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Divorce 101 - Preparing For Divorce: Ten Things You Need to Know

One must be prepared for some surprises in life – some things will work out your way, some won't. You just have to keep working and do things to the best of your ability. – Fawad Khan

When you said, “I do” you didn’t think you would end up here. Maybe you believed you and your spouse would be together forever. You most likely don’t have a prenup (a majority of people don’t). You probably never had even a *hypothetical* conversation with your spouse about how you would handle getting a divorce, if it ever got to that point, before getting married. (Because, come on, talking about and/or planning for divorce while planning your wedding would just have felt “icky.” We get it.)

Now you are here, in unfamiliar territory with someone you thought you’d be with forever, uncertain how to proceed and worried about making a mistake that will cost you everything- your home, your retirement, and/or maybe even your kids. You have heard the stories. Maybe you have friends or family who have been through a highly contentious divorce and/or custody battle. Maybe you witnessed

and/or experienced the harmful emotional and/or financial effects on everyone when your own parents had a “nasty” divorce.

While you may not know *how* you can avoid having that kind of a divorce experience, you do know you don’t want your divorce to be like that. You don’t want your kids to become collateral damage, and you don’t want everything you and your spouse worked so hard for to go to lawyer fees.

Well, we don’t want that to be your experience either, so we have put together a list of the top ten (10) things you need to know and/or do in order to best prepare for your divorce, below:

- 1. Get A Therapist to Help You Deal with Your Emotions (They’re Cheaper Than Your Lawyer Will Be!):** In all seriousness, if you don’t already have an individual therapist who can help you deal with your feelings about the divorce, you should get one *immediately*. Divorce is highly emotional, even if the decision to separate/divorce is mutual, but even more-so when it is not. Emotions are going to affect every conversation you will have with your spouse, your children (if you have them), your family, your friends, your co-workers, your lawyer. They will alter your perception of events and will be the cause of every argument, every escalation in conflict, every impasse, and every bad-parenting moment that is going to happen as you go through this process.

Letting your emotions control your thinking, your actions, your behavior, and your decision-making is recipe for disaster and will guarantee you will spend vastly more money in legal fees and other costs, and will only make you more miserable than you already were. No one expects perfection. There are going to be some bad days and, no matter how hard you try to control your emotions, there are going to be moments when something triggers you. However, the fewer of those you have, the better.

Also, the loss of the emotional support of your spouse (and maybe also your spouse's family and some mutual friends) means you will have to start building a new support system. A therapist can be a big part of that, and he/she can help you learn how to take care of yourself during this difficult time. Your kids need you!

- 2. Gather & Organize Your Financial Documents:** Divorce is a document-intensive process. The sooner you start gathering your financial documents, the better. These include documents like tax returns, pay stubs, and financial account statements for your bank accounts, retirement accounts, investment accounts, and credit card, and any other documentation of the marital expenses. Save copies of the documents onto a thumb drive you can provide to your attorney to upload more easily to their system. Organize the documents into categorized subfolders and make sure you name each of the document files with terms that easily and quickly identify the type of document saved in that file. Your lawyer will need to review these documents and will use them to run calculations, create spreadsheets and inventories, in order to prepare settlement proposals. If you give you your lawyer a shoe box (or 10) of messy receipts and paperwork, you will be charged for someone on his/her staff to organize it. Your money is better spent elsewhere!

- 3. Inventory all of the marital property:** Make a list of all of your marital assets, such as real estate, vehicles, retirement accounts, investment accounts, bank accounts, stocks, furniture and household goods, jewelry, art, antiques, and any other collectibles. Make sure to include the names of any financial institutions, account numbers, and type of financial account. Photograph and/or video tape household furnishings and other items, especially anything collectible, such as antiques, art, wine, sports memorabilia, and/or other collectible items. Make a list of the items, where they are located, and what you estimate their value to be. If items have been appraised and/or inventoried for insurance purposes, get a copy of appraisals and insurance inventories. This will save you and your lawyer a lot of time. When you're paying a lawyer, time is money. So doing this type of research

on your own is a helpful way to save on legal fees. Additionally, you might be surprised at what you end up learning about your own finances! The more information you have, the better prepared you will be to make the tough decisions.

- 4. Set money aside and/or secure access to money (especially if you are financially dependent on your spouse):** If you are financially dependent on your spouse, then you need to secure access to cash to cover your living expenses, expenses for the kids (if there are any), your legal fees, and/or the fees for other third parties who may need to be used in your divorce case. You need to make sure you have enough money set aside to cover a few months' worth of living expenses, since it is common for the supporting spouse to cut off access to money and to use that to pressure the dependent spouse into accepting a settlement that is unfair.

Open up new bank account(s) in your name only, at a different bank than the one used for any joint accounts and different from any bank that your spouse uses for any individual accounts in his/her name. Start making smaller deposits into this account to build up a balance. If you and your spouse have money in a savings account, transfer *at least* half of those funds to your separate bank account. (Speak with your attorney before transferring anything more than half of any joint savings account.). Open up credit cards in your name only. Speak with family members and friends to help secure loans/financial assistance if/when needed.

- 5. Secure your privacy:** While you and your spouse are still living together, you should start creating boundaries and securing your privacy. You may want to get a P.O. Box so that you can start having financial documents and other mail sent somewhere your spouse cannot access. Untangle yourself from any cloud-based accounts shared with your spouse and/or the children, including cell phones, tablets, computers, etc., to ensure neither your spouse nor your kids (nor your spouse through your kids) can access your private information through the cloud or your spouse's or the kids' digital devices. Stop using any shared family computers and change the passwords you use

to access your digital devices, email (you may even want to set up a new email address entirely), social media accounts, financial and/or any other accounts you typically log into online. Be sure to choose new passwords that are different from any previous passwords you have ever used and that would not be easy for your spouse to figure out or guess.

Check devices for any key-logging software and/or spyware your spouse may have installed on your devices and/or any shared devices (which is illegal), and remove them if you find them. If you don't know how to do this, enlist the help of an I.T. and/or other digital forensics professional to search the devices for you. Check your house and vehicle for any video and/or audio surveillance equipment your spouse may have installed to record audio and/or video. Also check your vehicle for any tracking device that may be in, on, or under your vehicle. Speak with your attorney regarding the various laws and legalities of each of these issues, further.

- 6. Figure out living arrangements, budget, and other details for separating:** You and your spouse need to figure out who is going to move out and who is going to stay in the marital home. If you have kids, you need to determine what the initial living arrangements for the kids are going to be after separation. Whether you are the one who is going to stay in the home or the one who is going to move out, you are going to need to prepare a budget of what your monthly expenses are going to be, as will your spouse, so you will know how much you can afford and so you and your spouse can work out how finances are going to be handled once you separate. The same money that was being used for one household is now going to have to support two households. It may not be realistic or possible for the same amount of income to be used for more than one household. If you are a spouse who is not working, or who is working part-time, you should consider getting a job and should not assume that your spouse is going to continue supporting you, financially. If you are the spouse who earns most of the income, regardless of your gender, you need to fully understand what your obligations to your former spouse and/or your kids are going to be after separation and divorce. Make sure that whatever living and financial

arrangements you agree to are ones that you can live with indefinitely. The separation and divorce process take a long time, often at least one year. So don't accept a "status quo" that you can't see yourself tolerating for a while. Don't create a status quo for the kids that would be unmanageable if it were to continue indefinitely.

- 7. Make a plan for the children:** If you have kids, you and your spouse need to figure out how to tell them about the divorce together and should have answers ready for the questions you can reasonably expect them to ask, such as what the new living arrangements are going to be, how often they will see each of you, whether they will have to change schools, and how you and your spouse are planning to exchange the kids and get them to and from school and other activities. Be sure to remind that that this is not their fault, that you understand they will have a lot of feelings to process, that both parents still love them, and that you will try hard not to disrupt things that are important to them like sports, friends, or extracurricular activities.

Set up a new, shared calendar for the kids, if you don't already have one. You and your spouse may want to consider using an online co-parenting application, such as *Our Family Wizard* (www.ourfamilywizard.com), which provides parents with a shared calendaring system, communication tools, shared document storage, etc. There are other co-parenting tools and resources out there, but Our Family Wizard is the one most commonly chosen by judges and family law attorneys in North Carolina.

Do not involve your children in any disputes between you and your spouse! Unless there's been a history of abuse or neglect of the children, your kids are going to continue having a relationship with both you and your spouse. You should not do anything that would interfere with or damage the parent-child bond between your children and your spouse. No matter how bad the circumstances were between you and your spouse, or how hurt and/or upset you may be with him/her, bad-mouthing him/her to your kids or to anyone else where they can hear is damaging to your kids,

who love their other parent, no matter what happened between the two of you. Even if your spouse is the one bad-mouthing you and/or otherwise involving the kids, you want to avoid engaging in the same kind of behavior. (Two wrongs don't make it right.)

- 8. Hire a divorce attorney:** If you have ever owned a house, you probably didn't buy it without having a realtor to give you advice on how much you should offer to pay for that house, did you? If you were doing a major business deal with someone you had no personal connection to, you would (hopefully) not negotiate and finalize that deal without making sure the deal was fair to you, right? ("Right!" is answer that should have popped into your head, by the way.) It is *even more* important that you get legal advice and understand your rights and the implications of agreements before you sign on the dotted line in any divorce.

Divorce, with or without children, is a business transaction about money.

You and your spouse are going to be dividing up your assets and debts using the values of each, so that the end result is a division that is fair to each of you. If one of you is financially dependent on the other spouse (meaning one of you brings in a majority or all of the household income that is used to pay living expenses), there is going to need to be a discussion about spousal support for the other spouse. If you have kids, someone is most likely going to be paying child support to the other (even if you and your spouse are going to share custody of the kids on a 50/50 basis!). Most business deals don't contemplate a person potentially losing 50% or more of his/her property or income. So look at this as the biggest business deal of your life!

Even if you and your spouse are both inclined to have an amicable divorce, you are going to want to have an attorney to advise you on your legal rights before you enter into any formal and/or final agreements with your spouse.

- 9. Identify and set realistic goals:** You need to identify the one or two things that are the most important for you to get out of your divorce, no matter what it takes to get them. Keep them realistic. It doesn't do you any good to

set goals that are either financially or legally impossible for you to achieve. Your attorney can help you identify whether your goals are realistic given your circumstances and can recommend the best path toward achieving those that are attainable.

- 10. Don't make hasty decisions:** During a divorce, you are going to have to make life-altering, important decisions. Unfortunately, decisions made in haste today may lead to far greater and more expensive conflicts between you and your spouse later on. Don't let a desire to avoid conflict, minimize costs, and/or to get through the divorce as quickly as possible lead you to make major decisions without thinking through all of the possible consequences. If you are feeling depressed, enraged, bitter, or vengeful, it's best to put away your device (please DO NOT process those feelings publicly on social media), and get some support from a friend, family member or therapist before making any big decisions. Engage in as much self-care as you can (getting adequate nutrition and rest, exercising, engaging in activities that bring you peace and joy, socializing, and taking a break from engaging with your ex, thinking or talking about the separation when you need to collect yourself), to make sure that you stay strong in mind and body while your heart heals.

We are here for YOU! It's what we DO!

Call Village Law Group today at 919-525-2854, or villagelawgroup.com.