

# Common pitfalls of divorce can be minimized, avoided

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A story, dear readers:

Several years ago, a woman who always appeared prim and proper surprised her husband of nearly 20 years by asking for a divorce. In a cloak of secrecy, using an alias, she had established an Internet relationship in a chat room with a man who lived in another state. Without ever meeting him, she made the life-altering decision to end her marriage.

"This interstate, Internet fantasy identity case was my first experience with a Web-based divorce," said Mark A. Chinn of Chinn & Associates, PLLC, in Jackson. "Now many people are using the Internet as a source of gratification, either by developing blind relationships or accessing Web sites devoted to porn. The Internet is playing a pivotal role in many divorces."

Internet mania is linked to another trend: adultery and illicit sexual activity by women in their late 30s.

"More dissatisfied married women are leaving their marriage for other men,"



Chinn

said Chinn. "I've seen a surprising rise in the number of situations where women are sowing their oats, even to the extent of giving up their children."

A contributing factor: easy access to pornography on the Web, which creates a foundation for adultery.

"Before the Internet, a person might risk being seen going into a porn store to view pornography, but with the Internet, any person can privately access a whole world of porn of any kind," said Chinn.

"Sex and pornography have been described as the most difficult addictions to cure. You can get rid of cigarettes, drugs and alcohol, and you can stop gambling, but you cannot get rid of your sexuality."

## Other issues at play

In custody matters, relocation remains a significant issue, prompting some states to pass laws preventing moving out-of-state without court approval, or requiring the custodial parent to prove a legitimate reason for the move. Some of these laws have been struck down based on unconstitutional prohibitions on the right to travel. Mississippi sides with freedom of travel for women, who comprise the vast majority of custodial parent roles.

"Recently, the Mississippi Court of Appeals rendered a decision in a case where both parties settled their divorce and agreed on specific visitation for the father. Then a few days later, the ex-wife married and moved," said Chinn. "The Court of Appeals held that the move was fraudulent, that the case had been settled with the understanding that both parties would live in the area. They ruled that it was proper for the chancellor to either deny the move or instruct the woman to leave the children behind. That ruling was a break in the strong philosophy of women having the right to move."

Many states are experimenting with various interpretations for visitation and custody for non-custodial parents, such as "access." Mississippi uses the traditional terms of custody and visitation.

"The court system is diligently trying to take the 'win-lose' mentality out of divorce, which usually places the father in a second-class role and leads to less than beneficial parenting for the child," said Chinn. "In the 1980s, the

## Divorce in the air?

For those worried about whether or not a spouse is having an affair, a few signs to look for include:

- Extensive hours at work that don't seem to make sense.
- Dramatic weight loss.
- Sudden interest in exercise and fitness.
- Sudden interest in a new wardrobe.
- Sudden interest in cosmetic changes, such as surgical improvements.
- Unusual purchases or expenditures of money that could be preparation for making a move.
- Sudden movement of assets or liquidation of property.
- Unusually close relationships at home or work.
- Unusual travel activity.
- By combining various factors, certain age groups are prone, such as women age 36, or after 13 years of marriage. Men are prone at any age.

"A good divorce lawyer can usually tell in 10 minutes whether someone is having an affair," said Mark A. Chinn of Chinn & Associates, PLLC in Jackson. "One lady came to me, described her situation, and I said, 'Your husband is having an affair.' She denied it, and I asked if he had any trips planned in the near future and she said, 'Yeah, this weekend he's going to Memphis.' We hired someone to follow him, and sure enough, he hooked up with somebody."

"Just because someone works out, watches their diet and wears fancy clothes doesn't mean they're having an affair, but if sudden changes take place, that could mean something's up."

— LJ

Mississippi Supreme Court went to great lengths to take 'fault' out of the picture by trying to keep the divorce process from becoming a giant mud-slinging contest. It worked to a certain extent."

## Limiting litigation can work

Although nonexistent in Mississippi, the practice of collaborative law is sweeping California and Minnesota, and Canada, where lawyers contract to handle a divorce together without litigation and to cooperate in the use of experts, appraisers and other pro-

fessionals with the goal of settling the case with minimum expense.

"Some of us are loosely practicing that concept, though we don't bind ourselves not to litigate," said Chinn. "However, we try to handle it in a way that leads to less cost and dispute — for example, jointly hiring professional valuers and agreeing to accept their numbers. The best divorce results are produced when the lawyers agree to work together."

In his new book, "Trump: How to Get Rich," billionaire Donald Trump describes prenuptial agreements as one of the secrets to building wealth.

"Probably one of the best things he did to keep his wealth was to have had that pre-nup with Ivana," said Chinn. "Being married for 25 years, and being somewhat of a romantic, I was always opposed to them. But the more I go through this process, I realize that prenups are good to have, particularly in a second marriage, where the rights of blood children are at stake."

The existence of a pre-nuptial agreement can alleviate concerns for both parties and may even prevent a divorce.

"Many problems arise from fear, so if a party isn't afraid, he or she may not go through with a divorce," said Chinn.

If they do, they should probably avoid a do-it-yourself divorce on the Internet, said Chinn.

"A divorce is a contract that will affect the rest of your life," said Chinn. "Do-it-yourself divorces are very dangerous."

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