**FAMILY AND EMOTIONAL ISSUES**

**1. The divorce process**

* The process for you and the family – going from “love and together” to “apart and at odds” to “separate and stable”
* Coping with the death of a dream – not the marriage as it was, but how it could have been
* Divorce stages of grief and loss: anger, denial, bargaining, shock, sadness, ambivalence, acceptance
* How the process differs if you are the one leaving vs. being left
* Divorce stresses – family, emotion, money, social support

**2. Divorce strategies**

* Choose a good support team for you and your children
* Write things down – take notes, keep a notebook, assemble relevant paperwork, stay organized to cut down on turmoil
* Strategies for communicating with your spouse during this time
* Stay in control in communications – don’t respond in anger, wait before you hit Send, think it through before you react
* Anticipation is your greatest asset – be proactive, not reactive

**3. Helping your children**

* Telling the children and answering questions – different strategies for different ages
* Importance of not speaking ill of your spouse, and dealing with a spouse who speaks ill of you to the children
* Techniques for keeping channels of communication open – what it is okay and not okay to share with children
* Watching out for danger signs and what to do about them

**4. Taking care of yourself**

* Divorce can be all-consuming, so take frequent breaks to rest, exercise, talk to friends about other things
* When you might get stuck, and how to move beyond that – dealing with your anger, denial, blame, resentment, guilt, feelings of revenge
* Shoring up your self-esteem – who were you, who are you, who will you become
* Look for opportunities to grow – in divorce you can deal with your old issues and do some powerful personal growth
* Read about the process –

## NOTES

##### About Taking Care of Myself and My Family

**LEGAL ISSUES**

**1.** Introduction

**2. Overview of the divorce law in California**

* Description of the general law and what it means– community property, equitable distribution, or whatever best describes your state law
* What constitutes marital property, and what is separate property
* What are the grounds for divorce in CA. Fault vs. no-fault
* What jurisdiction the courts have, and what they may decide – property division, support, child custody

**3. The divorce process**

* Initial paperwork – summons and petition and response, restraining orders, declarations of disclosure
* Court procedures – judicial officer assignment to case, status conferences, mandatory settlement conferences, mediation of child issues, etc – whatever is required in your state
* Discovery process – document production requests, subpoenas, depositions, etc.
* Trial if you cannot settle your case – how that works, whether it is judge or jury, preparation for trial (pleadings, legal research, etc.)
* How long it will take

**4. Your rights and options**

* Temporary restraining orders
* Temporary orders regarding support and property use
* Orders regarding where the children will live while the divorce is pending
* Decisions about who will pay the mortgage
* Pre-division of some assets and bank accounts
* Discovery issues – how will you find out what’s there?
* Should you wait to get a job until the divorce is over?

**5. Ways to approach divorce**

* Litigation, assisted negotiation, private judging
* Alternative dispute resolution – mediation, collaborative
* Do it yourself, paralegal

**6. The law regarding common divorce issues**

* Child custody and visitation – legal vs. physical custody, how visitation schedules work, how disputes are handled
* Child support – guidelines re how determined, how long it lasts, modifications, tax consequences, who takes children as tax deduction, how various child-related expenses are handled (medical expense, day care, extracurricular activities)
* Alimony – guidelines re how determined, how long it lasts, modifications, wage garnishments, vocational evaluations, tax consequences
* Health insurance – whether it can be terminated before judgment is entered, whether it can continue beyond judgment, whether the other spouse must pay for it, COBRA rules
* Attorney fees – whether each pays their own or one spouse must pay the fees of the other
* Property division – how personal property is divided (cars, furnishings, jewelry), how real estate is divided, how debt is divided, how businesses are handled (whether they are marital property or separate, how they are valued, etc).

**7. Post judgment issues** – how legal agreements are enforced, what is subject to modification post-judgment.

**8. How to choose an attorney** – what to look for, particularly with certain issues, how the attorney enlists a team of professionals to help (appraisers, child specialists, financial professionals, etc).

NOTES

About the Law

**FINANCIAL ISSUES – THE TWELVE FINANCIAL PITFALLS OF DIVORCE**

**Pitfall #1. Not enough cash**

**Why is cash important?**

* Money makes us more secure, and cash buys power
* Divorce is very cash-hungry – filing fees, attorney fees and retainers, mediation fees, apartment rent, counseling costs
* Stash cash before you leave – don’t conceal it, control it

**What are the sources of cash?**

* Other sources of cash – home refinance (but control the proceeds), credit cards (get credit in your own name)
* Pay off bills from joint funds before you leave, so they aren’t hanging over your head in divorce.

**Pitfall #2. Too little preparation**

* With preparation, you are less afraid and better able to act rather than react
* Before you leave, talk to a financial professional, discuss your options with an attorney
* The right timing is important – after a bonus or lawsuit settlement is received, after you’ve reached the 10-year mark for social security, COBRA rules.
* Before you leave, fix the car, buy clothes, get dental work done

**Pitfall #3. No records**

* If you have full access to records, great. If not, copy everything that you can find.
* Get copies of tax returns and read them, or see a financial professional to help you – they are treasure maps that show where assets are and how much income is
* Analyze your spending for at least two years, to establish your standard of living and to help you budget for your life after divorce
* List all your assets, with cost and market value, as well as debts. If you’ve refinanced a loan, the loan application has a listing of the assets and debts.
* Assemble all documents that you’ll need to trace your separate property

**Pitfall #4. Overlooking assets**

* Smaller assets include assets in safe deposit boxes, frequent flyer points, deferred vacation and sick pay – how to handle them
* Businesses and side businesses – do they have value?
* Retirement plans – what they are worth, how to divide them
* Furnishings, vehicles, jewelry, hobby equipment
* Ph.T degree (Putting Hubby Through) – does it have value?

**Pitfall #5: Ignoring tax consequences**

* The tax consequences of keeping or selling the home – exclusion of $250,000 of gain for each owner/occupant
* Rental property can be worth a lot less when you consider the income taxes you’ll pay when you sell it
* Taxability of support – child support is non-taxable/ non-deductible, alimony is taxable/deductible for support agreements executed before January 1, 2019.

**Pitfall #6: Ignorance is bliss- remember that divorce isn’t fair**

* Learn as much as you can about the legal process – how divorce works in CA, what documents you need to gather, the various ways to get through the divorce (litigation, negotiation, mediation, collaborative, do-it-yourself)
* Learn about your finances – review credit card charges and debit charges on bank statements to get a feel for your expenses, review brokerage statements to see what’s been deposited and withdrawn – get a financial professional to help you as needed
* Learn about the family and emotional issues – talk to your counselor about how to handle your spouse and support your family emotionally
* Explore your career options – is there a way that you can improve your employment situation to augment your income?

**Pitfall #7: Mixing money and emotion**

* Do your crying at home, not in an attorney’s office
* Don’t let guilt rule you – don’t give him everything out of guilt.
* Don’t use money as a weapon – that is very expensive and not very effective

**Pitfall #8: Not fighting for what’s yours**

* Don’t make nice and sacrifice your own needs: divorce is about survival, not manners
* Include all your needs in your budget – health insurance, educating your kids, saving for the future
* Don’t underestimate your needs – remember that any alimony you get will be taxable, so only a portion of it will be spendable

**Pitfall #9: Not taking control**

* Protect your support with life insurance, so you’ll collect a death benefit if he dies that you can use for your family’s support
* Get lump sums wherever possible, rather than being tied to him (for example, use a QDRO to get your share of a retirement account transferred to your IRA)
* Listen to your attorney’s advice, but remember that the ultimate decisions are up to you, since this is your life and your future

**Pitfall #10: Not being ready for the worst**

* Don’t let money rule your decisions
* Don’t stay in a bad marriage for the money – if you need to get out, get out
* Think of the worst things that can happen and how you will deal with them – what does actually happen will be more manageable

**Pitfall #11: Not developing your career**

* Supporting two households is expensive, so see if you can earn more income
* If you aren’t working, or have a job instead of a career, this is a good time to figure out your future career, go back to school

**Pitfall #12: Not getting good professional advice**

* Whether you go through mediation, etc. or traditional channels, you’ll need a good attorney to talk to during the divorce
* Most people going through divorce will benefit from talking to a therapist and joining a support group as well.
* And good financial advice is imperative – I’d be happy to meet with you

## NOTES

##### About Finances