

20

Steps to Take
Prior to Divorce



THE LAW OFFICE OF
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Divorce & Family Law

Depending on your life circumstances, divorce can feel overwhelming, but it doesn't have to be. If you've reached the point in your marriage where you feel that divorce is your best option, there are things you can do to ease the burden and make this period a little less stressful.

We'd like to share with you 20 steps you can take right now to get yourself prepared and in the right frame of mind. You will see that we've organized them into three categories: Financial, Housekeeping and Technology.

CHECK-LIST

FINANCIAL

- ☐ Pay Off Any Joint Credit Cards
- ☐ Obtain a Personal Credit Card
- ☐ Secure Your Bank Accounts
- ☐ Address Major Expenses
- ☐ Save Some Cash
- ☐ Obtain and Safeguard Important Financial Documents

HOUSEKEEPING

- ☐ Obtain a Personal Post Office Box
- ☐ Obtain an Extra Set of Keys
- ☐ Secure your Prized Possessions
- ☐ Maintain a File of Important Documents
- ☐ Protect Your Private, Personal Thoughts
- ☐ Think Carefully Before Discussing the Divorce with Others

TECHNOLOGY

- ☐ Avoid Social Media
- ☐ Obtain a Separate, Secure Email Account
- ☐ Change Your Passwords
- ☐ Purchase an External Hard Drive
- ☐ Beware the Spyware
- ☐ Avoid Installing GPS Devices
- ☐ Obtain Your Own Phone
- ☐ Handle One Day at a Time

**1**

PAY OFF ANY JOINT CREDIT CARDS

Use marital funds to pay off any joint credit card debt prior to proceeding with a divorce. This will help you avoid issues in the future with creditors proceeding against you for joint debt, and it will help clear the slate for a fresh financial start after divorce.

2

OBTAIN A PERSONAL CREDIT CARD

Because it can be tough to establish your own credit following a divorce, consider obtaining a personal credit card now. Also strongly consider having the statements sent electronically to an email address that you have sole access to, or to a personal post office box in your name.

3

SECURE YOUR BANK ACCOUNTS

Unfortunately, it is not unheard of for a spouse who is angry about a divorce to attempt to empty joint bank accounts. It's important to seek legal counsel about what steps you can take to best secure those accounts and to protect yourself financially.

4

ADDRESS MAJOR EXPENSES

In addition to credit card debt as mentioned above, many couples have additional marital debt, including car payments, mortgages, medical debt and house repair expenses. Depending on the circumstances, a court could determine that major expenses incurred following separation belong to one spouse or the other. Alternatively, most major expenses that have occurred during the marriage are considered joint marital debt. It's important to keep this in mind when considering any large expenditures.

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SAVE SOME CASH

Consider storing some cash in a secure place where you are the only one who has access. This can be helpful in the event that your spouse attempts to close joint credit cards or otherwise tamper with joint financial accounts. Having cash secured in a safe will be mentally reassuring, and is a wise precautionary move should you need to access it in the future. It may also be helpful to convert some of that cash into traveler's checks, which can be exchanged anywhere for cash.

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OBTAIN AND SAFEGUARD IMPORTANT FINANCIAL DOCUMENTS

Make sure you gather and organize documentation pertaining to your finances, both personally and jointly. Helpful documentation to gather might include:

- Information pertaining to investment accounts, stocks, and bonds
- Information pertaining to pension and retirement accounts
- Credit card account statements
- Information pertaining to any outstanding vehicle loans
- Information pertaining to vehicle titles, registration, and insurance
- Information concerning any outstanding mortgages
- All land and property titles, deeds of trust or land contracts
- Information pertaining to any insurance policies including beneficiaries
- Pay stubs for both spouses
- Tax returns for at least the prior two years
- Information pertaining to any outstanding debts
- Social security statements
- Any and all pertinent business records including inventory records, account balances, balance sheets and other pertinent information

It is important to gather as many of these documents as you can. After you make copies, share it with your attorney, if you have one at this time. In this situation, gathering as much information as possible is wise, as you can always sift through it later and discard or shred what is not necessary.

Additional Housekeeping Matters

Beyond preparing yourself financially, there are steps you can take to ensure that you are prepared for divorce proceedings. These include:

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OBTAIN A PERSONAL P.O. BOX

For your privacy, go to the local post office or mailbox shop and set up a mailbox in your name that only you have access to. That way you can receive private communications from your lawyer and others without your spouse having access or the ability to hide those communications from you.

8

OBTAIN AN EXTRA SET OF KEYS

As a precautionary measure, it's not a bad idea to make an extra set of car and house keys for yourself.

9

SECURE YOUR PRIZED POSSESSIONS

If you have certain possessions that are of important personal value – a family heirloom, a favorite piece of jewelry, or a collector's item – it is wise to move these items to a secure location such as a safe deposit box to ensure that they are not sold or removed without your knowledge.



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MAINTAIN A FILE OF IMPORTANT DOCUMENTS

In addition to the financially-related documents mentioned above, it's also important to gather and organize other important legal and personal documents. These sorts of documents can include birth certificates, social security cards, passports, property deeds and car registration forms. Like all legal proceedings, divorces proceed more smoothly when parties are organized and prepared with necessary information.

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PROTECT YOUR PRIVATE, PERSONAL THOUGHTS

If you keep a diary, a journal, or a detailed calendar or planner that might contain records of your personal thoughts, feelings, and activities that you would prefer your spouse not see and have access to, secure those documents and papers in a safe place where only you have access.

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THINK CAREFULLY BEFORE DISCUSSING THE DIVORCE WITH OTHERS

During this time you may feel the urge to share your feelings about your spouse or the divorce proceedings with others, either in person or on social media. It's understandable that you may need to vent but it's important to know that any of this information may make its way back to your spouse or your spouse's attorney. Talking to a therapist who will keep your thoughts and feelings confidential may be the wiser choice.

Technology To-Do List

In today's digital age, it's important to protect yourself online. Consider these steps to protect yourself in terms of technology use:

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AVOID SOCIAL MEDIA

The huge majority of Americans now use social media – many of us, on a day-to-day basis. Under no circumstances should you make any comments about your marriage, or potential divorce, on any personal blogs, or social networking sites. It is also wise to avoid sending text messages about the proceedings to your spouse, family or friends. All of this information can be discovered or subpoenaed in the legal process and can affect your case negatively.

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OBTAIN A SEPARATE, SECURE EMAIL ACCOUNT

Perhaps you share an email account with your spouse, or your spouse has access to your email passwords. It's a good idea at this time to consider opening an account where you only have access. You would not want your spouse to be able to review any correspondence, legal or otherwise that you may receive and wish to keep to yourself.

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CHANGE YOUR PASSWORDS

Many married couples know each other's passwords for social media accounts, email accounts and financial accounts. To protect your information and ensure that your spouse does not have access to any information you wish to keep private, it's a good idea to change your passwords.

**16**

PURCHASE AN EXTERNAL HARD DRIVE

Many married couples have shared data on a home computer, including information about children, debts, assets, medical records, investment and retirement accounts, insurance policies, and more. Creating a backup of this information on a separate drive is a wise choice that can prevent anxiety and distress over any information that could be lost or intentionally removed in the future. Continue to back up this drive weekly to ensure that you have the most up-to-date information in your possession, should you need it.

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BEWARE THE SPYWARE

Divorce, and all that leads up to it, can be very emotionally draining. Many people are tempted to place spyware on their spouse's computer or phone. We would strongly caution against doing so. Under both federal and North Carolina law, certain offenses concerning the installation of spyware are felonies, and you could be prosecuted if you are found to have violated those laws. The same caution applies to recording any phone conversations without your spouse's knowledge.

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AVOID INSTALLING GPS DEVICES

As is the case with spyware, the temptation to install a GPS device in your spouse's car may be tempting, particularly if you believe that he or she is having an affair. Again, we would caution you to think very carefully about doing so, as you could find yourself being charged with violations under federal and/or North Carolina law.

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OBTAIN YOUR OWN PHONE

This measure may seem somewhat extreme, but it's not unheard of for one spouse to close a joint cell phone plan in the midst of contentious divorce proceedings. Having an alternative phone, or even a prepaid phone, can be a wise precautionary measure to take to avoid finding yourself in this situation.

Don't Allow Yourself to be Overwhelmed

Lastly, if you've taken all of these steps, you can reassure yourself that even though divorce may not be an easy process, you're prepared. In that case, there is only one step left to take and that is to remember yourself.

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HANDLE ONE DAY AT A TIME

You may feel overwhelmed, and that is certainly understandable. Take each day as it comes and do the best you can to remain prepared and proactive. Take a deep breath and realize that this process, while difficult, is not impossible.

NEXT STEPS

We're here to help you handle your divorce proceedings effectively, and to reassure you that you aren't going through this alone. We welcome the opportunity to put our knowledge and experience to work for you. Give us a call today.

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