawyers if possible but if there are false allegations and/or your spouse is using a lawyer, you need to protect yourself. See our [lawyer's page](#) for more information.
- If you haven't been tracking your own activities in the way described above, now's the time to set up all these procedures to protect yourself from false accusations.
- Handle all encounters with your spouse carefully and thoughtfully. Keep calm, don't react to accusations.
- Stick strictly to written communication with your spouse. Email is good as it can easily be stored, sorted and printed if a court requires it. SMS is not a bad second but harder to store and print. Keep written communication as brief as possible, avoid emotional language, swearing or threats.
- If you no longer live where you did, ensure all major accounts know that you've moved; consider redirecting your mail to prevent your former partner accessing important and private accounts.
- Ensure that all your online accounts are safe; if necessary, change passwords and set up dual authentication login on email, bank and social media accounts to ensure you are not 'hacked'.
- Ensure that joint accounts cannot be drawn down, emptied or extended (e.g. mortgage) without your knowledge/approval. This is a common occurrence and usually means both parties are equally liable for payment but getting the money back can be a difficult process. Be proactive, rather than reactive, when it comes to financial affairs.
- Secure key documents that belong to you, such as birth certificate, insurance policies, passport, shares, agreements, etc., possibly in a safety box at your bank.
- Promptly let your children's school(s) know about the separation and provide them a copy of any court orders – that way you can, hopefully avoid the school being misled by false allegations. Try to ensure that both parents are listed as contacts for correspondence.
- If you have no legal access to your children, don't turn up to the daycare or the child's school to just 'pick them up', or 'just quickly see them.' You'll put the school in an impossible position and jeopardise your chances of a good outcome.
- Never bad-mouth the other parent or question the children about their time with the other. This puts the child in a difficult position and increases their stress at a time you should be doing all you can to reduce it. Kids grow up forming their own opinion about how their parents behaved – don't be the one they ultimately look upon as the one that made things difficult for them.
- Try to make children's time with you calm and happy. Even the shortest time with your kids, as long as it's positive and they walk away with good memories, is preferable to lots of time that's negative. You cannot change how the other parent behaves but you can control what you do and what your child experiences with you, so ignore the other parent and create great memories for your kids when they are with you.
- When there is a risk of false allegations don't meet in private places for the handover of your child/children but rather find somewhere public like a McDonalds where there is CCTV.