

Getting Started

7 Must Do Items for Divorce Planning

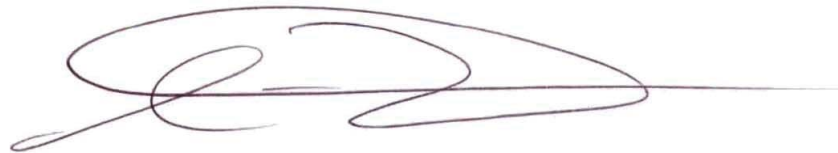


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“Now that divorce is imminent, you must prepare for what happens next with reason and thoughtfulness. You will face difficulties, but we will help you overcome those challenges, one by one. To achieve the best outcome in your case, we begin with the best preparation.”

Scott David Stewart

A handwritten signature in dark ink, appearing to read 'SDS', with a long horizontal line extending to the right.

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Stewart Law Group
Phone: 602-548-4600
scott@arizonalawgroup.com

The Most Difficult Decision – Putting an End to Your Marriage

You may have many reasons for ending your marriage and have probably been through a lot. But whatever brought you to this point, now is not the time for impulsiveness. You need to control your emotions. Now is the time for calm, thoughtful, rational planning. Focus your attention on what is necessary to get through the divorce successfully, knowing what it is that you want for yourself and for your children.

Although not a substitute for specific legal advice from a divorce attorney, use this booklet to help prepare and plan for what you must do. Especially while you still have ready access to the family home, financial documents, records, and files.



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1. Prepare Your Complete Financial Picture

You will need to provide a complete family financial picture. The more supporting documentation you can gather, the better. If you are planning on moving out of the marital home, then make sure you get copies of everything you need for your case before you leave. Returning to the marital home to retrieve financial information after you've moved out often leads to complications, delays, and expenses that could have been avoided. But if there is any potential for domestic violence, do not put yourself at risk of harm to retrieve records. Instead, discuss any potential problems with your attorney.

Start making copies of all your financial information. Everyone's financial picture is unique, so your records could be quite extensive or may be fairly uncomplicated. Either way, do your best. You should make copies of the following types of documents:

- Investment accounts (stocks and bonds)
- Pension and retirement accounts (IRAs, 401ks)
- Bank and credit union accounts (savings and checking)
- Credit card accounts
- Charge card accounts
- Loans on vehicles and equipment
- Real property mortgages, deeds of trust, or land contracts
- Insurance policies (beneficiary designations)
- Pay stubs (make sure you keep all pay stubs)
- Tax returns for the prior 2 reporting years
- Business operations records



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There are a few more things you need to do. Whenever possible, copy all of your records and account information for the past 12 months. At a minimum, be sure to get a “snapshot” of everything financial for your records. If you find that you simply are unable to locate certain files or account information to make copies, then at least get all of the account numbers. You should also run a credit report of your current status which will provide important account details.

Prepare a budget that reflects your new living situation. If you have children, you will need to include child-related expenses in your budget.

Store all of your copies in a secure place. Consider keeping those copies in a safe deposit box, one that is in your name only (not jointly held with your spouse).



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2. Take Precautions to Protect Your Privacy and Security



To protect your security, change your passwords on all financial accounts. You should also change every one of your email account passwords and consider opening a new email account for privileged communications with your attorney. Save any emails that are relevant to your divorce, from your spouse or from others. If at any time you believe your spouse has acquired your password, then you should immediately change the password and report the privacy breach to your attorney.

Social media networking, in particular, raises many concerns with divorce. With online social networking, you need to take extra precautions to protect your privacy and your reputation. Your online social media presence will be highly scrutinized during the divorce, and during any child custody matter later. Be very cautious and conservative in your use of social media websites like Facebook and Twitter. Always be mindful that what you post may be used against you as evidence in a family law case! Consider logging off until after the divorce is final. Even after the divorce is final, though, any online lack of decorum could easily come back to haunt you later in a child custody matter.

To assure your safety, security, and privacy, you should also change the passcode or password on your alarm systems.



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3. Prepare for Custody of Your Children

When you have children, you must create a well-developed parenting plan. You begin by thinking through everyone's schedules: School schedules and extra-curricular activities, holiday schedules, your work schedule, the other parent's work schedule, doctor visits. Everything has to be coordinated and charted out for the entire year as part of your proposed parenting plan.

You need to make decisions about who the children will live with. Will there be shared legal decision-making? How often will the children have parenting time with the other parent? How will the children's expenses be paid for and by whom? Decisions must be made over the children's healthcare, education, religion, and welfare.

Begin keeping a parenting journal to calendar parenting time and note what is happening on a daily, weekly, and monthly basis regarding each of your children. You can start making journal entries immediately by downloading our free SLG Parenting Journal for the current school year.

If you do not intend to seek legal decision-making, then make sure to maximize your parenting time with the children. Maximize the value of your involvement with them and, no matter how the divorce proceeds, stay involved.



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4. Set Up Your Own Bank Account

You are beginning a new life, one independent of your spouse. To get started, you need to open a new bank account in your name – this will be a separate financial account from your spouse. You may take your half of the marital community’s cash and direct deposit that amount into your new account.



Once you have the new bank account set up, instruct your employer's payroll department to direct deposit your wages, commissions, or bonuses into that new account. Do keep in mind, though, that your wages and earnings are still marital property. Earnings remain community property until the petition for dissolution is filed and served, or until you and your spouse enter into a separation agreement.

Lastly, carefully review your existing account's current bank statement for any other debit or credit accounts that need to be switched over. If you pay bills by automatic withdrawal or receive automatic deposits from any other source, then you will need to transfer those debit and credit accounts to your new savings or checking account.



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5. Prepare an Inventory of All Your Property

You need to take inventory of all of your personal property. These are all of your things. The inventory includes your separate property and your community property. You should take those items that are irreplaceable to you, such as keepsakes and photographs of your children. Put these items in your safe deposit box, but make sure you photocopy or photograph them first.



Take photographs or video record all of the community property, as well as the overall condition of the house. When you walk through the marital home, list the personal property as you go from room to room.

Community property is marital property. In general, community property includes all assets and property accumulated during your marriage, regardless of whether the asset is in one spouse's name or the other.

Separate property includes any assets that were owned prior to the marriage, or were acquired by gift or inheritance during the marriage. As you inventory each item, be mindful of the distinction between community and separate property. Jot down a “C” or “S” next to each item description for later reference.



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6. Prepare Your Contact List of Important People

This is not the time to lose contact with the people who are involved in your family's life.

Make sure that you have a complete list of telephone, address, and email information for everyone who is important: Doctors, teachers, accountants, financial planners, insurance agents, counselors, professional advisors, day care centers, and employers, to name a few.



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7. Marital Residence – Don't Leave if You Want to Stay

Staying in the home is a very important issue that requires careful consideration, particularly when children are involved. If you want to stay in the marital home during and after the divorce, then don't leave. You may seek to reside in the marital home only during the divorce, but not thereafter. Consider the condition of the home, the neighborhood, the possibility of selling, and the availability of alternate housing before you commit to staying or leaving the marital residence.

There is one very important exception to staying when you want to remain in the marital home during and after the divorce. Whenever there is any potential for domestic violence, put your safety and the safety of your children first and leave the marital home for a safer environment or safe house. If you or your children are threatened with domestic violence, immediately contact your local police or county sheriff.



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One Last Thought on the Emotional Aspects of Divorce



Family law cases, especially divorce and child custody cases, can be extremely emotional for both parties. Everyone's reactions to the distress of divorce differ, but most people experience some feelings of anger, frustration, anxiety, sadness, grief, and mild depression. For some, the intense emotions caused by divorce are almost palpable and may even be traumatic.

To get the results you hope for in your divorce, you need a balanced frame of mind. To maintain that balance, take precautions to minimize the impact of any emotional suffering stemming from your divorce. If divorce counseling will help you get through this emotionally turbulent period in your life, then get a counselor sooner rather than later. Those who seek counseling early in the divorce process tend to remain calmer and more reasoned overall. And that leads to better results in the end.



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The Stewart Law Group helps divorcing families successfully navigate one of life's most difficult challenges. We offer a structured approach to divorce that provides clarity, certainty and finality. Our family law attorneys understand that the divorce process is a time for clients to reflect, to learn who they are and what they want, to set long-term goals, and to grow into a new chapter in their lives.

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Arizona's Family Law Team

Main Office

777 E. Thomas Rd. Suite #210
Phoenix, AZ 85014
Telephone: 602-548-4600
Facsimile: 602-548-4601

Office Locations

Phoenix
Scottsdale
Chandler
Tempe
Peoria
Glendale
Gilbert
Mesa