

CHAPTER 1

The Unthinkable

You dreaded this day. You never thought it would happen to you. And then—boom! It hits you like a ton of bricks. Papers are served on you. You can't run and you can't hide. You stand there in dumb amazement, wondering if this is all part of a bad dream.

Well, I have been there, done that! From this moment forward, your life begins to change. The once close relationship changed from adversary to enemy, and you need to adjust and determine what to do from the first day of your new life—the beginning of chapter two.

Many things run through your mind, some rational, some not so rational. You end up back at square one, wondering how to proceed. It is time to step outside the box and look in, but emotions will not let you do that so quickly. You think you need to be victorious but it is not possible in this situation.

In short, there are no winners, only losers. No matter what deal you strike (agreement you come to), you will never come out ahead. Let me correct that. There *are* winners—the attorneys and their support team (i.e., valuation experts, expert witnesses, and others who hang around for the money), who make out like bandits.

Even if you think you know what is likely to transpire, you really do not. As a highly skilled and effective educator, MBA, CPA, and CFP® who works with clients and teaches financial planning, tax, divorce, and a variety of other subjects to many financial experts, trade groups, and consumers nationwide for over 20 years, I was

2 Personal Financial Planning for Divorce

nevertheless naïve during my divorce process. There is no substitute for actually going through the process. As educated as I am, I still learned ten times more than I thought I knew. There is no substitute for experiencing it yourself, learning the proper way to approach the necessary steps, and wishing you could undo mistakes created during the process.

This book is not about my divorce. Rather, it is a book I believe will help others get a better grasp of the issues involved with a divorce and ensure that they are comfortable doing what they can to survive the process, minimize the damage, and save unnecessary costs. After intensive study of the many possible scenarios that can occur both during and after a divorce, I have tried to put together in one book all of the issues that can arise over many different spectrums and that are pertinent to the many types of divorces people go through. My purpose in writing this book is to assist you, in a simple, easy-to-understand format, through the entire divorce process, starting from the time you begin seriously contemplating divorce, through the start of the legal process, to the issuance of the final divorce decree. My hope is that I can help you manage the process and your expectations, inform you of the key financial consequences, provide guidance on how to negotiate and structure a settlement, provide a plan of attack and ultimate retreat, assist you in getting through a tough time, and finalize this horrible episode of your life.

Divorce from a Personal Financial Planning Perspective

All marriages are financial contracts. It's a business deal. Society just glamorizes the emotional connection to the legal contract that binds two people to each other. It reminds me of the song by Elvin Bishop, "Fooled Around and Fell in Love." The intentions are correct from the start and then it's all downhill from there!

When entering into a business deal, you should begin knowing the outcome you are willing to accept and where you want to end up. When entering the sanctity of marriage, the reasonable objective is to do so for your entire lifetime. Otherwise there is no point in entering into this legal binding contract. Every contract has pros and cons and you must be aware of the flip side.

In the event the marriage doesn't work, you will need to strive for a bottom-line financial outcome. That means ending up with

a fair amount of dollars and cents so you can begin anew. Having a sense of the bottom line is sort of like a lawyer asking questions while knowing in advance what the answers will be. You need to know what to walk away with if all systems are a no-go. To help you get there, you will need to do an honest self-examination of who you really are and what you really want. Keep your attention on the things that really count. As I tell my students, “Focus!”

There is a big strategic picture (macro perspective) as well as a small tactical picture (micro approach) to a divorce. If you can gain a handle on your emotions, you will know whether it is worth sweating the small stuff! Not everything will be a catastrophe. Pick and choose your battles carefully. Determine what you value and why. That approach will help you in dividing the marital property. In other words, you need to be rationale and fully functional in order to split marital property. For example, is it worth fighting over this minuscule asset in the grand scheme of things? Is it worth getting into a frenzy over something you won't even care about one month from now? More often than not, it won't be. Therefore, the proper tactic is to punt regarding the disposition of that nonessential asset.

From a personal financial planning perspective, divorce starts off with the division of property. For the most part, it's a 50/50 split. Other factors are then worked into the equation. Included as part of the property split are the couple's assets, debt, and support (future income). It then expands to custody issues and other relevant factors.

As a result, from a business perspective you need to do the right thing to minimize your damage. That means not letting your emotions get the best of you and complicate the process by having you do things for all the wrong reasons. It's easy to do that because divorce itself isn't rational. After all, you had agreed (hopefully not under duress!) to marry this individual for love, a reason that made sense at the time, and now you are divorcing that spouse for a completely different reason. The relationship ultimately changes course through the marriage. Divorce represents the end of one relationship (with your ex) and encourages the entry into another relationship (the one with yourself). Therefore, stay focused on the settlement, and not on revenge or on intentionally hurting the ex-spouse. Keep control over your emotions. A well thought out business decision will mitigate the emotional issues and help you try to remain financially secure after it is all over.

Top Ten Master Financial Checklist

Here are ten things you need to ponder during the divorce process:

1. What do we own (assets)?
2. What do we owe (debt)?
3. What have our budgeted revenue and expense numbers looked like based on previous experience (planning)?
4. What sources of income do we expect to have going forward (support)?
5. What is the total marital estate worth now (assets minus debt)?
6. Has everything from the two of us been factored into account (future contingencies, compensation, unforeseen issues, etc.)?
7. Do I have all the paperwork necessary to begin (all the legal documents necessary for transferring title, verifying information, etc.)?
8. Can we negotiate a split ourselves in order to help us keep the cost down or do we each need representation to make it happen?
9. Which type of divorce makes the most sense (with the goal of minimizing the damage)?
10. How do we negotiate to encourage a win-win scenario for each spouse (fair division of assets, debt, and income), knowing that the ultimate conclusion will turn into a lose-lose proposition?

To accomplish this, you will need to learn the intricacies of your personal finances. You will need to develop and adhere to a budget, and investigate future discrepancies that may arise from the creation of that budget. Then you will determine what property and debt needs to be split. That will help you figure out what you need to live on, what you expect to receive income-wise, how you can manage your debt load on one income going forward, and what you need to have to maintain your lifestyle as best as you can. It won't be an exact science but you can do things to make the outcome more efficient.

Divorce Etiquette

So you are seriously thinking about taking the big step—getting a divorce. Do you have a moral obligation to tell the other party

you intend to file for divorce? I am frequently asked that question. The answer is, I am not sure. If you come from a trusting and respectful marriage, the answer should be yes. This will give both parties the time to get organized, develop a game plan, and talk with each other about what you each want to accomplish. That would be the right thing to do.

However, if you have reason to believe your soon-to-be ex is not being fair to you, perhaps stealing, planning in advance, or plotting to be the first to file, then I am not sure. You would think that after so many years of marriage, that would play a factor in deciding what to do, but it really does not. Anger and emotion supersede all thoughts of rational behavior and one of you will start off the divorce process on a bad note.

Divorce etiquette should be practiced to alert your spouse of your intentions. Perhaps both of you want the divorce. Bringing everything out in the open would benefit both parties, if each of you wants a smooth divorce. It is cheaper, healthier, and beneficial to any children you may have. But, as nice and easy as that may sound, I am not sure that there can ever really be a smooth divorce.

One thing to remember as you are going through the process is that the person you married is not the same person you are divorcing. You may discover aspects of your spouse's personality that you never knew existed. Once again, that is because divorce is not an intellectual event—it is, almost always, an emotional event. If both parties can take a step back and downplay the raw emotions, great benefit will come to all parties involved. That being said, it is rare for any of us to be able to do that. However, it is best to keep in mind that the person you will be dealing with will be almost like a stranger to you.

Should You File?

“In sickness and in health, during good times and bad times . . .” Yes, we all know the words. But do they hold true today? Should you stay in a marriage for the sake of these words? Or for the sake of the children? Or because it seems to be the right thing to do? Many people get divorced simply because they grow apart from one another. It can be as simple as that. When two people are young and in love and decide to get married, their perception of life and their view of the world is very different than it is 20 or 30 years

later. The objectives of young couples are easier to satisfy. Even with less money to accomplish those objectives, things often just seem to work out and, in general, couples are happier because they are working together toward the same objectives. Then children enter the picture; you take on mortgages, car payments, and other debts; and all of a sudden the rules tend to shift and your viewpoints are no longer quite so naïve. The question I hear is, when did things really change? One day you wake up and look at your spouse and say, “I don’t know you anymore,” or “Who are you?”

Many spouses hope that they can change the other spouse and thus delay the inevitable.

Deciding whether to file for divorce should depend on how unhappy you are. It reminds me of a song from Sheryl Crow, “If It Makes You Happy.” That should be your ultimate deciding point. Are you down-and-out miserable? Are you willing to risk opening door number two, already knowing full well what you are leaving behind from door number one? Of course, there may be extenuating circumstances such as physical or emotional abuse, extreme financial situations, and other issues which will all play an important part in this big decision. The question you need to ultimately ask yourself is, “Is my marriage worth saving?”

It may be best to confront your spouse and find out what his or her thoughts are with respect to taking the plunge. Perhaps you should draw up a list of pros and cons of remaining married versus separating versus divorcing. In any event, it is better to work through it with your spouse if you can, rather than to go it alone. The rationale here is that if you both can agree on a course of action, even if it is ultimately getting a divorce, it will make the transition that much smoother.

Should You Separate or Divorce?

This is the next big step. If the answer to the earlier question is that the marriage is not salvageable, then you need to figure out the best way to go forward. Either you do want to follow through with the divorce right away or you need to reassess your thought process and contemplate your actions by perhaps taking it a little more slowly. I recommend that if you are not sure, you should not act at all. It never pays to act hastily and rash if you have not drawn closure in your mind. You have to totally accept the fact. You have

to be 100 percent sold (before you act) that you are comfortable in progressing with this decision. Take the extra time you need to come to the right decision. Better safe than sorry. Ask your spouse to provide you with more time if it can help you see the entire picture clearly. Because once you start the process, it begins to snowball. It will start off slowly and gain momentum down the hill at speeds you will not be able to control, and it will ultimately get out of hand.

Separation essentially means you go into a time-out and ponder whether you wish to pursue a divorce. Until you get that final expensive piece of paper, you are still considered legally married by all accounts. There are three ways to approach separation.

Trial separation is pursued because you need a break from your spouse. In this situation, you are living apart from your spouse for a shorter period of time. The goal here is to contemplate pulling the plug or getting back together (reconciling). Ownership of property, income, and debt issues are still treated as if you are both married and acting jointly.

If you decide not to reconcile, it turns into a *permanent separation*. Permanent separation shows that you are leaning toward divorce and are not considering reconciliation. After the separation date, income earned and debts incurred are segregated to the respective spouse. The date of the permanent separation is critical because it affects property and money splits.

Legal separation is done for a variety of reasons, mainly to avoid the stigma of divorce and to keep the financial considerations alive as if you are legally married. Examples include issues due to religious beliefs, keeping the spouse on your health insurance plan, or just keeping the family together.

Types of Divorce

If you make the decision to proceed with the divorce, it makes sense early on to determine the type of divorce that can work best for you and your ex. Some types are easier than others if you both get along; other types will put you through the mill and take you down a path you do not want to go. The method you ultimately choose should be the one that is easiest on you and cheapest for both of you, keeping in mind that your health should be the primary factor in selecting which type of divorce to pursue. The other

8 Personal Financial Planning for Divorce

factor to keep in mind is the follow-through (after-effects) of the divorce. This could give you a preview of how you and your ex will work together on a variety of issues in the future.

The following are eight options to consider.

Arbitration

This type of settlement allows you and your ex to get down to business right away. You each agree to select an arbitrator, who is typically a former judge, who in turn rules on your case in a manner similar to a courtroom judge. Your attorney still prepares for the case in the same way as if it were going to trial, except here you will be able to schedule an arbitration session sooner than waiting for courtroom time. Hopefully the outcome should be cheaper for both of you. And unlike a trial, it is all private and therefore not open to the public.

If the arbitration is binding, then both spouses have to live with the final decision regardless of whether they agree with it.

Collaborative Divorce

This is a new wave of divorce settlements whereby lawyers take on a cooperative role of working through the process together in order to avoid having to go to court. Lawyers therefore work in a nontraditional role. Instead of representing the ex or you as a ruthless, heartless bully, the lawyer works with the ex as a peaceful, tranquil dove (I know it doesn't sound like it can work, but it can if you each hire the right attorney). If the lawyers can work it out, the result is picture perfect. But each attorney agrees in advance that if they cannot work it out, they will withdraw from the engagement. Essentially, you would then need to start over by hiring a new attorney.

Collaborative divorce works like the financial planning process in that the lawyer is the quarterback and works with a team of people to help drive an acceptable solution for all parties involved. Ideally, it should make for a faster, smoother, and cheaper solution.

You should know your boundaries for a compromise in advance. If this process doesn't work out, it could be more costly for you since you will be starting at square one again.

Contested Divorce

This type, unfortunately, is the most common and occurs when you and your ex can't agree on property, debt, support, and/or custody issues. As a result, your lawyer represents you in front of a judge to try to sell your position. What you'll find are two selfish, motivated people looking to hurt the other during the process, only to realize in most cases that it was definitely the wrong way to go, when replaying the situation after the process.

Default Divorce

This type of divorce occurs when you file and your ex doesn't respond. Since your spouse is *not* participating, you'll end up receiving the divorce due to your ex's nonhandling of this issue.

Mediated Divorce

This type of divorce involves a third-party mediator who acts as a neutral party in helping the two individuals work toward an acceptable settlement. It can be worthwhile since it should help you improve your future relationship with your ex. Each party can still employ an attorney to ensure that what they agreed to is what in fact will happen when everything is put down in writing.

No-Fault Divorce

This type of divorce works like no-fault automobile insurance. In this situation, fault is not finger-pointed and neither party is blamed. Rather, you go and inform the court either that the marriage broke down due to "irreconcilable differences" or that there was an "immediate breakdown" of the relationship.

No-fault differs from fault divorce (which was the primary method of divorce in the old days and is minimally used by a handful of states today), in which one spouse is blamed for the breakdown of the marriage. The most common reasons here include abandonment, adultery, abuse, and extreme cruelty. Generally, there's no reason to go with fault divorce unless you don't want to wait out the separation period, or you expect a fight over property and debt, settlement, and custody issues.

Simplified Divorce

This type of divorce is designed for short-term marriages, defined as five years or less, where there are no kids and minimal property issues. Because of its streamlined nature, you can probably complete this divorce with little to no help from an attorney.

Uncontested Divorce

This type of divorce is what you strive for because you and your ex can essentially work out most or all of the glitches in a divorce. The three main things you need to focus on here are:

1. Dividing your property (assets and debts) between the two of you.
2. Ongoing support payments from one spouse to the other (the responsibility and amount are usually dependent on future income sources).
3. Children's custody and overall welfare issues.

You'll agree to a settlement based on capturing these three big issues, and it should hold up under a judge's scrutiny as long as you and your ex do not

- Sign under duress.
- Clearly favor one spouse over the other.

The judge should approve your state's settlement agreement once the mandatory state waiting period is over.

What Will Others Think?

Even though the issue of whether to obtain a divorce rests with you, many people find it necessary either to seek other people's approval or to see what a divorce will do to their reputation in the community. Do not rely on what others think to make your decision. Instead, base it on your own gut. In other words, does it make sense to end the marriage and begin anew? It is human nature to worry about how a decision to divorce will affect what other people think of you. Some people will be shocked at what you are doing while others will say it is about time.

The way others view your divorce, including its impact on your children, is based in large part on how you handle it. Divorce ultimately begins when one spouse leaves or announces his or her intentions to do so. Leaving without any explanation is not the right thing to do unless there are extreme circumstances such as fear of physical retribution; there will be too many unanswered questions and it will have a negative effect on the overall communication between you and your spouse, as well as your children or others. Managing the legal process in a hostile or underhanded way is also not a smart thing to do. While you duke it out up front, the loss of money, goodwill, and the ability to peacefully coexist with your ex will be shattered and gone forever. Although these things may bring you satisfaction in the short run, they do nothing for the long haul.

What to Do First: Looking at the Big Picture

The first thing you need to do is not panic. And above all, do not do anything rash. Many people (and I was one) want to go on an all-out attack and begin the bombing of the soon-to-be ex-spouse. But that is not constructive, nor desirable. In reality, that's not what you want. You just want the process to be over as quickly and painlessly as possible so you can move on with your new life.

If you can take a step back from the situation, you'll realize that right away. Just as you would in finance and business, you need to step away and think outside the box as to what the best way to handle any difficult situation would be.

When evaluating what your life will be like over the next several months, or perhaps years, keep in mind that divorce typically takes longer than it needs to or what people think it should. That is because many parties connected to the divorce are trying to drag the process out because it brings in nice retainers to all those involved. This is not always true of all parties. My attorney did not handle it that way as she worked hard to try to settle things, but my business valuation people kept dragging their feet at every turn. In researching this book, I found many divorced people who complained bitterly about their attorneys going and going until the monies were no longer available to pay them. I would include my ex-wife's attorney among that group.

As with any difficult period in one's life, you try to minimize the pain and move forward as quickly as you can. Forget about the money

issues for a moment—health issues are equally or even more important. When going through the motions to expedite the situation, people tend to make many foolish decisions by agreeing with property settlements or parenting plans that are not the most workable options. Unless the relationship is violent or has the possibility of turning into something that can blow up out of proportion, you are better off taking the time necessary to work out an agreement that suits you.

Ideally, the best course of action is to develop a pseudo win-win scenario for both parties. You may feel like sticking it to the other party, but, as I mentioned before, during the divorce process both parties ultimately lose. You can try to work it out where you both make the best of a bad situation, especially when children are involved. Engaging any of the children, at whatever age, by trying to turn them against the other parent or spreading lies does not help either parent in the long run. Unfortunately, I have seen that in my own situation. Providing for the spouse to have as little money as you can get away with is also not constructive and is in no one's best interests. Lastly, cutting off all communication with the ex, especially when there are children involved, is not in anyone's best interests either. This is a fine line to walk as you both have to act like mature adults and put the children's interests first. Again, this may require stepping back from the situation, putting emotions aside, and at least dealing civilly with each other when the children are involved. I have seen cases where the exes have remained quite friendly and everyone concerned is obviously better for it.

Taking the High Road

As much as you're tempted to do what you can for your ultimate survival, you may need to rethink your strategy. I have had many friends counsel me to "take the high road" and not worry because ultimately "it all comes out in the wash." Use this approach for your children, co-workers, friends, and others who may be a part of the process. Unfortunately, it is very easy not to do this and to go for blood instead.

Telling your children that your ex-spouse is to blame for the divorce is not the way to go about it. Unfortunately, I have had that happen to me. Your children should not be privy to any details as to whose fault the divorce is or who gets the ultimate blame. Obviously, both parties agreed to stay married when they did and to get divorced now. It is not a one-way street.

Cheating your ex by understating your finances and overstating your needs, so that you can walk away with more assets and income, goes against the divorce etiquette mentioned earlier in this chapter. This is not taking the high road and only leads to more bitterness, anger, resentment, and even revenge. You and your ex do not have to agree on everything; in most cases, you will agree on next to nothing. Just remember, it is all about the children—that is where the agreement needs to be ironclad so the children are not the ones who ultimately suffer.

The reality is, if the children live with the ex-spouse, you want to make sure you will continue to take care of them both financially and emotionally. You don't want to see the other spouse suffer, because that is not in either spouse's best interests—especially because he or she is the parent of your kids! No one in their right mind would want to hurt their own children, even if they are living with your ex.

What I have learned from many individuals is that the children, the most important piece of the puzzle, will come to learn the truth and find out that one of you was not as honest a person as you should have been during the process. In addition, others will find out the true colors of the spouse who cries wolf all the time without any real reason for doing so.

Regrouping

Stepping back to regroup is a necessity. A lot of things are going through your mind. You need to prioritize your objectives and understand what is important to you before you begin the process. The problem is that everything goes so quickly and you may not have the time to adequately prepare. Unfortunately, you are then forced to operate in a defensive mode.

Include in your list of prioritized objectives your health, your children, your business or work environment, your friends, and your social circle. Relying on a support system will become very important. Health includes not only your physical health but also your mental health. At some point these issues may become one big blur.

Informing the Children

Divorce research has shown that children are rarely informed about their parents' pending separation. The younger the children, the less likely they are to know about it in advance. When they do find

out, many times young children view the divorce as their fault. They may be indifferent at first because they don't understand what is happening. They may also refuse to believe it and in many cases will not really accept it.

Older children can usually digest more, but it may still be difficult and uncomfortable for them. The children ultimately find out, although perhaps not in a timely fashion. What may start off as shock and even denial often ends up in fear, anger, grief, and resentment. As the feeling of loss sets in, children will then begin to be concerned about how this will affect them.

Researchers have studied how children of divorced parents fare over time. Generally, the average adjustment period lasts between 18 months and three years. After five years, two-thirds of post-divorce children are coping well.

When should you tell your children about the divorce? There are pros and cons for discussing this information with the children as soon as each party decides a divorce is imminent. Some of those factors will obviously depend on the ages of the children.

Telling the children sooner rather than later keeps them apprised of everything that is happening on a timely basis so they can ask questions and try to understand. I say "try to understand" because nobody truly does understand. The children will also want answers as to which parent they will be living with. Depending on the age of the children, they may want to have a great deal of input in this decision, as well as in what their relationship will be with the parent who is moving out. What they really want is assurance that their lives will be as close to the way they were before the divorce as possible.

Likewise, there are many reasons not to tell the children immediately. First, both spouses are nervous and anxious themselves about the divorce and they are not sure exactly what to say. Second, some spouses don't want to burden the children with all of that information. Third, some parents feel that the children will not understand, so they try to protect them by not revealing anything immediately.

When talking with the children, do it together. You want the children to hear the same exact story at the same time. You do not want a slant to occur when the message gets relayed to the children, favoring one parent over another. You also want to make sure that the children realize that they are not losing a parent. The parent will still be available, love them, help them, and be all he or she can be with the child. You also want to ensure that the children don't

feel that the separation or pending divorce is their fault. Perhaps a good way to start a discussion with your children is by stating something similar to the following:

Children, as you may be aware, we have been unhappy for a long time because we fight and yell at each other so much. It has been increasing in frequency and has been taking a toll on each of us. We have tried very hard to get along better and to work things out, but we have decided it is necessary to live apart in order to preserve our friendship.

We have decided to separate, and Mom (Dad) will be moving out. We have done everything possible to try and resolve our differences, including going to therapy, speaking to our clergy and to others to save the marriage, but we feel at this point there is nothing else constructive that we can do. We feel it will be in everyone's best interest if we live separately.

We will try to keep things as close to normal as possible, but in no way will any of you children be at a loss monetarily, emotionally, or spiritually. We love you very much, and nothing that we do will ever change that for any of you.

After your talk, encourage the children to ask questions. Try to help them understand by giving clear, easy-to-understand answers, repeating things, branching into new areas, or just plainly reassuring them. Your children need to be reminded of your constant love and support. You must demonstrate to them that your love is real and sincere and that you will all try to make the best of a bad situation. Parents divorce each other all the time but they do not divorce their children. Tell them that they can spend as much time as they want with either parent, and that when they can't be together in person they can still communicate through phone, e-mail, texting, video, and so forth.

Again, this is an *ideal* scenario. I am aware of situations where parenting is and should be limited or supervised. Those are issues that are far beyond the scope of this book.

If your children ask you personal questions, use common sense when answering them. It is not advisable to try to make either parent look like the one who caused the breakup, for fear the children will not want to bother with that parent later on.

Negative impacts from the divorce will be minimized when the parents are in less conflict with one another and cooperate as much as possible. The parents should remain nurturing and consistent caretakers, and parent-child relationships should be encouraged by each parent. Also, while both parents should try to maintain a warm and close relationship, they must also remain consistent in their parenting role so the children do not end up taking care of the parents. Unfortunately, it often happens that the parent who did not want the divorce burdens the children with his or her financial and emotional issues, and the children feel they need to somehow resolve these problems for them. This is obviously harmful to all parties involved. Whatever the situation turns out to be, the parents need to remain the parents.

Of course, the best way to make sure things work out as well as possible for all parties involved is to reduce the conflict. If both parents can stay involved for the good of the children, or, in some cases, try to get the other parent involved, this will help make the best of an unpleasant situation.

Coming to Grips with the Reality of the Situation: Representation

Now that you are ready to proceed with the divorce process, where should you start? Should you go it alone or should you seek outside assistance? They say a fool represents himself, and I would agree. There is too much to know, be responsible for, and handle, especially if things don't go according to plan. It is worth making the investment to educate yourself.

As an educator myself, I would say that learning how the process works should automatically be something that you do from the very beginning. You need to know both the good and the bad that will arise as a result of the process, pitfalls to avoid, and things that may help the process move more smoothly and quickly. You will also want to know what the potential outcomes may be if you work it through.

Should You Go It Alone, without an Attorney?

I would strongly advise you not to handle the divorce yourself (without an attorney). Most people don't know the intricacies of the process, the motions that need to be filed, the timing deadlines, the snags that may occur, and everything else in between.

The laws surrounding the process, which vary a great deal from state to state, should automatically preclude you from doing the divorce yourself. I understand that the cost of hiring an attorney may be daunting, but better safe than sorry. You need to put yourself in the best position to succeed. Sometimes an investment up front will help you save money on the back end.

The only time representing yourself makes sense is when both parties are in agreement regarding the divorce (such as pursuing a simplified or uncontested divorce), and both want it because they simply have grown apart but still truly like each other and are genuinely concerned about the other's welfare. In this scenario the divorce is not likely to become contentious, thus avoiding all the legal maneuverings. Ideally, in this situation, each party will walk away feeling good about the division of assets, the ability to maintain a lifestyle similar to what they were accustomed to, and the ability to work together if children are involved.

I interviewed a very prominent financial planner from back East who said that after 43 years of marriage, he and his wife knew it was time to part, simply because their interests had changed. It was very amicable. He prepared a detailed listing of their assets (they had no liabilities), and she took the assets that made sense for her and which provided her with an income stream. The final division of assets was essentially equal, and now they completed the process without the skill set of an attorney. That's always the best scenario when you can achieve it.

Another example from a recent interview, also involving a financial planner, is that the two of them simply grew apart. She wanted to travel and do other things, while he was content with life as it was. They, too, were able to work things out with minimal attorney involvement. She kept the primary residence, and he kept most of his retirement accounts, paying her a lump sum of cash and some alimony to help her through the transition period. They still consider themselves to be good friends today. Again, that's making the best of a bad situation.

If you want to take a stab at it yourself, you can purchase books, kits, or other packages from stores that contain printed forms or CD-ROMs where you can fill in the blanks and print out the forms. You can also get these forms from attorneys, mediators, or others at little to no cost. There are also web sites that, for a small fee and some time investment on your part, will prepare the forms for you

and provide you with instructions on how to proceed in your area of jurisdiction.

Even in the simplest kinds of divorce, it still makes sense to get another individual involved to look over what you are contemplating doing going forward. For example, when ciphering through all the issues, you may forget long-term issues that aren't present now but could be financially devastating years later. An example would be tax considerations that will come into play when you sell rental property. Depreciation recapture (especially for property held for many years) is one item that could later present not only large capital gains but also significant tax liabilities you never even thought about. An outside expert can help you look at all the issues and avoid potential pitfalls and traps.

A second long-term consideration that might be overlooked is whether one of the spouses has any retirement plan interests, especially defined benefit plans, since they do not present statements with account balances. A pension plan administrator may need to be called in to assess the value of the plan as of the date of the divorce. An outside expert, such as a financial planner, can help you factor those items into your settlement by converting the future value of the benefit amount into a number that can be used today.

A third example concerns ongoing payments made to an ex-spouse. Payments such as alimony (which has tax ramifications) and child support (which does not) can have tax consequences on both parties—the payer and the payee. Many times these tax consequences are not factored into the bottom-line number for each party when trying to arrive at an acceptable income stream.

A fourth example could involve outside parties, such as creditors. If you agree to split the house, car, or other assets which have loans associated with them, it is important to remove the name of the person who no longer owns the property after the divorce. If this is not done and, for example, the spouse who owns the car loses his job, he may no longer be able to make the car payments and could end up defaulting on the loan. If the ex is still listed on the loan, the creditors have the right to go after that party for the outstanding payments and remaining balance.

Living with someone is tough enough. Ending that arrangement can be even more devastating and difficult. If you have any concerns about doing your own divorce, listen to your gut. Two heads are always better than one. Remember, the documents themselves

merely record the outcome of what you agree to do. Having somebody walk you through the process, before you get to the document stage, is much more important than the paperwork itself. Ultimately, you want the assurance during the negotiation process, because afterwards it is too late (see the discussion of negotiation in Chapter 2). You want all outstanding issues brought into the open and accounted for before you sign off on the final document. And remember, a cheap divorce can be more costly in the long run!

Hiring an Attorney

If you do not think self-representation will work best for you, then contact an attorney. Meet with several attorneys to ensure that you can work with the attorney you ultimately choose and that their personality suits your needs. They say you hire a lawyer with a personality similar to your own. I believe it, based on my own choice of an attorney as well as that of my ex. Sometimes the personalities gel and sometimes they do not.

Hiring an attorney will probably be one of the most important decisions you will make during this process. Besides the financial elements, future issues involving children, property division, and your ultimate security hinge on the quality of the attorney you chose to represent you.

Lawyers can be positive or negative in their approach to your case. Positive lawyers are known for being fierce advocates and paying attention to details, yet advocating for settlement and compromise at the same time. Negative lawyers are known for being aggressive and not wanting to settle the case. They have built a reputation on being difficult with opposing clients, other attorneys, and even judges. People flock to them because they think these attorneys will protect them or because, as an injured spouse, they want revenge. Sound great? Ask the spouses who have had the misfortune to deal with a negative attorney how well their family fared a few years after the divorce. Know the reputation of the lawyer you choose.

There are many theories regarding the right way to hire an attorney. I will share with you my experience, having gone through the process recently myself. Your attorney should be your mouthpiece, plain and simple. They should hear you out, identify your objectives and concerns, and then summarize them into simple and concise terms following the traditional legal format. You should feel

confident that when your attorney represents you to the opposing attorney, mediator, or judge, your interests are being given full and appropriate consideration and representation. It is not about the attorney conquering in battle and winning at any cost, but rather, having them do what is in your best interests for a speedy resolution.

Believe it or not, there does not have to be a winner and loser. That is because both parties ultimately lose and the legal fees end up becoming a waste of time and money for both parties. These funds end up being channeled away from where they should go: the ultimate benefit of the children and/or keeping both parties' standard of living as close what they were used to as possible.

Your lawyer is also responsible for keeping your expectations realistic, and giving you a reality check if what you are asking for is unrealistic, impractical, or uneconomical going forward. They can do that in a constructive, meaningful way and not jeopardize your relationship with them or make you lose faith in their ability to represent you.

You, as the client, should control the attorney-client relationship, and not the other way around. I have heard of many cases where the attorney represented the client on completely meaningless issues that the client had already instructed the attorney was a complete waste of time. Sometimes it is out of your attorney's control, as the opposing party's attorney may be the one to insist on dealing with nonsensical issues for their client. However, unfortunately, I have been told that some attorneys do not heed their clients' requests, with the apparent motive of intentionally running up their clients' legal fees.

Do not hire the first attorney you interview. Interview many prospective attorneys. In each interview, see if the two of you click. Sometimes what one person considered a strong lawyer for their case may not be a strong enough lawyer for another case. Factors such as whether one spouse has their own business, or a large inheritance, may affect the ability of one lawyer versus another to handle that particular case. Since you will be sharing the most intimate details of your life with this individual, make sure you are comfortable telling the attorney you hire whatever needs to be said.

Having been through this ordeal, I think it makes sense to hire a lawyer who counteracts or can keep up with the lawyer hired by your ex. If your ex hires someone who is a yeller and screamer, who will intentionally do whatever needs to be done to secure victory for your

ex, such as unfairly representing their client, lying, or back-pedaling, you will need someone who can keep pace with that type of person and situation. This does not mean that the person you hire should be a yeller or screamer also. Rather, you should concentrate on hiring someone who can counteract the opposing attorney's tactics and neutralize what they are trying to accomplish. Many of these types of attorneys like to hear themselves speak and try to dictate the final outcome by controlling all aspects of the case. It is, therefore, necessary to hire an attorney who is very detail oriented and who can calmly and reasonably handle the screaming and the potentially offensive behavior of the other attorney.

Having a lawyer who is defensive and not proactive and who just responds to issues against a type A personality lawyer will ultimately lead to great unhappiness if you believe that the other lawyer is running the show and controlling the outcome and, consequently, your destiny. In essence, your lawyer needs to keep the other lawyer honest. (Now that's the ultimate oxymoron!)

Another important consideration is that even though you can fire your attorney at any time, if you are too far into the case, it may not make sense to do so. You would have to hire someone new, get that person up to speed on the case, pay duplicate legal fees because of the additional work now created, and still be uncertain as to what the ultimate outcome will be. That is not to say that you should never fire an attorney. Just use caution when you hire them initially and make sure to use the checklist for hiring guidelines in Exhibit 1.1.

Sometimes, a lawyer is fired midstream because the client doesn't like where the case is going, or doesn't like the mediator's ruling. For example, I know of a case where a man fired his lawyer because he did not like the results of the mediation hearing, and he especially did not like the fact that his lawyer sided with the mediator. He decided to hire a negative attorney who, he felt, would fight for him, create a ruckus, and basically bully everyone into accepting what he felt he deserved or what should be rightfully his, even though his desired outcome was not practical, nor was it likely to occur.

By the same token, the new attorney should be honest in his assessment of the case and give his honest opinion to the client as to whether the previous attorney and mediator were fairly accurate in their assessment of the case. Unfortunately, most lawyers will not give an honest assessment in this regard, as they are competing for clients and will take any case with an up-front retainer.

22 Personal Financial Planning for Divorce

1.	Do you feel a direct connection with the lawyer?	Yes	No
2.	Is the lawyer sensitive to your needs?	Yes	No
3.	Is the lawyer objective in his or her approach in assessing the case?	Yes	No
4.	Is the lawyer a straight shooter and will he or she communicate with you in a no-nonsense approach by telling it to you the way it is?	Yes	No
5.	Will the lawyer help minimize costs by going through other possible channels, such as mediation, direct spousal negotiation, or any other method that can be used to resolve the issues at hand without going to trial?	Yes	No
6.	Has the attorney informed you of his or her policy on returning phone calls, e-mails, fees, and billing?	Yes	No
7.	Has the lawyer provided you with the percentage of his or her cases that are settled without going to trial?	Yes	No
8.	Is the lawyer familiar with the divorce laws in your state or other states in which you have property interests?	Yes	No
9.	How frequently will the lawyer communicate with you and by what method?		
10.	Will the lawyer encourage you to ask all types of questions, even if they appear to be foolish questions, so you walk away with a strong understanding of what the immediate issues are and what is likely to transpire going forward?	Yes	No
11.	Will the lawyer explain things to you in simple language you can fully understand by repeating everything you've stated when incorporating responses to your questions?	Yes	No
12.	Will the lawyer be straightforward about billing and provide detailed support of the exact time spent on your case and deliverables that were performed during that time period?	Yes	No

Exhibit 1.1 Checklist of Top 12 Issues for Hiring the Right Lawyer

Your success with the legal process will depend on the decisions you make at each stage along the way. As you enter and complete each phase of the legal process, intense emotions may create obstacles at any turn. You can learn to understand these feelings and get past them to act constructively and rationally.

Some lawyers tend to stir the pot and create unnecessary trouble and undue hardship for all parties involved. This negative type of lawyer will create trouble by moving away from the facts and making it personal, trying to destroy the other party's credibility in a devious, underhanded fashion. For example, your ex's lawyer may constantly bad-mouth you to your lawyer, for the sole purpose of trying to make you and your lawyer nervous by stating that these charges, whether real or fictional, will be used in court proceedings, thus trying to bully you and your attorney into accepting their terms and conditions for settlement.

Some attorneys are just determined to go to court, no matter how reasonable and rational the settlement offer may appear. Many do this to satisfy their own ego trip; others do it because they have the attitude that it's either their way or the highway; and still others do it simply to give their client the opportunity to have their day in court. These types of lawyers use lies and trickery, are deceitful in their tactics, and in many cases have had grievances filed against them. Sadly, clients of these types of attorneys often end up much worse off in the long run, not only because of the excessive legal fees, but also because the final settlement worked out in court ends up being less than they would have had if they had worked more cooperatively to fine-tune the settlement agreement originally proposed.

I saw a situation where the husband offered his ex-wife a fair alimony settlement, taking into account all her reasonable future expenses. It would have provided her with about \$6,000 per month for 10 years (which was over the threshold for that length of marriage). Her lawyer, however, came up with a figure of \$10,000 per month for life, just because he wanted to go to court and that was where his strength was, despite the fact that it wasn't in his client's best interests. End result: The ex-wife received about 50 percent of that number as part of her final settlement. Her lawyer washed his hands of any issues and told her, "We needed to do this." For whom? For himself!

I do not mean to imply that all lawyers are like this. They are not. There are many good, ethical lawyers who want to do the right thing and work toward a fair and speedy resolution. I was

fortunate enough to have one. But you need to be very careful with your selection. Again, referrals are the best way to narrow down the choice of possibilities. Interviewing many attorneys will help you to find out whether they are of the same mind-set as you, or if they are the complete opposite. The interview process will help you learn the differences among lawyers to ensure that your final selection will be the one that makes the most sense for you.

An overlooked area of importance when hiring an attorney is to make sure that the attorney is familiar with and knows the judges in the community. You would typically think that all judges provide fair rulings all the time, but this is not the case. Some judges may incorporate their own biases into their ruling, or may even refuse to accept a perfectly crafted solution that has been approved by both parties and their respective attorneys. If the attorney does not feel that you can get a fair hearing from the judge assigned to your case, your attorney will have to provide evidence that the judge assigned would not be in your best interests and seek to disqualify the judge.

Another important factor in more complicated divorces where children or business interests are involved is to find out whether the lawyer has a team of outside specialists who work with their firm. These professionals include business valuation specialists, mediators, financial planners, and CPAs. The attorney should be able to relate his experiences in working with these affiliates and attest to whether they are competent, professional, and work in a timely manner. And even though these experts may be recommended by your attorney, you may still want to take the time to interview those who may get involved in your case prior to agreeing to use them. These experts are costly and their opinions may have a significant impact on the outcome of your case. Even though I personally knew the person who performed my business valuation and felt he would be fair and reasonable, I should have taken the time to interview others before I agreed to use his firm. Once you have committed the time and money for this purpose, you are basically stuck with their conclusion, even if it is not realistic, unless you want to spend additional time and money hiring other experts to counter the opinion already rendered.

Resources to Help You Choose an Attorney

When looking for an attorney, I suggest referrals as the best source for finding a credible attorney. Many people have gone through

the divorce process and have attorneys they would and would not recommend. In addition to friends, you may want to seek opinions from therapists, doctors, business associates, and co-workers. All of the state bar associations have lawyer referral services.

Choosing a family lawyer probably makes the most sense since this is a highly specialized area. General practitioners should only be used if they keep up-to-date on the many complex issues involved or if it is a simple, amicable divorce. Attorneys are becoming specialists, like other professionals, and there are many competent attorneys specializing in divorce who would be a good choice. If an attorney has received a credential as a specialist in family law, that will carry more weight. You may want to contact the American Academy of Matrimonial Lawyers (AAML), which is an elite group of attorneys who have practiced for a minimum of 10 years, 75 percent of which time has been in matrimonial law. Other groups to contact would be the International Academy of Collaborative Professionals (IACP) and the Academy for Collaborative Legal Practice (ACLP), whose mission is to achieve conflict resolution through collaborative practice.

Attorney Costs

Obviously, a major issue when hiring an attorney is cost. Most attorneys charge an up-front retainer and deduct fees from that amount. Find out what their hourly rate is, how much of a retainer will be needed, and who will be handling the case. Will it be that attorney or someone else from that office? How much time will legal assistants spend on your case (to help cut down the total charges)? And what will be your responsibilities and involvement going forward? Don't be fooled into thinking that the more you spend for legal counsel, the better representation you will receive. In most cases, you are still better off working from a referral arrangement from someone who went through the process, regardless of cost.

Another point that gets overlooked is the out-of-pocket expenses charged by attorneys. These include court filing fees, mailing fees, photocopying fees, expert witness fees, travel costs, investigation fees, and other expenses that can add up to tremendous amounts. Expert witness fees can be very costly, especially in a highly complex divorce case. Examples of expert witnesses include appraisers, accountants, psychologists, and vocational experts. If both parties can agree to have a single outside expert or firm outline many of the

matters at hand, that will help in minimizing the cost of the divorce. To sum up, the level of disagreement between the spouses is the overall reason that a divorce can cost more than it needs to.

It is difficult for an attorney to pinpoint exactly what you will spend in a divorce. It will vary a great deal depending on how much gets challenged, the cooperation of the parties, what the other attorney or your attorney requests, and other factors that are case specific. Also if you are working and the other spouse is not, paying for the other person's legal costs may be a significant additional expense. Using alternative dispute resolution such as mediation or collaboration to eliminate as many contested issues as possible can save a great deal of money.

If you believe your legal fees are not accurate, you may request a detailed breakdown of the time your attorney spends on your case, if it has not already been provided to you. Under law, you are entitled to receive an itemized bill for fees that have accrued at least every 60 days, although most attorneys bill monthly. If you are concerned about being overbilled by your attorney, I would strongly suggest that you keep track of the time you are on the telephone or in meetings with your attorney and compare it to their bill when you receive it. If there are blatant discrepancies, you should address it with your attorney immediately. Keep in mind, however, that most attorneys do not bill in one-minute segments—most bill in six- or ten-minute segments, so that a one-minute phone call shows up as ten minutes of billable time. Therefore, your time records will never match exactly what they have listed, and you do not want to alienate your attorney over a few minutes here or there if you feel that he is representing you fairly and responsibly. However, if you feel that you have been overbilled and cannot resolve this issue with him, and you simply decide not to pay him, be aware that your lawyer has the right to file a special type of lien at the end of the case or at any time either you or your attorney end the attorney-client relationship. Most states have an arbitration program for disputed attorney fees, generally offered through the state bar association.

To cut down on costs, you may also consider using a family law clinic. These clinics are affiliated with various law schools that help train their law students in the divorce process under the direction of an attorney.

I operate under the premise that most attorneys will do the right thing for the client. But unfortunately, that is not always the case.

In researching this book, I spoke to many people who had major problems with their attorney or their ex-spouse's attorney. One such case involved a woman who hired a lawyer who consistently lied, telling her that everything was going great, that the settlement would be bigger than another attorney could have gotten for her, but that she could not start spending that future settlement until the case was finalized. This backed the woman into a corner and into a settlement she could not realistically live with. Another case involved a lawyer billing the client based on exactly what the client had available to spend. For whatever reason, the amount owed was equal to discretionary money remaining on a monthly basis for that individual. A third case involved a situation where a settlement was reached between the divorcing parties, but the opposing lawyer would not accept it and insisted on taking the case to trial no matter what the cost, even though it was not in the interests of either party. A fourth case involved a man who went to a large national law firm and was billed excessive amounts because the lawyer had to bring in a certain dollar amount each month. The list can go on and on. In short, be very careful when you hire an attorney and work under the premise that he or she will be around at the end of the case.

Lastly, beware of attorneys who promise you the world, a certain outcome, or a quick resolution. There are too many uncertainties in any case to predict exactly the way it will go. It is no different than relying on a stockbroker to give you specific and consistent returns from the stock market. There are too many variables that will get in the way of that happening. Some lawyers have a goal of trying to defend a high-profile case like Johnny Cochran did for O.J. Simpson, thinking it will jump-start their career in a different venue. Some lawyers will even defend people they know have no case or no realistic chance for a successful outcome. Some lawyers have a gladiator or Napoleonic complex and are looking for a victory at any cost, which, unfortunately, drives up the legal fees on the case. In addition, they tend to cause more trauma and mental anguish for the client than an attorney whose goal is to reach a fair and reasonable settlement with as little fanfare as possible.

Blocking Out the Competition

On the defensive side, if you know of potential lawyers who are tops in their field, are strong in the courtroom, and could cause

your life misery, you can contact them, explain your case, and, even in the event you do not hire them, they are obligated to remove themselves from future consideration by your ex-spouse. That is because these prospective attorneys now have a conflict of interest. This strategy will remove some of the potential attorney candidates from the picture. You can do that with as many attorneys as you want. It is time consuming but could be effective in your overall strategy.

However, keep in mind that most attorneys will not give you a free consultation in a divorce case. Therefore, although this is a good strategy to remove some hard-hitting attorneys from the picture, it may be costly as well. When you call to make an appointment, you can ask what their fee is for a consultation. It may be a set fee or a cheaper rate for the initial consultation as they are trying to lock in your business from that initial visit.

Involving Others: Your Support Team

At what point, if at all, should you get others involved? By “others” I mean friends, relatives, and people who have gone through this process before. Sure, everyone wants to help right away and they all have good intentions. But that can get old rather quickly.

You definitely need someone to sound off to and with whom you can discuss your dilemmas and thoughts before you act to ensure that you are remaining rational. But over-reliance on these people can wear them down if you are not careful.

It can be especially difficult if it is a contentious situation and there are mutual friends involved, since these people may think they are compelled to take sides. Many times they do, which is unfortunate. If you find yourself in a situation where your supposed friends have sided with your soon-to-be ex and are either not speaking to you when you see them or are more interested in telling you what you should do rather than listening to what you have to say, you should not consider these people to be friends and you should not trust them going forward.

Essentially, a good combination of counsel and support from friends and relatives will help provide you with the emotional stability you need to get you through this ordeal.

Becoming Too Passive

Often the petitioner spouse in the divorce proceedings goes on the offensive and tries to run things to ensure that he or she gets his or her way. They will launch a full-blown attack to ensure that they gain sole custody of the children, keep the house, and take as much money and property as they can. They may lie, cheat, and steal. Remember, the person you married is not the same person you are divorcing. The worst thing you can do in this type of situation is to just sit back and let all this happen around you. While two wrongs don't make a right, self-defense may be a necessity to ensure that you do not mentally lose it or give in to everything just to get it resolved so the misery will be over.

The last thing you want your spouse to see is that you are too acquiescent. Many soon-to-be ex-spouses feel wronged and want revenge, so they become manipulative and do whatever they can to get what they want out of the divorce. If you are stunned by what has transpired, or if you are the one who wanted the divorce and are being made to feel guilty for it, you may be in no condition to agree to terms and conditions, much less to sign anything that is presented to you. It is important during this phase to make sure you speak with others, especially an attorney, who can provide you with guidance and help so that you do not agree to settlement terms that you would never entertain if you were thinking clearly.

Often what you need to do is counter those positions by rationally thinking out all the positions being brought up by your ex. Making a prioritized listing of what needs to be resolved will go a long way toward ensuring that you are comfortable with the outcomes from each independent area of the settlement.

What to Do Before You Leave Home for Good

If you are in the contemplating-divorce stage, make a list of all personal property belonging to both you and your spouse and keep it someplace where you will be able to access it later if you find yourself suddenly locked out of the marital home. This will provide you with a list of assets and items that you may want back which you may forget about in the flurry of the divorce proceedings. You may think that you will remember everything or that you will be able to obtain a court order to get something back, but that is not always the case.

If you are the spouse who is moving out, make sure when you go back to your old house for the last time that you take all of your personal possessions with you. This may be an uncomfortable and hostile situation but, regardless, you need to take the time necessary to gather all your personal belongings as it may be your last chance to do so. Do not leave any ammunition for your ex-spouse to look through and use against you. First take all personal and financial files and personal property; delete files off your home computer's hard drive that may be work related or may have personal meaning to you; if your computer is set up to connect remotely to your office, make sure you have that disconnected immediately; and remove all personal and sentimental items. Items like clothing and personal hygiene products can always be recouped at a later date, or purchased new if need be.

In my research, I have found many spouses who just took for granted privacy issues and were not at all concerned until it was too late. I know of a particular spouse who found out that her husband has missed over \$200,000 of payroll and sales tax payments and now is concerned that the IRS will go after her. Another spouse I knew confiscated from her husband many pieces of a valuable antique collection which had been left to him by his grandfather. She sold the collection and pocketed the money. In another situation, a spouse left without realizing that his home computer was still hooked into his office computer, and his soon-to-be ex spent a great deal of time reading his e-mails and gathering information that she hoped to later use against him in court.

The point is to make sure anything of value is removed from the house at the same time you decide to leave.

Rattiner's Planning Tips

1. Be comfortable with your decision to pursue the divorce (regardless of who initiated it).
2. The divorce process is a business decision. Keep emotions in check and pursue it as you would any other business deal.
3. Do not act until you are 100 percent certain that divorce is the best option for you.

4. Get a handle on your finances. Start with a budget so you can determine the assets, debt, and income issues that need to be addressed. Try to have the entire picture outlined in advance.
5. Trial, permanent, and legal separations are geared towards the same thing, but demonstrate different ways of getting there. This goes back to answering the question, is divorce right for you?
6. There are many different ways to approach divorce. Select the method that gives you the least amount of discomfort. A method that helps maintain your health is primary. If it is also easier and cheaper for both spouses, that is a major plus. In addition, it offers you the best chance of a complete overall recovery in the shortest amount of time.
7. The person you divorce is not the same person you married.
8. Don't sweat the small stuff. Pick and choose your battles carefully. Look at the big picture. Not everything is a major battle or a huge catastrophe.
9. Don't be a part of the blame game. Take it from a CPA: Two wrongs don't make a right.
10. Take the high road always. It all comes out in the wash.
11. Always work with an attorney. Don't go through the motions without any counsel walking you through the process. Even if your ex asks you not to work with one, you owe it to yourself and your ex to become as educated as possible.
12. Work with an attorney who understands you, is similar in personality to you, and can counter your ex's attorney's moves. Rely on referrals.
13. Interview many attorneys and other outside experts. Receive price quotes from each of them. Verify how they will communicate with you going forward.
14. Rely on a close family member or friend to bounce ideas around.
15. Don't be too hasty. Step back from the situation, try to look in from the outside, and act rationally.
16. Remember, it's ultimately all about the children! Don't make waves with your children by trying to get revenge on your ex.
17. Look at various scenarios including a best-case and worst-case picture. This will provide you with some boundaries as to what to expect.

32 Personal Financial Planning for Divorce

18. A passive approach towards divorce will leave you very frustrated because you will think that all is not being done to further your cause. You will need to be proactive to counter your ex's negative lawyer's future moves.
19. Protect yourself before leaving home. Don't give your ex too much ammunition to come after you.
20. No matter how bad it seems now, just remember my mother's favorite saying: "This, too, shall pass."

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