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WIN-WIN DIVORCE BY JORYN JENKINS

25 STEPS TO TAKE BEFORE GOING TO COURT©

The decision to hire a divorce attorney is a stressful one. Once you do, the process may quickly unfold before you have time to adequately prepare. Therefore, if you're going to court, before hiring an attorney, consider accomplishing the following:

1) Emotionally prepare yourself. Be certain that divorce is really what you want; it's difficult to turn back once those first steps have been taken, and certainly once the petition has been filed.

2) Consider counseling. Is your marriage salvageable? Have you tried everything? Would marriage counseling help? If not with a licensed mental health professional, perhaps with a friend. Perhaps with a religious counselor. Consider taking a class together to help your relationship.

Would your spouse be willing to try it? If so, try counseling before calling it quits. If offered the choice to do it again, many people would not file for divorce, so seriously consider ways that you might be able to save your marriage.

3) Ensure that you and your children are safe. If your spouse has ever been physically violent towards you or your children, or if she has a nasty streak, plan an escape route. If your spouse becomes violent towards you at any time, immediately call the police and file your injunction for protection against domestic violence as soon as you can.

Arrange for a safe retreat to which you and your children may retreat. If it's not safe to remain in your home, you may need to stay with friends or family, rent an apartment, or go to a shelter. Just be aware that if you leave the marital home, you may find it difficult to argue that you should be awarded the home in your divorce. Often courts will award the party who remains in the marital home the majority timesharing so that the children's lives are impacted as little as possible. Leave your home only if you are unsafe remaining there.

4) Open your own individual bank accounts in a new institution.

5) Arrange for a safe deposit box in the new institution. Give one key to a family member or a close personal friend. Hide your key.

6) Obtain a post office box. Arrange for any statements and correspondence from the new bank to be sent to the PO box or a new e-mail address.

7) Take half of the funds out of your joint accounts. In Florida, as in many venues, divorcing spouses share marital funds equally, regardless of who earned them or in whose name they are listed. Thus they each own 100% of the marital portion of the assets.

The marital portion is generally the amount acquired from the date of the marriage until the date when the divorce petition is filed. So how do you fairly share 100% of what you both own together? You remove half of those funds, and leave the other half for your spouse. Place the funds you've removed into your new individual account.



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8) Open new credit cards in your name alone and arrange for bills and correspondence to go to the PO box or your new e-mail address.

9) Remove half of any bullion or collections you both own and place it in your safe deposit box.

10) Sever credit ties. Separate your shared credit card accounts. If your spouse is an authorized user on one of your cards, ask the issuer to remove your spouse's name. If you're joint users, freezing the cards may be your best bet. But wait to do this until right before making the big announcement. Otherwise, the jig's up as soon as your spouse swipes.

11) Open new bank accounts in new banking institutions. Place the money you take from your joint accounts into your new account so that your spouse can't access those funds. Arrange for your paycheck to be deposited in that account rather than your old joint account. Once you file for divorce, you should be able to keep all of the money that you earn as long as you don't use marital funds to earn it, unless you're paying alimony, of course.

12) Take your personal computer to an expert and have it cleaned of all information that you don't want your spouse to see.

13) Change all of your passwords and, if necessary, keep records of your new passwords in your safe deposit box.

14) Make any changes necessary to your designations of life insurance beneficiaries and powers of attorney. Change the "payable on death" beneficiary on your accounts so that your spouse will not automatically receive your funds if you pass away during the divorce process.

15) Copy important documents, bank records, retirement accounts, deeds, insurance policies, etc. Be a snoop. As financial statements come each month, begin to make copies of those documents, not only so that you have the documents that you need for your mandatory discovery, but also so that you are aware of places where your spouse may be hiding money. If you're able to do so safely, look through his or her computer, phone, filing cabinets, etc., and make copies of anything that you feel may be relevant to your divorce.

Place those copies in your safe deposit box. Begin gathering copies of any documents that verify assets, liabilities, income and expenses, including recent bank, brokerage and retirement statements, tax returns, and real estate deeds — and the prenuptial agreement, if you have one. This step can take three to six months, depending on how accessible the documents are. Having a paper trail saves stress, time, and money. You won't be captive to your spouse, hoping that he or she will provide copies to you, nor will you have to pay your lawyer to find this information.

16) Place your personal valuable jewelry in your safe deposit box, as well as any gifts made to you individually by other people.



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17) Make a list of your personal property, especially if you are planning on leaving the marital home. List everything in your home. List your jewelry, your clothes, your art, your kitchen items, your art, your furniture, your DVDs, your books, your CDs, your electronics . . . everything. Make a separate list of what you think belongs to your spouse. If you do leave, it will be hard to remember everything that you have, and you are entitled to half of the marital personal property. And people rarely realize what belongs to them jointly with their spouse and what is separate.

18) Video record the contents of your house, especially collections of stamps, coins, art, antiques, etc. Place the videos in your safe deposit box.

19) Consider what timesharing schedule would be appropriate for your family. Perhaps talk to a counselor who specializes in the developmental stages of children to get an opinion on what would be best for them.

20) Close your social media websites like Facebook and Twitter. Divorcing spouses often use information found on these websites against one another in court.

21) Hide your crazy! Remember that you are about to be under a microscope, so while you may feel like you are losing control, it is important to remain level-headed. You don't want to give your spouse anything to use against you in court. And your children need a sane parent. (Preferably two.)

22) Get help for your children if they are having a hard time coping with your divorce.

23) Stash some cash. Ideally, you should have a year's worth of basic living expenses in a personal account prior to filing. If all of your money is co-mingled and you have no way of opening your own account without raising red flags, open a credit card with a low or introductory 0% interest rate.

This step is important because divorce proceedings often take six months or more, during which time you may lose access to spousal support. Plus, you'll need to lay out another \$10,000 to \$20,000 for an initial retainer if you plan to work with an attorney and/or a financial advisor. (If you earn significantly less than your spouse or have no income, you'll still need a retainer to fund a lawyer to petition to have your spouse pay ongoing legal fees.)

24) Arrange for payment of attorney's fees and court costs. Divorces are expensive. If you don't have liquid assets available, ask family or friends for loans. Or open a low interest credit card before the authorities become aware of the compromise to your credit caused by divorce.

25) Finally, and most importantly, now that you understand the horrendous list of pre-court tasks, consider courtless divorce options like collaborative divorce or mediation. Interview attorneys who specialize in these alternatives, as well as litigation attorneys, so that you choose the option that is best for you and your family. And, when the time comes,



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discuss the choice of process with your spouse; if you both choose collaborative divorce, you have the best chance of restructuring your family successfully. If you cannot agree on the process, then you will be stuck with the default . . . courtroom divorce, which is more expensive, more time-consuming, and more destructive than any other choice of process.