

The Most Critical Steps When Planning a Divorce:

7

Must
Do
Items



The Most Critical Steps When Planning a Divorce: 7 Must Do Items

Divorce is a trying time for all involved, the decision to end a marriage is emotional and monumental, but arriving at that decision is by no means the final step in the process. Rational planning, while potentially difficult at such a time, is a critical part of the divorce process. Stay calm, and focus your energy on what needs to be done for you to successfully navigate this process. Consider the following as a guide to essential considerations as you plan and organize for what lies ahead—early planning and preparation can only ease the process of divorce.

Putting An End To Your Marriage: A Most Difficult Decision

The decision to end a marriage is life-changing and often comes after an extended period of struggle and challenges. As final as arriving at this decision may seem, it is not a time to act impulsively. Planning and preparation are essential to successfully and smoothly completing the divorce process. Stay calm and rational. Take into account the stages of the process that are still to come and focus on taking the necessary measures to finalize the divorce and move on to the next phase of your life.

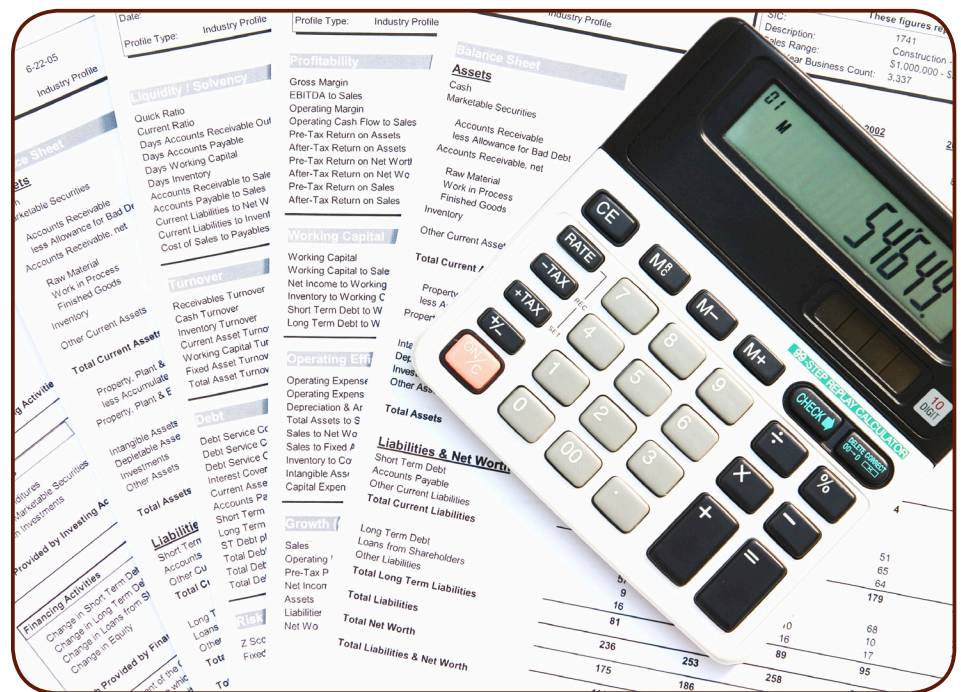
Ensure that you take action and plan while you still have ready access to all of your important documents, files, records and information, as well as the family home. If you have children, you should also consider what kind of arrangements you want for them, as well as yourself. Once you know what the resolution you are looking for is, you can begin to gather the necessary materials and take preparatory steps.

Put Together Your Complete Financial Picture

No two familial financial situations are identical, however, a complete picture of the financial situation is necessary in any divorce case. Depending on your situation, your finances may be complicated or more straightforward, whatever the case may be, gathering all of the information that represents your complete financial picture is key.

The more thorough documentation you are able to provide as evidence of the financial situation, the better. If you plan to leave the marital home, make sure to gather this documentation and get copies of everything before departing.

If you are working with an attorney on your case, they will be able to provide you with a comprehensive list of documentation needed for your specific situation. An attorney can likewise discuss any problems you may encounter during this process with you.



Use the following as a general checklist when collecting and obtaining copies of the financial information you will need.

- Pay stubs
- Tax returns for the prior two reporting years
- Bank and/or credit union accounts—savings and checking
- Vehicle loan information
- Charge card account information
- Credit card account information
- Business operations records (if applicable)
- Real property mortgages, land contracts, deeds of trust
- Investment account information—stocks and bonds
- Pension and retirement account information—IRS, 401Ks

Generally speaking, it is best to have copies of all records for the above for at least 12 months prior to your divorce proceedings. If copies are unobtainable, at the very least ensure that you have a list that reflects all of your account numbers, and likewise obtain an up-to-date credit report which will have pertinent information related to your accounts—this is a good idea even if you have thorough documentation of your own. As with any sensitive and important information, it is essential that all of these copies are stored together in a safe location.

After assembling the details of your marital finances, create a budget that will reflect your new or soon-to-be new living situation. If there are children in your family, be sure to detail and designate expenses specific to the children in your new budget.

Protect Your Privacy and Security

Just as it is important to store your financial records in a secure location, it is essential to make changes to protect your personal privacy and security during and after the divorce. Married couples often use the same passwords or share password information with one another. When the decision to end the marriage is made, you should change the passwords on all of your accounts—this includes not only financial accounts, but also, email accounts, social media accounts and any other password-protected information, profiles or accounts.

Some attorneys recommend establishing an entirely new e-mail account dedicated to the exchange of privileged information between yourself and your representation. Deciding to take that precaution or not is a personal decision, however saving any and all communication between yourself and your former spouse and any other parties who are relevant to your divorce case is always a good practice.

It is also wise to be especially cognizant of your social media presence during a divorce or any other legal situation. Take extra precautions to protect your privacy and reputation. In a world where social media is seemingly omnipresent, online profiles have become a powerful means for attorneys to scrutinize the character of those they are arguing against. Anything posted has the potential to be used as evidence against you in child custody matters or other divorce proceedings.

If at any time you feel your privacy or security has been breached in any form, take action to rectify the breach, and, if working with an attorney, notify them of the situation immediately.

“ Just as it is important to store your financial records in a secure location, it is essential to make changes to protect your personal privacy and security during and after the divorce.”

Legal Decision Making

Legal decisions are, of course, an element of everything associated with a divorce, however families with children face an extra measure of this when it comes to determining the future approach to parenting while living separate lives. Creating a detailed parenting plan that takes into consideration the many elements of parenting is essential.

First consider the schedules of everyone involved; this includes the work schedules for both parents, school schedules, any extra-curricular schedules, appointments such as doctor visits, and holidays. Coordinate and chart out the scheduling for an entire calendar year to present as part of the proposed parenting plan.

Next consider where the child or children will be living. Will there be shared custody? If so, how much time will the child/children spend with each parent? If one parent retains full custody, how often will the noncustodial parent visit? How will the various expenses associated with the child/children be paid for and by whom? What considerations will be made when future or unexpected expenses arise? Provide the proposed answers to these and other important, related decisions in the parenting plan as well.

A parenting plan should also include decisions regarding healthcare for the children, and likewise address religion, education and other parenting decisions as deemed necessary.

Asset	Wife's Values	Husband's Values	Values Stipulated Settlement Only
Personal Property			
Furniture	5,000	10,000	8,000
Furnishings	1,000	3,500	3,000
China, silver, crystal	12,000	18,000	15,000
Jewelry and furs	3,000	15,000	9,000
Homestead (purchase date)			
Market value	380,000	478,000	400,000
Mortgage	[213,000]	[213,000]	—
Second mortgage	[43,000]	[43,000]	—
Net equity	124,000	222,000	144,000
Apartment building (purchase date)			
Market value	609,000	463,000	528,000
Mortgage	[379,000]	[379,000]	—
Net equity	230,000	84,000	149,000
Sweat equity	—	68,000	—
Lake cabin (purchase date)			
Market value	400,000	315,000	380,000
Mortgage	[12,000]	[12,000]	—
Net equity	388,000	303,000	388,000
Back taxes	—	—	—
Boats and vehicles			
Fishing boat and trailer	7,500	6,000	6,000
2008 Nissan Maxima			
Market value	30,000	19,000	26,000
Depreciation	[12,000]	[12,000]	—

Open Your Own Bank Account

Although your wages and earnings will legally remain as communal marital property until either a.) the petition for dissolution is filed and served or b.) you enter into a separation agreement with your spouse, you should open a new bank account in your name only as soon as possible. When doing so, you may move your half of the marital cash via direct deposit into your new account—though it will remain communal property until the divorce is finalized.

After setting up your new, independent account update the direct deposit information with your employer so that your wages as well as any bonuses or commission will be sent to your individual account. Likewise, update any other applicable accounts and account transactions including, automatic payments or deposits and credit or debit information, so they are linked to your new account.

Inventory All of Your Property

Financial assets are by no means the only marital assets divided as a result of a divorce. Take a complete inventory of your personal property, which should include both community or marital property and your own separate or individual property. Photograph and list everything—going through your home room by room is one of the easier approaches to this daunting task. Also be sure to photograph the condition of your home.

As you go through your property, gather up those possessions you consider irreplaceable (photographs, keepsakes, etc.) and, after photographing and inventorying them take them to a secure location such as a safe deposit box. When inventorying property it is also important to note which items are separate property and which are marital or community property.

As a general rule, any assets accumulated during the course of the marriage are considered community property, even if a given asset is the name of one spouse versus another. Those assets owned prior to the marriage are considered separate property. Assets that are acquired by means of gift or inheritance during a marriage are also considered separate property.

Your Shared Marital Residence

Determining whether you want to remain in your marital home is a difficult decision that requires much consideration, particularly if your family includes children. When making this determination consider the condition of your home, the neighborhood, the possible outcomes of selling (ease, profit, loss, etc.) and the availability of alternate housing.

If you determine that you want to stay in the marital home either during the process of the divorce, or during and after the divorce, do not leave the home. Put briefly, if you want to stay, don't leave.

However, if at any point you feel there is the potential for domestic violence, leave immediately, even if you ultimately want to remain living in the home. Put safety first and remove yourself and your children from the situation if the potential for violence ever presents itself. If threats of violence are made to you or your children, contact the proper authorities immediately. Follow this guideline to protect your safety in all situations throughout and following the divorce.

Going through a divorce is never easy, it's an emotionally trying and life-altering process, but preparing and planning can simplify the process immensely. Use the above as a preparatory guide to get the outcome you want and resolve the divorce proceedings with as little frustration as possible. Remember to approach all elements of the divorce process calmly with rational thought and take all necessary precautions to protect your privacy and security. If you work with an attorney on your case, they will supplement the above with advice and support specific to your situation, while guiding you through the entire process.

The Simon Law Group has 30 years of experience concentrating in all areas of AZ family law matters including divorce, legal separation, legal decision making/custody, support and grandparents' rights, Simon Law Group is profoundly capable of obtaining positive results for clients seeking assistance in this sensitive and complex area. For information regarding these services, call 480-745-2450.

“ Going through a divorce is never easy, it's an emotionally trying and life-altering process, but preparing and planning can simplify the process immensely. Remember to approach all elements of the divorce process calmly with rational thought and take all necessary precautions to protect your privacy and security.”
