



LAW OFFICES

Kayleene H. Writer PLC

Exclusively Family Law

6 Useful Pre-Divorce Planning Considerations

There are some things in life where it is best to just dive in head first and figure everything out as you go. Divorce is NOT one of those things.

The nature of the conditions that tend to lead to divorce oftentimes cause people to rush into the divorce process in hopes of getting it over with as quickly as possible. Some are unhappy or depressed, perhaps they've discovered their spouse is having an affair, maybe they feel trapped and want to escape, and most just want the marriage to end so they can move on with their lives. It is easy to allow emotion to cloud your logic and judgement when it comes to the life you've attempted to build with a person you once loved, and possibly still love.

Unfortunately, very rarely is divorce ever a quick and simple process, and by rushing ahead without taking the necessary steps, you will only be hurting yourself and possibly even inadvertently extending the amount of time it will take to successfully complete your divorce.

Ending a marriage requires extensive and meticulous planning. Far too many couples do not recognize the gravity and complexity of getting a divorce, and they are woefully unprepared. The importance of pre-divorce planning cannot be understated.

Before you jump in and begin filing papers, there are numerous things you need to consider and steps you need to take so you will be ready to handle the emotional and financial challenges that most divorces entail.

In this free resource, we've detailed six useful pre-divorce planning considerations you need to think about before actually taking action. Please keep in mind, these considerations do not constitute legal advice for your specific situation. Every divorce is different, so we encourage you to give us a call for a free consultation if you are considering getting a divorce. We hope you find this guide useful, and please do not hesitate to contact us with any thoughts or questions.

Could marriage counseling help?

Before you begin the process of getting a divorce, take some time, try to set aside your emotions, and ask yourself if you've truly done everything you can to save your marriage. Divorce is a process for those whose marriage is utterly beyond repair, and if there are things you could attempt that may serve to improve on the conditions that have led you to consider divorce, it would be a disservice to your spouse, your kids, and yourself to not at least give those remediations a try.

Marriage counseling with a trained, licensed psychologist could go a long way towards fixing what you thought was permanently broken. Not all marriages can be saved, and counseling will not work for everyone, but viewing your marital strife through the eyes of an unbiased professional observer could give you a perspective and strategies that you could not have found on your own. And do not be deceived by the stigma surrounding mental health counseling

regarding effectiveness and cost. It can work, and it will be much cheaper than getting a divorce. We will be glad to provide you with names of experienced psychologists who could help you and your spouse work through your problems.

Who will represent you from a legal standpoint?

If your marriage is truly beyond saving, then it is time to start considering aspects of the divorce itself and making thorough plans. One of the most important things you need to consider is, who do you want to guide and advise you from a legal standpoint through the often grueling and protracted divorce process? Choosing a divorce lawyer is no simple task, as there are many to choose from and it can be difficult to trust a stranger with your most personal and intimate problems.

Your lawyer should be someone you can trust to represent your best interests and effectively help you achieve the best possible outcome, but also someone you are comfortable with who understands and is sensitive to the emotional upheaval occurring in your life. We suggest sitting down and just talking with potential lawyers to find one that is a good fit, and we would be honored to meet with you for a free consultation to discuss your case and demonstrate to you how important our client's lives and wellbeing are to our firm. Please call the Law Offices of Kayleene H. Writer, PLC at (949) 823-1027 to learn more.

Which type of divorce is right for you?

Divorce is not a one-size-fits-all package. There are many different methods of getting a divorce, the effectiveness of which will depend on your marital situation and your goals. If you expect your divorce to be very contentious and you want to fight to ensure that you get what you are entitled to, then a standard divorce in court may still be your best option. However, there are also some alternative methods such as mediation and collaborative divorce. Mediation, in fact, is the most commonly used method of negotiating a divorce settlement.

Mediation entails you and your spouse, and possibly your lawyers, sitting down with an unbiased third-party mediator who will facilitate discussion between you in a way that will allow you and your spouse to decide on the details of the divorce, such as parenting plans and division of assets. Collaborative divorce involves you and your spouse each hiring specially trained collaborative divorce lawyers to sit with you, represent you, and guide you through discussions and negotiations, but also give advice and bring in specialists to advise you on things like custody. Before entering into collaborative divorce, couples sign an agreement to not litigate, which removes the ability to threaten the other spouse with court if you cannot come to an agreement on something. The "right" method of divorce will vary dramatically from situation to situation, so consult with an attorney to figure out which would work best for your situation.

Money

No one likes to take a severely emotional situation and look at it in terms of dollar signs, but the fact is, money makes the world go 'round, and you need to consider all aspects of how a divorce will affect your finances before moving forward. You will need to consider what type of cost burden you are willing to incur in actually pursuing the divorce, which could heavily impact your choice to use one of the divorce methods mentioned above. If your divorce is highly contentious or hostile, you need to take steps to protect any money or assets that are solely yours by doing

things like opening a credit card in only your name, putting your paychecks into your own bank account, etc.

Also, you should think about how ending your marriage will affect your life after the divorce is finalized. Can you live off one income? Will you be able to maintain the quality of life you are used to? Do you know how to pay bills and handle the financial affairs that your spouse used to handle? You may receive child support or alimony as a result of your divorce settlement, but finances pervade our lives in ways we do not even think about, and you must plan for all aspects of your finances leading up to, during, and after your divorce.

Long-term goals

Many people get caught up in the moment when it comes to getting a divorce and are unable to look past their current trauma, but you need to think about and plan for life after your marriage ends. A divorce can be a fresh start to a new life, and you can use it as an opportunity to plan out some new long-term goals for yourself. Perhaps you want to travel, or maybe you want to go back to school or get a new job. Ask yourself what exactly you want to achieve by getting a divorce, and then think about what opportunities it will afford you. Looking towards the future can help you survive the challenges of the divorce itself.

Support

Finally, before moving forward with a divorce, consider both what support you will require to get through such a difficult time, and what support you will provide your kids if you have any. For yourself, think through who you feel comfortable relying on when times get tough. You should not attempt to go it alone when it comes to a divorce—a strong support system is vital. Reach out to your closest friends and family and make sure you will be able to count on them when you need them.

For your kids, consider and make a plan for how you will support them. Divorce is even harder on children, so make sure you are prepared to give them all the love and support they will need. You may want to look into providing them with some outside, professional support as well in the form of a counselor.

Never rush into a divorce without first making a thorough and well thought out plan. Attempting to divorce your spouse without making the necessary pre-divorce considerations and plans could have devastating consequences. Consider everything we've mentioned above, and move forward logically, not emotionally.

If you are considering divorce, please contact the Law Office of Kayleene H. Writer, PLC at (949) 823-1027. Our firm practices exclusively family law, and we are dedicated to providing you with compassionate, personal service. We offer a free consultation to help you decide on a plan of action and what steps you will need to take to move forward. Give us a call and let's talk.