

Pre-Divorce Planning

A divorce requires a person to separate their emotional and financial life from their spouse. Since most people find it difficult to concentrate when under severe stress, you will want to start gathering information before filing for divorce. Like most things in life, planning and preparation helps a person obtain the best results. The additional benefit of gathering and organizing the information early is that it can help with feelings of being helpless.

Although you may not wish to spend time gathering and organizing the information, it is to your benefit to gather as much information concerning your financial affairs before you meet with your attorney. If you are the person initiating the divorce you will have a better understanding of your finances. If you are responding to a divorce petition, going through the process of gathering and organizing the documentation can help you regain a feeling of having some control over your life.

If you initiated the divorce, your spouse will most likely, be going through their own emotional difficulty. Therefore unless you gather information before the process commences, you may find your spouse to be uncooperative and obtaining information may be time consuming and expensive. You may not wish to be involved in the divorce process itself, you may just want out of the marriage. However, without your cooperation and participation, your attorney may be unable to gather enough information to develop a complete understanding of your financial affairs.

To assist you in gathering the necessary documentation, you will probably find a checklist to be helpful. The checklist should only be used as a guide. While a checklist will cover the most common items, you should think about your specific situation. If there are additional items, which are not addressed in the checklist, you should bring these additional items to your attorney's attention.

A judge will make findings regarding how to separate a couple's financial life. It is the role of your attorney to present your case to the judge. Before your attorney is able to provide effective representation he or she must have a complete and accurate understanding of your assets, income, debts and monthly living expenses. Each party in a divorce action must submit a financial affidavit regarding these

items. In this affidavit, the party swears that the information they are disclosing is complete, true, and correct. In addition, a person is required to disclose whether items of income, expenses or debt are held jointly or only in one party's name.

The emotional impact of a divorce has been compared to the experiences suffered by a person when a family member dies. After a divorce has commenced, a person will generally go through many different emotional stages. Neither a judge nor an attorney is able to assist a person to separate their emotional life from their spouse. Because of this, a person going through a divorce should also seek the assistance of a therapist. In the long run a good therapist will be more emotionally effective and less expensive than your attorney.

You may find the following checklist helpful to assist you in gathering the information needed by your attorney to prepare the required paperwork for the petition for divorce, a response to a petition for divorce, and the financial affidavit.