



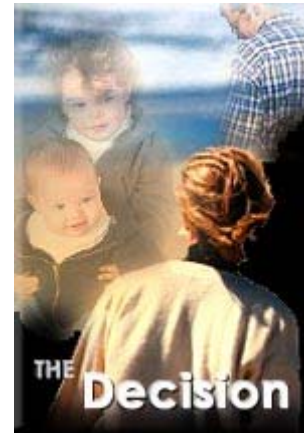
Preparing For **THE POSSIBILITY OF DIVORCE**

Dear Steve:

I've been looking at Divorce/ Separation websites but haven't been able to come up with any information on joint custody/division of assets. I'm attempting to prepare my two children and myself in the event that this becomes necessary.

My husband will not see a marriage counselor and he's verbally abusive toward the children and me. I want to make sure we're safe, financially and emotionally should divorce become our only option. What steps should I be taking now? Any suggestions?

Married to a Jerk
F (32), Dearborn, MI



Dear Married to a Jerk:

It sounds like you are at the beginning stages of determining whether or not your marriage is worth salvaging, or if it is better for you to move on. You are correct in that the most important issue to your children and to you is your safety, both physically and financially. In order to prepare yourself in the event of the dissolution of your marriage, it is important that you immediately take steps to surround yourself with the necessary professionals who can help guide you through this process. At a minimum, you will need an attorney and a good mental health professional.

Searching the divorce/separation web sites and reading books may be useful to you in helping you to focus on your issues, but a qualified family law attorney will be able to summarize your situation for you quickly and efficiently. I highly recommend developing a relationship with an attorney now, by setting up an initial consultation with a family law practitioner in your area. If you need a referral for a family law practitioner, I suggest that you first speak with friends and family who have utilized a family law attorney in the past, and if that is not helpful, then I suggest that you contact your county bar association for a list of the Certified Family Law Specialists in your area. Most attorneys will meet with you on an initial consultation basis for an hour or two, at a reduced or flat fee in order to help you focus on your situation.

Prior to meeting with the family law attorney, you should gather some information regarding your income, expenses and assets. I recommend that you bring to the initial

meeting copies of your last three years' tax returns, and documents concerning any purchases of real property, such as the escrow closing statement and other documents to show when the property was purchased, the purchase price, the source of the down payment, and information concerning the mortgage. [TOP](#)

It would also be helpful if you would outline your income and expenses for the family law attorney. Your income should include any income that you earn from working, interest or dividend income, and income from any other sources, such as unemployment, Social Security, or child support paid to you from a prior relationship. [TOP](#)

In order to answer your questions regarding your financial ability to support yourself and your children after you and your husband separate, the family law practitioner will need to have detailed information regarding your current expenses, including your housing expense (your rental payment or mortgage and property taxes), food expenses, utilities (including your phone, water, gas, and electric), entertainment expenses, auto expenses, insurance expenses, medical expenses that are not reimbursed by your insurance carrier, and your child care expenses. Many states determine child and spousal support through the use of a computer program. You should ask the family law attorney at the initial consultation to use the computer model to give you an estimate as to what your child and spousal support, if any, will be. [TOP](#)

During your meeting with your family law attorney, I suggest that you ask the attorney for the names of some good mental health professionals that can assist you with regard to the emotional issues revolving around the divorce. Most good family law attorneys will have two or three mental health professionals that they work with on a routine basis. If possible, it is always best to work with a mental health professional who is trained and is familiar with the family law system in your county. It is important that your mental health professional be able to give you guidance from past experiences with regard to what a court is or is not willing to do with regard to your ultimate parenting plan. [TOP](#)

It is important to have your attorney's advice in selecting a mental health professional because ultimately, you may or may not want your mental health professional to testify should there be a hearing on custody or visitation. Furthermore, there may be issues of doctor/patient privilege and attorney-work product privilege that you should explore with your attorney. For example, you will want to know whether or not your discussions with your mental health professional will be discovered by your husband and his attorneys. Your experienced family law attorney will be able to guide you with regard to the use of the mental health professional.

Furthermore, the mental health professional will be able to assist you in developing a realistic parenting plan which you can present to your husband, either directly or through your attorney, depending on the negotiating strategy. You should have discussions both with the family law attorney and with the mental health professional regarding the best way to approach your husband should you ultimately choose to separate from him. [TOP](#)

Lastly, you will need to explore with your family law attorney issues regarding how you are going to pay for the divorce. My experience has been that most families generally spend most of what they make each month on their personal expenses. Therefore, when the family is separating, it is difficult to maintain two households, pay the mental health professionals, and pay the attorneys' fees. Therefore, you should review your financial situation to determine if you can obtain additional credit cards with large open lines of credit to assist you in bridging any financial gaps that may occur during separation. Additionally, you can speak with your relatives regarding their ability to assist you should a financial problem develop after separation.

Feeling safe both financially and emotionally is important to both adults and to children. You are certainly on the right path when you put these goals as your priorities. The use of a mental health professional and a lawyer will create a team, which will assist you in reaching your ultimate goals.

Steve Mindel, Attorney at Law
Family Law Specialist, State of California Bar

Custody and Marital Laws vary from State to State, and situations are unique to each person. Please use Couples Company legal advice only as a guide to questions you should be asking your own legal counsel if you are engaged in a similar situation