

TOP

10

Things to Consider  
Before You Think  
About Divorce



THE LAW OFFICE OF

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Divorce & Family Law

**Your marriage may have been in a difficult place for some time. Perhaps you've held on, hoping for things to improve, but that hope is fading.**

Or maybe something has happened – an argument, an affair, a sudden change of circumstances – that has caused you to decide you no longer want to remain with your spouse. Maybe you simply feel that you've fallen out of love. Whatever your situation, you may find yourself considering a divorce, and wondering whether to move forward.

Divorce is definitely an emotional decision, but it's one that should not be made in haste, or in an emotionally agitated state. It is a decision that you need to consider thoroughly, from all angles, and one that you need to make from a place of inner peace and confidence – not in anger or based on a fleeting feeling.

# If you're considering divorce, here are ten things to consider:

## 1. MARRIAGE COUNSELING

*When you are connected to the situation, there are a multitude of circumstances that are difficult to see clearly.*

Divorce is an emotional decision, but before you take the first step, be sure you've thought through your emotions, and attempted to work through them with your spouse. Consider seeking counseling with a qualified marriage therapist. Marriage counseling, or couples counseling, when attended regularly, can be extremely beneficial, as it helps couples learn effective communication and conflict resolution skills.

When you are connected to the situation, there are a multitude of circumstances that are difficult to see clearly. Every relationship has its ups and downs, and sometimes a marriage that could be saved ends up falling apart simply because of poor communication. Having an objective professional marriage counselor to talk to can help you see what you otherwise might not.

Many couples who are dedicated to giving counseling a fair try will commit to a certain number of sessions. Do this with sincerity and genuine effort to get the most out of the counseling. Avoid doing things that could seem harmful to the marriage during this time, like moving out or having a relationship with another partner.

While you may be unable to reconcile with your spouse, making the attempt is important. We are happy to refer you to a qualified marriage counselor in the area who can help.



## 2. ATTORNEY CONSULTATION

*It's important to be properly informed and prepared*

Contacting an attorney may feel like a serious step, but if you have reached the point where you are sincerely considering divorce, it's important to be properly informed and prepared. A knowledgeable attorney is the best person to provide the advice you need—someone who knows the divorce process in and out and who understands the legal aspects of financial and custody issues. This expertise is necessary before making a final decision on whether to seek divorce.

## 3. YOUR CHILDREN'S WELL-BEING

*Children will usually have strong emotional reactions to any significant life change*

If you have children, it's very important to continue to keep their well-being a primary concern throughout process, which can be long and difficult. Keep in mind that even in the most amicable of situations, children will usually have strong emotional reactions to any significant life change. If you are considering divorce, you should be prepared to help your children process this new life-changing situation. You should also be prepared for the custody arrangements that may result after a divorce. Depending upon your particular circumstances, you may end up agreeing to share custody of your children with your spouse. Have you thought about work schedules, your children's schedules, the holidays, birthdays, and other events that may have to be divided and shared? You should.

## 4. FINANCIAL EFFECTS

*Divorce has a significant and often lasting effect*

Divorce has a significant and often lasting effect on a family's financial situation, though many might not think of this initially. As you contemplate divorce, it is important to realize that it will mean transitioning from one home to two – and figuring out how to make that new financial situation work. Here are four tips to help you get into a positive frame of mind regarding your finances:

### STEP 1: BE INFORMED

Do you know your spouse's income and assets, including retirement accounts, investments, pensions, and bank accounts? Have you thoroughly assessed any marital debt, including credit cards, mortgages, and car payments, for example? Do you know your own personal credit score and standing? It may be important to take steps to ensure that you'll qualify for the credit you may need if you decide to divorce. It's also critical to gather all pertinent financial information, including tax returns, pay stubs, business statements, deeds, and insurance policies. Matters like child support and alimony will be determined on the basis of such financial information, so it's important to thoroughly consider all financial factors before moving forward.

### STEP 2: TRACK YOUR EXPENSES

Create a detailed inventory of all regular expenses like utility bills, average monthly expenses for food, clothing, home maintenance, child care, transportation, entertainment, monthly fees relating to your children's education and activities, and anything else where you regularly and routinely spend money. This information can typically be found on credit card and bank account statements, as well as on paycheck stubs, for expenses related to health and dental insurance for you and your family.

### STEP 3: LOOK BEYOND MONTHLY EXPENSES

As you're tracking, don't overlook vacations, home repairs, gift-giving, charitable contributions, and other "non-routine expenses." These expenses can be significant throughout the year, even though they're not recurring. Knowing and understanding what these expenses are and how often they arise will be helpful to share with your attorney or a judge who may be deciding how best to split assets and debts, whether to award alimony or child support, and how much alimony and child support should be awarded. You and your spouse can use these expenses to anticipate what you will likely be able to afford as you move from one household with one budget to two households with two different budgets.

### STEP 4: AVOID THE URGE TO 'RUIN' THE OTHER SIDE

As some couples reach the point where they truly begin to contemplate divorce, emotions are understandably running high. Sometimes, one spouse can try to control the other, or seek revenge in a financial manner. One spouse may restrict another spouse's access to funds, empty bank accounts, or make extravagant purchases that they normally wouldn't, or to certain streams of income or assets, all as part of an attempt to "get back" at the other spouse. Resist the urge to engage in these activities, despite how tempting it may be. In the long run, it is simply not worth the risk and the damage to both sides.

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Some people find it helpful to consult with a knowledgeable and experienced attorney, or even with a divorce financial analyst prior to making the decision to move forward with a divorce. Doing so is always a wise decision and can be very helpful as you seek to more accurately understand your expenses and budget, and to adequately plan for what your financial future might look like.

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## 5. YOUR LIVING SITUATION

*Don't move out of the family home prior to consulting an attorney*

Unless you're in an abusive situation that requires you to leave immediately, don't move out of the family home prior to consulting an attorney if you're considering a divorce. Some people make the assumption that moving out is the best option because it will eliminate day-to-day conflicts. While that may be true, the other side of the coin is that new stressors will emerge so be sure to consider:

In certain circumstances, one spouse moving out suddenly without the other's consent might be interpreted as "abandonment" of the other spouse under North Carolina law. While a finding of abandonment may be unlikely in your particular circumstances, it is always wise to discuss your circumstances with an attorney first, simply to be certain. Those who are found to have legally committed abandonment may be found guilty of a crime under North Carolina law, and it may also negatively affect their ability to prevail on other issues that are important to you in your divorce case, such as custody, property division, and alimony.

Voluntarily leaving the marital home may cause difficulty if you attempt to reclaim the property in the future.

Leaving the home prior to entering into an official legal separation may also have a detrimental effect on an alimony determination, and on child custody matters. It also makes custody an immediate and pressing issue to resolve if you have children.

Moving out can be financially and legally stressful in ways that you might not anticipate. This is of course not to say that moving out of the marital home is never advised. It is simply better to think through the issue first, to consult with an attorney, and to take the necessary steps before doing so.

## 6. LONG TERM PLANS

If you are a stay-at-home parent, or if you are not the primary earner in your household, this consideration is especially important. You may want to speak with an attorney and find out if you are entitled to alimony and/or child support. You'll want to consider how you'll support yourself financially in the future if you do go through with a divorce. Even if you'll receive alimony and child support, chances are likely that you'll need a long-term financial plan to continue to maintain the standard of living that you enjoy.

## 7. YOUR SUPPORT NETWORK

*Remain connected  
and involved with  
people who can take  
your mind off of  
your stress*

Do you have family and friends who can help you through this process? Do you have social clubs in which you're active and where you feel part of a community? Now is a great time to remain connected and involved with people who can take your mind off of your stress, lift you up, and encourage you along the way. It could also be helpful to speak with a therapist or counselor who can help you through your emotions, concerns, and difficulties. Having a support network can make a significant difference as you adjust to all of the changes that inevitably come with a divorce.

## 8. STAYING AWAY FROM SPYWARE

Some couples who are ready for divorce feel suspicious and untrusting of one another, whether it's having an affair, hidden substance abuse, overspending or other issues. When these suspicions arise, some spouses turn to spying. In these highly advanced technological times when almost everyone has a smartphone, spying is easier than ever. While the urge is understandable, we strongly advise against spying on your spouse, under any circumstances.

In fact, spying is in violation of the Electronic Communications Privacy Act (ECPA) and the North Carolina Electronic Surveillance Act, among others laws that say it is illegal to gain access to another person's computer, system, program, or network without authorization. This often means that taking measures to spy on your spouse by recording their conversations without their knowledge,





*Spying is a serious matter and the consequences aren't worth it*

installing hidden GPS tracking devices in their cars, or installing spyware on their phone are illegal. You may feel angry and want to be vindictive, especially if your relationship has been on rocky ground for some time, but you should know that spying is a serious matter and the consequences aren't worth it.

If you believe your spouse is engaging in behaviors that may affect custody, child support or other important aspects of the divorce negotiations, you should consult your attorney about hiring a private investigator. Your attorney will understand the law as it pertains to this type of investigation.

## **9. HANDLING THE CONSEQUENCES**

Are you ready to accept potentially significant changes to your financial situation and standard of living? Are you emotionally prepared to accept that there will be times of insecurity, loneliness, and even, potentially, regret? Are you truly willing to let go of your spouse mentally, physically, and emotionally? Are you prepared and equipped to handle the emotions and reactions of your children? These are important questions to consider before making a final decision about divorce.

## 10. THINKING THROUGH YOUR ACTIONS

Whether you've reached the point where you feel your marriage is over, it is ill-advised to live as if you are single before you are. Having an affair can significantly impact many aspects of a divorce proceeding, including the determination of matters like alimony and child custody. In some cases, it may even be grounds for a lawsuit against you in the state of North Carolina. Carefully think through your actions and the lasting impact they may have.

### NEXT STEPS

You may take time to explore your emotions and feelings as they relate to divorce, and you may realize that you are in a very different place than your spouse. This is OK, and normal. Sometimes, both spouses realize that the marriage has reached its end, and they can move forward together in the belief that divorce is truly what's best for their situation. In other cases, however, one spouse may feel ready for divorce and that it is the best option, while the other feels differently. The only feelings you can truly control and understand are your own. You owe it to yourself, to your spouse, and to your family to take a thorough emotional inventory to determine what might be the best path forward.

After taking all of these matters into consideration, if you feel that divorce is the best option, we're here to help. Going through a divorce with a strong support network including a knowledgeable and qualified attorney will help. We're here to walk through it with you every step of the way. Call us today and we can start you on a journey to a new life that you never thought was possible.

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