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**TOP TEN TIPS FOR DIVORCE PREPARATION**

1. **Find an experienced attorney that you trust.** During this emotionally trying time, you need an attorney with significant experience in family law matters. Your attorney needs to be able to ask you the right questions and spot potential issues during your consultation to ensure your rights are fully protected. It is important you feel comfortable with your attorney to give full disclosure of your situation and feel that the attorney is listening to you. Before you leave the attorney's office, you need to be certain that you fully understand their billing practices and how they intend to handle your case. It is a good idea to meet with a few attorneys to be sure you find the right fit for you and your situation. If you bring documents to your attorney meeting, *always* be sure you retain a copy for your records.
2. **Gather financial documents and valuables and store them in a safe place.** Often the best laid plans can get sidetracked, such as when you come home only to find that your house key no longer works because your spouse has changed the locks. If you are thinking that separation is a real possibility, it is very important to begin gathering your financial records and other important documentation and make yourself a copy for your records because your situation may become more difficult. Some examples of these records would be bank statements, credit card statements, tax returns going back ten years, mortgage statements, appraisals, car titles, deeds, retirement account statements, life insurance, homeowners and automobile insurance policies, any financial records relating to a business interest, payroll records, etc. Unless otherwise noted, it would be best to gather these documents from the previous 12 months. If you keep your financial records on your computer using software like Quicken or Microsoft Money, copy those files and keep them in a safe place as well. A safe place would be anywhere your spouse cannot access. Keeping records in your vehicle is not a good idea if your spouse has access to the car. A better approach would be to obtain a Safe Deposit Box or keep the records at a trusted friend's house. This tip also applies to valuables or items that are sentimental, such as photo albums or Christmas ornaments. If you have things that you would not want to lose in a fire, you want to be sure they are not only safe from the elements, but also in a confidential location which cannot be accessed by your spouse.
3. **Create a secure email address and cell phone to use to communicate. Be careful when using your home computer to communicate.** It is a good idea to create a new email account to use to communicate to discuss separating from your spouse. Often spouses know or can easily guess a password. Now that there is computer software to monitor computer use, such as key stroking software that records all keystrokes on the computer, it is possible for your spouse to capture your passwords and also have the ability to access and read the contents of your emails. This point leads to the second part of this tip; do not use your family computer to send emails you would not want your spouse, or the public for that matter, to see. If your spouse has equal access to the computer, he or she has the ability to copy the hard drive and recover information you may think has been deleted,

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but can be recovered by a forensic computer expert. These issues can be more fully discussed at your consultation with your attorney. Using a cell phone on your family plan can give your spouse the opportunity to review itemized billing statements and see who you have been calling or texting. You need to get your own cell phone to use that cannot be accessed by your spouse. Prepaid cell phones can be a good option for this purpose.

4. **Open a separate bank account, stop direct deposits from going into your joint account and cancel joint accounts.** Again, it is imperative to open a separate account for you to have access to funds if a separation from your spouse is on the horizon. If your paycheck is directly deposited, you may want to change it so you get a hard check to deposit. This will alleviate your spouse asking where the check is going and you maintain more control as to where the check is deposited. You will want to fund your separate account as soon as possible. In this day and age of internet banking, your spouse can wipe out entire joint checking accounts with one keystroke. This risk is why it is imperative to be sure you have access to funds that your spouse cannot access. You should cancel or freeze any joint accounts to prevent your spouse from withdrawing funds, such as from an equity line, or taking cash advances from a joint credit card that could result in high interest costs, which you may ultimately become responsible for paying.

5. **Determine your net worth: what you owe, what you own, and determine your income. Establish your own credit and get a copy of your credit report. Know your spouses' business.** This task can be one of the most difficult things to face during a separation. Sometimes one spouse is unaware of the finances of the family, and can face having significant debt of which he or she may not be aware. It is important that, as soon as possible, you sit down and make a list of your debts, your expenses, your income and your assets. You also need to review your credit report to determine the status of your credit and identify any debts you owe that either you were not aware of or were fraudulently incurred. If you do not have any credit, which sometimes is the case for the spouse who is a homemaker, go visit your local bank and open a credit card in your own name, solely for your use. If you charge anything on the card, try to pay it off to avoid incurring interest. You will want to avoid incurring additional debt unless absolutely necessary. The higher your income to debt ratio is, the lower your credit score will be. If you or your spouse own any interest in a business, you need to understand the following: what type of business it is, what interest you or your spouse holds in the company, how profitable is the business, how successful is the business, what is the future potential of this business being profitable, etc. You also need to determine if you are personally liable for any of the business' debts, if dividends are paid, if you have access to copies of the business' tax returns, financial statements or other financial records, etc. The easiest way to hide income from another spouse is through a business. These records are extremely important to obtain as soon as possible.

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6. **If you have children, do not discuss the details of the divorce process or why you are divorcing.** All your children need to know, initially, is that their parents love each other very much, but unfortunately they cannot live together anymore and it is not their fault. If you have additional questions or concerns for how to discuss separation and divorce matters with your children, you should consult a counselor. You can find information about local counselors and their contact information on our website, [www.divorcelawnc.com](http://www.divorcelawnc.com). It is important for parents to understand that speaking negatively about the other spouse directly to or in the presence of the minor children can have a severe negative impact to his or her claim for custody. Parents who put the children in the middle of domestic matters are not viewed positively by judges.

7. **Considerations of health and dental insurance, life insurance, retirement and other estate issues.** Upon your divorce, you or your spouse cannot provide coverage for the other on health and dental plans, but will be eligible for COBRA coverage, which can be costly. You should contact your or your spouse's human resources department for more information on obtaining COBRA coverage prior to your divorce. There is always the possibility that your spouse may take you off his or her health insurance plan during the period of separation. We would advise against this, but if this occurs, you need to contact an attorney immediately to address the issue. You may also want to contact the health insurance company if you want to ensure that the Explanation of Benefits for any treatments or medical appointments that you have are not sent directly to your spouse. Should you be involved in a car accident or be diagnosed with a significant illness without health insurance coverage, it would be financially devastating and possibly affect your eligibility for health insurance coverage in the future. Prior to your divorce, you need to determine whether you need to change your life insurance and retirement beneficiaries. Do you need to revise your Last Will and Testament? These are issues which require immediate attention.

8. **Keep a daily journal.** This tip is both practical and psychological in nature. Keeping a journal can help you take notes on incidents that have occurred with your spouse, such as arguments that may have become heated, specific dates money was withdrawn from joint bank accounts, retirement accounts, etc. If you have children, you can keep a record of when you have custody and when your spouse has custody, when your spouse was late picking up the children, etc. These details can be very important to your case, and with the emotional and financial strains of the divorce process, it can be extremely mentally taxing and is a good practice to write these things down. Writing down your thoughts, feelings and events that transpire may give you a much needed stress release allowing you a more constructive way to help deal with the emotional distress of divorce. Your journal can also be helpful if you are engaged in counseling with a therapist.

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9. **Prepare a post-divorce budget and set realistic financial goals.** Inevitably, a divorce is financially devastating on both parties. Where you may have once operated one household on one or two incomes, you now have to operate two households on that same amount of income. It is important to determine what your assets, debts and income picture will be going forward. It may be a good idea to meet with a financial planner to get professional advice as to the best way to manage your money to ensure financial security in the future.

10. **Don't be afraid to seek help from a counselor or support group. Take care of yourself physically, mentally and spiritually.** Divorce is essentially the death of a marriage. It is traumatic whether you wanted the divorce or not. It is normal to go through a grieving process. Many times, people experience depression, anxiety, or other psychological conditions upon the breakup of a marriage. If you feel this way, please seek help from a mental health professional immediately. This help can come from counselors, trusted clergy, psychologists or psychiatrists. There are often support groups which are free of charge and sometimes even provide free childcare, such as DivorceCare. You can go to [www.divorcecare.org](http://www.divorcecare.org) to find a group near you and to learn details about what options they have for you in terms of cost, childcare, etc. You can also go to [www.meetup.com](http://www.meetup.com) to search for divorce support groups in your area using your zip code. It is also important to take care of yourself physically. Exercising can help reduce stress and has been proven to help alleviate symptoms of depression. If you cannot afford to join a gym, walking or running in your neighborhood is a good way to get exercise for little or no financial cost. Many sporting goods stores offer free running or other exercise opportunities for all speeds and skill levels. Yoga is another great option for stress reduction and can be done at a gym or in the privacy of your own home. Exercise can help improve not only your physical body but can also help improve your confidence and self-esteem, both of which can be badly damaged during the divorce process. Now may also be an opportune time to explore your own spirituality. Visit churches in your area. Many offer great children's programs, and some have specific programs for single parents. This activity may present an opportunity for you to expand your support network, which can be of the utmost importance during the divorce process. A good support network can be helpful to not only you, but also to your children and even extended family.