



Eight Things You Should Do Right Now in Contemplation of a Possible Divorce

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Divorce is a major life event, but it is also like a storm. It is a destructive force we cannot control. Outcomes are often better when safe-guards and precautions are taken in anticipation of the storm. And, it heralds in major life change. Whether you are the party who sought out the change (the divorce) or not, coping with change is difficult. Like many complicated projects, having a spring board to help you get started is a good idea. It is also wise to break up big, overwhelming tasks (such as this one) into smaller, more manageable parts. With this in mind, I created this list of eight (8) simple (and manageable) things you can—and should—do right now to help prepare you for a possible divorce.

#1 Gather and Copy Important Documents

If financial issues will be part of your divorce, especially child support or alimony, you will be well-advised to have a complete record of your household's finances. This includes income of all household members and all debts and expenses associated with the household. Locate *and copy* every document on this list you can find:

- Tax returns (schedules, W2s, 1099s, etc.)
- bank statements
- Pay stubs or other evidence of earned income for at least 12 months
- check registers and online banking data
- passwords for important online accounts such as banking, business, health, etc.
- investment and/or brokerage statements
- retirement account statements
- employee benefits handbooks
- life insurance policies

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- Social Security documentation
- mortgage documents
- financial statements for all loan applications,
- credit card statements,
- car titles
- deeds to real estate
- If your spouse is self-employed, you should try to gather as much information as possible about the finances of the business, such as data stored on your home computer.
- Health and dental insurance cards
- Pre-marital agreements
- Wills, trusts, or other estate planning documents

Create your own comprehensive, organized collection of all household documents. Be sure to make a hardcopy file as well as an electronic backup of these documents. Once the storm of divorce hits, it can be too chaotic or impossible to complete these tasks. You will probably thank yourself later if you complete this task now.

#2 Make a List of all Household and Personal Possessions

Make a comprehensive list of all major personal property items and include items such as furniture, furnishings, art, jewelry, appliances, and automobiles. Remember to include items that may be in a storage unit or safe deposit box. If possible, note each item's market value and date of acquisition. You will need the date of acquisition to determine whether the property is marital or separate. Typically, property acquired during the marriage is "marital" and property acquired before the marriage or by inheritance is the individual's separate property. However, Utah recognizes three general exceptions to this rule and may support an award of the property in question in the divorce or treat it as marital property subject to division (1- where the property has been consumed or commingled and lost its identity during the marriage; 2-where the other spouse has contributed to the property's enhancement, maintenance, augmentation or protection; or 3-in extraordinary circumstances where justice or equity demand). This applies to real property and other types of property and assets. Premarital agreements can also affect property division. You should consult with an attorney and discuss your circumstances.

#3 Examine Your Spouse's Earning History and Earning Potential

If possible, locate income information regarding your spouse for as far back as possible. Locate and copy all tax returns, w2s, income statements, business bank account registers. Certain Social Security documents may show income information. Also gather any documents concerning your spouse's education, training, certifications, or endorsements. It is a good idea to have your own file, if possible.

#4 Examine Your Own Earning History and Earning Potential

Whether you are dedicated to your career or you have been out of the workforce for a while, you will need to determine what your current employability and earning potential is. In Utah, alimony is strictly an economic function. You will be required to disclose financial documentation and information under criminal penalty. Your spouse will be required to do the same thing. This information, along with evidence of household budget needs, and other potential supporting evidence, will play a big role in whether any alimony is awarded, and if so, how much. The length of your marriage is also an important factor in the alimony analysis and award. If alimony is an issue in your divorce, you should consult with an attorney.

#5 Examine Your Household Budget, Needs, and Expenses

Use my Household Budget Worksheet to brainstorm and note any and all possible household expenses you may face in the next twelve months. Make a comprehensive list of all debts. What are your individual debts? What are your spouse's individual debts? Are there any jointly held debts? You will need to report a household budget when you file your financial declaration, so having a handle on this data early on will help. In the meantime, get a copy of your credit report and examine your credit history. Are there any surprises? Think about opening your own, separate account and start putting away a reasonable sum of money each month. You will need these resources during the divorce storm.

#6 Prioritize Your Child(ren)

If you are a parent going through a divorce, you must, without question, put your children's needs first. Think about what routines involving the children worked during the marriage and try to keep them in place as much as possible. Keep your

marital issues separate and out of the child(ren)'s hearing range. Do not use your children to send messages to the other parent and always speak positively of the other parent when your child(ren) is/are in hearing range. Promote the other parent as much as possible to the child and never venture into the negative or derogatory side about the other parent when you are with your children. A custody evaluator may be appointed in contested custody cases. The cost of the evaluator is often paid for by the parties in initial divorce proceedings.

#7 Consult an Attorney

There is **no** substitute for getting good legal advice; you must do this step if you do nothing else. In fact, I would suggest you consult with more than one attorney and keep notes that you take when you meet with each one. You will learn invaluable information, not only about your case, but about which attorney may (or may not) be the best fit for you.

#8 Hire a Divorce Coach

If the idea of divorce is too overwhelming, if you feel stuck, if you don't know where to begin or what to do, or if you just want help getting organized, then a divorce coach will be a wise investment. Divorce coaches are excellent thinking partners and sounding boards. As a divorce lawyer, myself, I can attest to the fact that divorce lawyers are really only trained to handle the **business side** of divorce; they are not trained to handle the personal side. Those who don't receive adequate personal support may struggle to get good legal outcomes--even if they are paying their attorney upwards of \$10,000 to \$30,000+ to represent them. A divorce coach can help you identify possible resources and help you organize for a separation, and for a divorce. They can help you avoid common mistakes in divorce.

Just like a nasty storm overhead will eventually pass or weaken, the grief, trauma, shock, sadness—whatever difficult emotion you may have—will also eventually pass or weaken. Ride out the storm in safety. If divorce is being contemplated, take smart steps today to organize and protect yourself. Your future self will thank you.