



7 SECRETS TO PROTECTING YOURSELF DURING DIVORCE

7 SECRETS TO PROTECTING YOURSELF DURING DIVORCE



Introduction 01

Why Do Some Lawyers Keep
Their Clients in the Dark? 02

Protecting Yourself:
What's Most Important? 03

#1 Your Children 04

#2 Your Property 06

#3 Your Reputation
and Integrity 07

#4 Your Privacy 09

#5 Gather
and Safeguard Financial
and Personal Records 10

#6 Control Your Spending
and Create a Budget 11

#7 Your Wellbeing 12

You Can Do This 14

CONTENTS _____

INTRODUCTION _____

If you're like most people going through divorce, you never, ever wanted to be here. You didn't want a divorce. You didn't want your life ripped to pieces and put on display. You didn't want to lose your extended family, divide your friends, or risk your reputation and your hard-earned savings. You didn't want your children growing up in a house without a mother and father or being shuttled from one house to the next. You didn't want your spouse, the person who was supposed to be there for you forever, to turn into this person – this stranger – who doesn't seem to remember that you were once on the same team.

The most common feeling when facing this transition is anxiety – not knowing what comes next or what will happen to you during this process.

After literally helping thousands of people through divorce, we can tell you that this won't be easy, but it will get better. You can emerge stronger, healthier, and even happier than you were before. You and your children will be okay.

With that, you should also know there is a right way and a wrong way to get divorced and emerge healthier, happier and stronger, protecting what is most important: your sanity, your future and your relationships.

However, in order to set yourself up for a successful divorce – one in which you walk away reasonably satisfied with the results – it's essential that you know how to protect yourself and set yourself up for the best possible outcome.

We aren't just talking about assets, although your home, your vehicle and your investments are all worthy of protection during divorce.

We're also talking about your family and your wellbeing.

This is a difficult time, and that's why it's so important that you work with an attorney who understands what you're going through... not simply because he or she studied it in law school, but because they've been there, too. They're committed to what is important: your outcome, not their billable hours.

It's our hope that when you finish reading this eBook, you'll realize that you are going to make it through this stronger, healthier and happier than you were before your divorce.

We will be here for you throughout the entire process, and if you have questions while you're reading, please reach out. It's our mission to ensure that you are as comfortable, also knowledgeable and confident as possible.

Billie Tarascio

MyModernLaw.com

480-649-2905

WHY DO SOME LAWYERS KEEP THEIR CLIENTS IN THE DARK?

Throughout the years, we've helped many people through the challenging process of divorce. Unfortunately, during that hard time, we've seen many people go through the court system without being fully knowledgeable about the process, the consequences of their actions, or even clued-in to the laws designed to protect them.

It's always disturbing when the opposing counsel does not fully prepare their clients, but the sad truth is that many lawyers see their clients as little more than a file folder that needs to be worked through. Some attorneys feel that the less their clients know about the process, the better off everyone involved will be.

Maybe they think they are saving their clients the trouble of knowing the details. But the truth is that anxiety looms and swells when people are not informed. Research has shown that people who are informed about stressful situations tend to cope better, recover from mental trauma more quickly, and nearly always reach a better outcome.

**Maybe they think
they are saving their clients
the trouble of knowing
the details.
But the truth is that
anxiety looms and swells
when people
are not informed.**

We believe that it's best to remain available and accessible to our clients, whether they have questions, need a sounding board, or need advice on a tough situation. Our main concern is you (and your children, if you have them). We have proactive ways of keeping you informed throughout the process, from our initial game plan to handouts and checklists. We'll also send you a daily email to ensure that you have the most up-to-date information on your case.

PROTECTING YOURSELF : WHAT'S MOST IMPORTANT?

There's no one-size-fits-all answer to what's most important in a divorce, because every case is different. For one person, preserving a retirement account may be the most important thing; for another, providing continuity and stability for children might be paramount.

We start by determining what is most important to you and devising our entire strategy around achieving your objectives. Before anything is ever filed in your case, we sit down for our strategy session. Here, we go through all of the possible issues, outcomes and your objectives, which serve as the basis for all our future decisions regarding your case.

Over the years, we've found that there are several things people are most concerned about protecting, but the most common are kids' futures and long-term financial security.

The state of Arizona has several laws on the books designed to protect people who are going through divorce. The intent behind the vast majority of divorce laws is to ensure that everyone is treated fairly.

When your lawyer files a petition for divorce, you need to know that you and your soon to be ex-spouse start out on a level playing field.

It's important that you know you and your spouse have control over the outcome of your divorce. You and your ex may not agree on everything – few people do – but ultimately, you two hold the reins.

So how can you protect your future and your children before, during and after the divorce?

We start by determining what is most important to you and devising our entire strategy around achieving your objectives.

#1

YOUR CHILDREN

Researchers have conducted thousands of studies on the effects of divorce on children. Fortunately, most children are incredibly resilient. As a result, they can come through divorce stronger, happier, and even more resilient.

The way divorce affects your kids is directly related to the way you handle their roles within your divorce. Even if you have adult children, you need to know that divorce affects them, too – sometimes in even stronger ways than it affects young children.

Psychologists suggest being open and honest with your children, no matter how old they are, without sharing the sordid details or dragging them into disagreements with your spouse. Even if you are opposed to conflict, one of the *most important* way to protect your children is to ensure their relationship with both parents gets stronger and is not fractured through litigation.



The way divorce affects your kids is directly related to the way you handle their roles within your divorce. Even if you have adult children,

DO NOT LET YOUR SPOUSE CUT YOU OFF FROM YOUR CHILDREN

Experts say that you can minimize the negative effects of divorce on your children by:

- Choosing age-appropriate responses to their questions
- Letting them know that you are always there to talk
- Reassuring them that your love for them will never change

If you can, break the news to your kids with your ex. Leave the floor open for questions (they'll have many, even if they're not ready to voice them yet) and make sure they understand that your decision to split has nothing to do with them.

**Make sure
they understand
that your decision to split
has nothing to do
with them.**

In order to best protect your kids, experts say you should never:

- Speak unfavorably about your ex-spouse to (or in front of) your children
- Use them as messengers
- Over-share the details behind your divorce
- Rely on your kids for emotional support

#2

YOUR PROPERTY

As you work toward a successful divorce, you'll encounter pitfalls; everyone does. In many cases, these pitfalls are related to disagreements between couples about the things they own.

So what really happens when “*what's mine is yours and what's yours is mine*” goes out the window?

You have two options: *you can reach an agreement with your spouse or you can force the judge to decide who gets what.*

Most lawyers don't tell you that you can negotiate during divorce, which is truly unfortunate. Negotiation is nearly always the best way to reach a satisfactory outcome that each party can live with.

Most of the time, there are only a few items of personal property that really matter to people. These usually include heirlooms or other items with sentimental value. The couches can be replaced; the wedding gifts sometimes can't be.

**You have two options :
*you can reach an agreement
with your spouse
or you can force the judge
to decide who gets what.***

Soon after you decide to divorce, it may be a good idea to sit down and discuss your possessions and assets with your spouse. If you need to, make a list of what you want most and what you're willing to compromise on; it can be tremendously helpful to have predefined goals when you are trying to reach an agreement with your spouse.

Once you've agreed, separate the property. Don't keep it together, even if it means you'll need to get a temporary storage unit. When possible, get your agreements in writing. Talk to your attorney about how to make partial agreements binding.

Bigger areas of disagreement typically come up when discussing a family business, home equity, property you may have had before you were married, or commingled property. We have a vast network of valuation experts and tools to help us divide complicated marital estates.

It is extremely important that if you have complicated financial issues you consult with an attorney as soon as possible. Property division orders are final and non-modifiable. You may think this isn't worth fighting over, but some spouses have literally left millions of dollars, and their financial futures, on the table.

#3

YOUR REPUTATION AND INTEGRITY

Divorce can be very embarrassing for people. Although divorce is common and occurs in all types of families, it can still feel very uncomfortable and embarrassing to have your community of friends, family and peers knowing that you are going through a divorce.

In any court case – not just divorce – it's important that you preserve your reputation. Remember that the courts deal only in facts, not emotions, and you need to establish credibility with the judge from day one.

Some divorces are simply a matter of paperwork. Many couples don't want to fight, and as a result, the vast majority of people end up reaching at least some agreements on their own. Naturally, that's best; you have the biggest opportunity to get what you want from your divorce when you are able to negotiate with your ex-spouse. You're also more likely to be happy with the outcome if you reach a resolution together.



**Remember that the courts
deal only in facts,
not emotions,
and you need to
establish credibility
with the judge
from day one.**

#3 YOUR REPUTATION AND INTEGRITY


However, sometimes it's necessary to bring your grievances before the judge in your case so that he or she can issue an order.

Your credibility is not on trial during your divorce case, but it will be if the judge catches you embellishing details, exaggerating or lying.

Judges do their best to remain fair and impartial, but that can be exceptionally difficult without trust.

It is absolutely essential that you are completely honest with your attorney and your judge. If you're not, your attorney can't do his or her best to help you... and worse, the judge will not trust your statements.

Likewise, the best way to protect your reputation with your friends, family and peers is to keep the sordid details private. Be aware that what is included in the family court pleadings will be public record! Work with an attorney to come up with a plan that protects your privacy.



**Your credibility
is not on trial
during your divorce case,
but it will be if the judge
catches you embellishing
details, exaggerating or lying.**

#4

YOUR PRIVACY



**You need to remain civil
with your spouse
during divorce
in order to reach
a fair, equitable resolution.**

Everyone uses social media. It's a great tool for keeping up with family and long lost friends.

Unfortunately, it's also a great tool for spying on an ex.

Lock down your social media accounts. Better yet, suspend them while you're going through divorce. Even if you believe your social media accounts are private, they may not be – and the last thing you need is for ex (or anyone else) to gather information about your personal life.

While you may not be doing anything wrong, the fact remains that you need to remain civil with your spouse during divorce in order to reach a fair, equitable resolution. If your ex is able to view your social media profiles and sees something upsetting, he or she may be less likely to cooperate with you.

In the unlikely event that you are doing something wrong, know that social media posts have been used as evidence in court before.

For example, posting a picture of a new car when you are attempting to negotiate a more reasonable child support payment could affect your case. Sharing details about a fun night on the town when you are supposed to be spending parenting time with your children could come back to bite you. Additionally, new romantic interests – particularly if your divorce is not final – could come up in court.

#5

GATHER AND SAFEGUARD FINANCIAL AND PERSONAL RECORDS

Finances are one of the most hotly contested issues during divorce, and that can be true whether you have few assets or many. The most important thing you can do is gather all your financial documents and keep them organized.

The same is true for your personal records, which your lawyer may need during the course of your divorce.

Your attorney may ask for the documents such as:

- Tax returns
- Life insurance documents
- Pay stubs (yours and your spouse's)
- Records of child support that you or your spouse pay for children from a different relationship
- Records of money that has changed hands between you and your spouse during the divorce
- Credit card statements
- Bank statements
- A prenuptial agreement, if you have one
- Investment records
- Pension statements
- Retirement account statements
- Trusts, stock portfolios, and stock options
- Mortgages and property tax statements
- Loan documents
- Utility bills
- Wills, living wills, and powers of attorney
- Advance healthcare directives
- Property appraisals



#6

CONTROL YOUR SPENDING AND CREATE A BUDGET

Your future finances may depend on what you do now.

Typically, it's unwise to make any major purchases during divorce. It's also unwise to spend shared money or use joint credit cards for any out-of-the-ordinary spending. A specific exception is made for attorneys' fees. The law and the courts recognize that hiring an attorney is necessary when facing divorce.

Before making any large purchases or dividing a bank account, talk to your attorney. It's often a good idea to divide bank accounts prior to the final divorce hearing, since most of the time people need to use these funds for living. However, you will want to make sure that both parties receive half of the money in the accounts when the divorce petition has been filed.

It's a good idea to create a budget during your divorce, even if you feel that you're in a good place financially. By creating (and sticking to) a budget, you'll be setting yourself up for future success.

You can't count on child support or spousal support unless you have a signed order from your judge in your hand. Remember, nothing is official until the judge has signed an order.



It's often a good idea to divide bank accounts prior to the final divorce hearing, since most of the time people need to use these funds for living.

#7

YOUR WELLBEING

best decisions, you need to take care of yourself physically and mentally.

If you're like most people, you are losing sleep, experiencing extreme amounts of stress, and not doing so well with your dietary choices. Most of my clients joke about the "Divorce Diet" and typically lose between 10 and 40 pounds.

While that is normal during such a difficult time, it's important that you step back and evaluate whether you need to make some changes.

You can't eliminate the source of your stress while you're getting a divorce, so it's important to mitigate its effects however you can.

**It's important that
you step back and evaluate
whether you need
to make some changes.**



EXPERTS SUGGEST :

- Talking to a professional therapist or counselor. Even people with remarkable support networks can benefit from talking to an impartial third party, and in some cases, such as those that involve depression and anxiety, a healthcare professional can help even more.
- Moving at least 30 minutes a day. You don't have to hit the gym and lift weights or run a marathon. Even a few short, brisk walks during the day can make a huge difference on your stress levels.
- Keeping a divorce journal. Many people find that keeping a journal is a safe, healthy way to express their feelings. A journal has another benefit, as well: it can serve as a written record in case you need to remember something to tell your attorney that could affect your case. Keep this private, or it may end up being used against you.
- Doing things you love. While you may not be motivated to revisit an old hobby, it's important that you allow yourself time to do things you enjoy. One of the best ways to decompress from stress is to have fun. Although it seems difficult right now, once you begin an activity that you enjoy, your stress will start to melt away.

**it's important
that you allow yourself
time to do things
you enjoy.**



YOU CAN DO THIS

Divorce is hard. We know that, because we've been there.

We know something else, too: you can do this.

You'll be able to make it through divorce and come out stronger, healthier and more resilient than you were while you were married.

Remember that we're always here for you. We can answer your questions, give you case-specific legal advice, and help ensure that you are treated fairly under Arizona law.

Call us at 480-649-2905
or visit us online at MyModernLaw.com
if you need help.

That's why we're here.



Billie Tarascio

MyModernLaw.com
480-649-2905
