

Family Court is Chess: A Primer on Using Strategy in Your Case

This useful guide is designed to help you understand the complex Family Court process.



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Introduction

This guide will help you to focus on what really matters in Family Court...a solid Gameplan. Family is 20% law, 80% S-T-R-A-T-E-G-Y! Yes, the law is just a small piece of the puzzle.

What is Strategy? It's a Gameplan created with a holistic and honest view of the good, the bad and everything in between. It's looking at the details, the risks and possible consequences before deciding which move to make.

You need to learn to see an opportunity in every single occurrence, transaction and exchange and use it to plot your every move.

Best regards,

Tracey Bee





What is strategy and why it's important?

"The essence of strategy is choosing what NOT to do."

Michael Porter

There are many challenges in life that requires our time, attention and effort. Of course some things are more important than others and thus does not demand as much attention. But there are some things that can be life altering.

They say anything in life worth having is worth fighting for. Well, that's true but HOW you fight is the critical piece that most leave out. That's what strategy is, it's coming up a plan of action that's specifically geared towards reaching your goals. The key, however, is choosing the most aligned actions to achieve those goals using ALL the information and resources available to you.

Michael Porter was a strategy expert and professor at Harvard Business School. Although his principles focused mainly on business, they can also be applied to personal life too. The overall objective is to create a plan to achieve success...success is not limited to business.

Strategy and Pro Se Trial.



What you do is work the system, and not let the system work you. What does this mean exactly?

Representing yourself in Family Court is flooded with challenges. Understanding the law, familiarizing yourself with court rules & procedure, communicating with lawyers, trusting the judge...the list goes on. Every single aspect of your case requires the RIGHT attention.

The truth is that the system is NOT designed for you to represent yourself in ANY court, let alone Family Court. So what are you to do? You don't have a choice right?

Work the system: to do or get what you want despite the rules that make it difficult.

That's where strategy comes in at, creating a strategic plan that will help you map out exactly what you need to do to get exactly what you want. This entails making "informed decisions", incorporating the risks involved and the possible solutions for those as well. Being strategic is a process, a series of methods and a step by step procedure.

I. Getting Started

"The difference between successful people and others is how long they spend time feeling sorry for themselves."

Barbara Corcoran

There's absolutely no way to know where you are headed if you don't take the time to figure out where you are currently. You need to be very, very honest with yourself. Take a long, hard look at your current circumstances- financial, emotional, mental, personal, etc. These will help you figure out what is really possible, what you need to work or and what you need to do to get to where you're going.

I know it's not pretty, and can be downright humiliating to really look at your failures, shortcomings etc. but trust me it will help you in the long run.

You might have the time, the money or the mental/emotional energy to withstand everything that comes along with divorce or custody but you can certainly get there. You must start with yourself first.

Wanting the best or working towards giving your kids the best takes you working on YOU first!!!

II. Creating a Gameplan (Strategy)

You need to have a theme(s) for your case, not just an idea of what you want. You should be working on a comprehensive plan that includes specific tactics that are intended to achieve the outcome you want. Each tactic should have a specific purpose, nothing should be random. If it's done correctly it will help you to prepare for the "unexpected" as much as possible.

A. Gather all of your evidence, proof, documented things, etc. that supports your position and opposes it.

B. Then make a list of all the strengths of your case, the weaknesses of the other party's (OP) case, the weaknesses of your case, the strengths of the OP's case just based on what you have/know right now.

C. Get a copy of the Best Interests of the Child factors, the laws for Divorce and any other applicable laws. (Use www.justia.com)

D. Based on all of this, develop the theme(s) of starting with the strongest to the weakest. Do the same from the OP's perspective.

TIP #1:

Use the Workbook and/or the Worksheets (sold separately) to help you create a solid Gameplan based on your theme/theory of the case. The SWOT Analysis exercise is extremely helpful.

III. Put your Plan into Action.

Part of the challenge is coming up with a solid, well-thought out Gameplan. The other, more critical part, is EXECUTING the Gameplan. Having even the best plan doesn't mean much if you don't implement it properly.

Execution of the Gameplan means:

- **Get a reliable support system in place, i.e. coach, therapist, group, family, friends, etc.**
- **Committing to it & ensuring that everyone in your support team does as well;**
- **Gather resources that will help you to implement key components of the plan, i.e. funds, legal professional help, legal guides, etc.;**
- **Assess what's working & what needs tweaking, take time to review your goals and the steps you're taking;**
- **Make changes to the plan when necessary.**

It is ok to change directions with respect to your legal, practical and financial goals. Family Court constantly hurls out surprises so expect changes to happen regularly. The trick is to keep in mind what your goals are and how you will be able to achieve them even when these surprises come up.

IV. Specific things to factor into your Strategy (Gameplan)

A. LEGAL ASPECT

Divorce:

- What grounds are available to you;
- Defenses that apply;
- What are you entitled do with respect to spousal support, property division, splitting debts, legal costs/fees;
- What you have to do to get what you're entitled to.

Custody:

- Your current living arrangements, your finances, your health (mental & physical), your lifestyle;
- Your prior history or current status with respect to abuse/neglect, substance abuse, criminal convictions;
- Your child's academic performance, physical & mental health, special needs & relationship with you & extended family;
- Your ability to improve or "fix" your current situation.

This section focuses on helping you come up with ideas of what to include in your strategic plan. Understand that Family Court is an overlap of the legal, the procedural and the practical. You can assess one without consideration of the others.

IV.

B. PROCEDURAL ASPECT-

In Court:

- Access to court forms, filings, etc.;
- Timing of filing;
- Costs for filing;
- Method of court action;
- Alternatives to court.
- Choosing evidence
- Organizing & analyzing evidence
- Background info on judge
- Court process

Out of Court-

- Community resources available i.e. child protective, law enforcement, social services, etc.;
- Gathering of or access to information;
- Locating people or assets;
- Alternatives to court, pre-court.

Procedural has to do with court procedure directly established by rules or laws AND/OR ways to circumvent court rules or laws outside of court. In court is when the case is already on the court's calendar/roster for the judge to rule. Out of court is events that happen either before court gets involved or done outside of the court's authority. Procedure is the method, process, tactics utilized to influence the court.

TIP #2:

The most effective Strategic plans take time and attention to create. You should take several minutes, if not hours each week to think of all the factors that will come into play in your case.

IV.

C. PRACTICAL ASPECT-

Personal:

- Self-improvement, i.e. parenting class;
- Self-care;
- Time;
- Stability;
- Rehabilitation;
- Support system.

Mental/Emotional:

- Therapy;
- Self-care;
- Cognitive techniques;
- Support system;
- Spiritual/religious.

Financial:

- Work, job or career;
- Income;
- Support;
- Stability;
- Resources.

Practical consists of things you can do or have access to help position yourself from a Best Interests of the Child angle. It's taking into account the things you can do that don't necessarily involve the court or that can be done without the court telling you to but that you know will be given consideration. Practical is everything that is NOT court-ordered by have as much importance in your case.

TIP #3:

You should anticipate any possible outcome and choose your factors based on that. Take your time to come up with the other party's arguments to help you decide which factors to plug in.

In Sum...

Your divorce or custody case has the propensity to end up extremely opposite than what you anticipate. But you can control that if you start smarter and more focused than most other litigants. You need to decide, as early on as possible, if you want to give control to a lawyer, you want to give up some control while maintaining some yourself or if you want to take responsibility for your outcome knowing that you have taken every step possible to ensure a favorable outcome.

Every decision or choice you make should be made with considering all the relevant information out there. This is the most fulfilling and most rewarding. That's the purpose of strategy!



Join the Membership Program

Join the **Pro Se Family Court Membership** program where you will get the guidance, support and information you need to create, implement and maximize strategy. We focus on every single aspect of your case to ensure that you have a comprehensive, solid Gameplan that will increase your chance of success.

Grab your seat now!

APPLY FOR MEMBERSHIP AT:

www.TheDivorceSolutionist.com/membership-plans