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## **IN LIGHT OF THIS PANDEMIC, MY DECISIONS ARE ALL OVER THE PLACE!**

The challenge of divorce is now compounded by the psychological and economic realities of a pandemic. During this unprecedented time, people want to know if they should consider delaying their divorce. When we are fearful or stressed, we often make poor decisions. Psychologists have long known the human brain functions best when people are calm. Around us we see the rational brain taking a backseat to thoughts of fear and hopelessness. In trying times, we must be careful to avoid making long term decisions that we might later regret; or we may come with circumstances we have not yet considered.

Many clients want to know what impact the pandemic will have on their negotiations and agreements. In short, no one really knows. Imagine four weeks ago you entered into an agreement to pay or receive support. Imagine now that you or your spouse has been rendered unemployed and it is unclear if he or she will return to work. Moreover, imagine you prepared an agreement four weeks ago to establish a parenting plan where only one spouse worked from home. The parent who built the parenting plan based upon commuting to work might regret such a decision. In much the same way, four months from now the world will look vastly different. One must question if now is the right time to make life altering decisions. Asked another way, if you would not enter into a contract for a car or a house right now, why would you enter into a contract that addresses every aspect of your life?

We can learn so much from our medical professionals who are combating this virus. The medical profession has always been guided by the rule that they should "above all, do no harm." Sadly, lawyers have never adopted this guiding principle, but now more

than ever it must ring true. As a mediator and lawyer, I will caution everyone to walk cautiously through these next few months. We know not what tomorrow holds. However, with relative certainty we know the world will be very different four months from now than it is today.

## **DURING THE PANDEMIC: HOW SHOULD I PROCEED NOW?**

Couples should also consider meeting with other professionals who can guide them during and after the process. Use this time to build your team, whether it be a coach, therapist, accountant, financial planner, or even a mortgage lender. Building a team of trusted advisers now will allow you to make well-reasoned and informed choices later.

There is still opportunity to use this time wisely. Couples can prepare binding agreements to govern their circumstances for an interim period. They can also build agreements containing a clause requiring them to revisit their arrangement when the pandemic diminishes. Developing a binding interim agreement can give couples space to think clearly while protecting their rights. If people are uncomfortable signing any agreement, they can still use this time to work out parenting plans, gather financial information, and discuss options.

Individuals must consider their unique circumstances when choosing to delay the divorce process. The rare couples who are financially unaffected by the pandemic may see no reason why the crisis should slow down their divorce.

However, most couples should remain cautious in making long term decisions during an unprecedented crisis. Even though a couple may not be feeling the economic impact, they are

likely still feeling a sense of fear and unimaginable stress.

## **AFTER THE PANDEMIC: MAKING AN INTERIM AGREEMENT AN ABSOLUTE DIVORCE**

Couples also want to know if they can even obtain a divorce with a State shutdown. Daily, lawyers and mediators are fielding questions from clients about the impact the pandemic will have on their existing agreements or any new agreement they formulate.

Divorcing couples are still able to sign divorce agreements, but it may take a lot longer to obtain an actual Judgment of Divorce from the Superior Court. While our hospitals are seeing significant increased activity, our judicial system is short staffed and barely open. Those seeking an actual Judgment of Divorce will need to get in a long line. While couples can still draft contracts to govern their interim situation or a final resolution, the actual entry of the divorce may be delayed. The reality is that 99.8% of New Jersey divorces end with a couple preparing a contract first and then obtaining a Judgment. The only significant difference may be that more couples will sign settlement agreements prior to actually filing for divorce. This practice will likely become the rule, rather than the exception in the months ahead.

## **LET ME HELP YOU UNDERSTAND YOUR UNIQUE SITUATION:**

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