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VOLUME V, ISSUE I

SPRING/SUMMER 2015

Be Informed About Your Financial Picture Before Filing for Divorce

Married couples have a wide variety of styles about handling household finances. Sometimes it is the sole responsibility of the husband; sometimes the sole responsibility of the wife; sometimes the task is shared between spouses. Whatever style has ruled your financial situation, if you are contemplating divorce it is a good idea to have as clear a picture as you can about income and assets regardless of what you think you already know: for starters – pay stubs, bank accounts, investment accounts, retirement accounts, cash on hand, safety deposit boxes, credit card debt, mortgage debt, vehicle debt, and average monthly expenses to keep your household running.

Look at past years' income tax returns, monthly statements, and your checkbook register. Plan on copying these financial documents for your attorney. Understanding your financial circumstances will better prepare you for how life will change after the divorce, as well as what you need to do to put yourself in the best financial position possible. Acknowledge that living together as a couple is less expensive than funding two separate households. A divorce is a financial hit to two people – there is no way around that. Also be aware that just because a particular account is titled in the name of one spouse only, if it was acquired during the marriage and is not solely comprised of gifted, inherited or pre-marital funds, it is *marital* property. For instance, if you have a 401(k) that has been acquired and has appreciated in value over the course of your 15-year marriage, it is subject to equitable division. That is not equivalent to 50/50. Equitable division is discretionary with the judge, and it translates into what is fair for the parties.

Courts require both parties to complete and verify a Domestic Relations Financial Affidavit. This is a useful tool both during and after the divorce. It is important to write down what you *have* to pay every month; subtract that from your total source of funds. Then write down what you would *like* to have, such as pest control, a housekeeper, yearly vacations. You will in all likelihood have to make different lifestyle choices after your divorce.

It is also a good idea to get some financial planning advice from a professional. Most attorneys do not have that particular expertise. Earned income credit, tax dependency exemptions, mortgage exemptions, liquidation of a 401(k) – all of these have important financial ramifications. Be informed before you enter into any settlement negotiation.

There will probably be expenses post-divorce that you did not have while still living with your spouse. All divorces are sad. Professional counseling is always a good idea to start the healing process. It is especially important for women to learn how to take care of themselves financially, even if they have never managed that aspect of their lives before. Spending a little money on professional services will pay off in the long run. Do not be afraid to plan, to be informed.

By: Patricia B. Ball, Esq.

Ease the Problems of Visitation Exchanges

**“GOOD
JUDGMENT
COMES FROM
EXPERIENCE,
AND
EXPERIENCE
COMES FROM
BAD
JUDGMENT.”**

Mark Twain



**“The secret
of getting
ahead is
getting
started.”**

Mark Twain

For a child, having parents haggle and argue during visitation exchanges is upsetting. And it is completely unnecessary. Discuss personal matters with your spouse out of the earshot of your kids. Discuss your children in a matter-of-fact and non-confrontational way.

During the pendency of a divorce, and post-divorce, exchanges of visitation can provide fertile ground for spousal warfare. If spouses or ex-spouses absolutely hate each other and cannot get along with each other for even brief periods of time, it is better to have exchanges at neutral locations where the parties will not have to see each other. For instance, a parent can pick up a child after school and return the child to school the following Monday morning. This creates a bit of logistical trouble, but less than angry confrontations. If the exchange is at school, make sure to fetch not only the child, but any homework, books, uniforms, or supplies the child will need over the weekend. Make sure all of those items are returned to school. Each household should have sufficient clothing, shoes, toys, and other personal effects. Take this opportunity to chat with the teacher, counselor or principal. Remember, these people have your children more than either parent during the school year!

If pick-up is not possible at school or some other neutral location, the parent who is to exercise visitation can park his or her car on the driveway of the other parent’s residence at the appointed time, stay in the car, and wait for the child to enter the vehicle.

Generally, however, it is best if one parent picks up and the other parent returns the child during any given visitation period. The exchange should be done at the respective residences of the parents. Mom and Dad can do a lot to make this kind of exchange easy. First, both parents must commit to being civil in front of the child. This is not too hard if the focus is on the child, and not on the agenda of either parent. Sometimes young children experience separation anxiety. If this happens, talk in low, nurturing tones to comfort the child. It is always a good idea to set your child’s expectations, and then meet those expectations. Plot out a calendar with days for mommy and days for daddy, and let the child know what is coming. Make it so the child not only expects the visit to occur, but make it so the child anticipates the visit as a happy time. Do not ever color your conversation with yourself being sad, lonely, or missing the child.

When one parent is away from the child for an extended period of time, maintain contact in other ways. Send the child a card, a letter, a small gift to let the child know you are thinking of them. You can also talk to the child via Skype, facetime, email, text, or tweet – although electronic kinds of communication tend to be more sterile and forgettable. Telephone communication should be encouraged at a certain time every day. Parents should not hover over the conversation, or record it, or have it on speaker phone. A child should be able to have private conversations with both parents, without interference.

Parental body language is also very important. Children naturally love both parents. The parent who is picking up the child up should smile and hold his or her arms out for the child – the other parent should likewise smile. It should be a time when the child feels warm and loved by both parents. In addition, do not send mixed messages to your child. For instance, avoid saying to your child: “Time to go with daddy now, *ok?*” Do not give the child the control to say it is *not* ok to go with daddy. Do not conduct exchanges with a chilly attitude, because your child will pick up on a parent ignoring the other parent, crossing arms tightly, not communicating, or looking away. You do not have to be best friends, but be polite. Say hello and good-bye. Do not raise your voice. Smile. Always say encouraging words to your child.

By: Patricia B. Ball, Esq.