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Tips to Consider when Separating



Separation: Nine Tips to Help You as You Move Through the Divorce Process

By PAM BAKER

There may be 50 ways to leave your lover but there's a heck of a lot more to it than just being creative with the word good-bye. More often than not, the way you handle your exit will determine your ex's entrance -- into your wallet, your circle of friends, and the judge's predisposition on settlement day.

Before you win a petty battle only to lose the whole dang war, here are 9 tips to arm you for victory where and when it counts!

1. SHUT UP, ZIP IT, MUM'S THE WORD.

"Stay cool. Do not discuss details with friends and relatives, they will only confuse you and your words can be used against you if they get leaked to the opposing camp," says Joe DuCanto, named by the Leading Lawyer Network as one of the Top 100 Leading Lawyers in Illinois and an Illinois Super Lawyer. "Listen to your lawyer and share details only with him or her."

2. ALWAYS TELL THE TRUTH.

Answer questions from the other side truthfully but briefly. Long answers can reveal too much. "Always tell the truth, but don't always be telling it," advises DuCanto.

3. DON'T HANDPICK YOUR SHARE.

Telling the other side what you want may lead to handing them leverage to use against you later. If you really want the antique tea set or the newer car, just tell your attorney that -- and no one else! "Don't discuss with your spouse what you will take, do, want or need," says DuCanto. "Leave that to your lawyers."

4. DON'T SHOOT THE GOOSE.

"Don't set out to ruin or destroy the other party. If you do, you'll hurt yourself, the kids, and maybe the goose that used to lay the golden eggs," warns DuCanto. "Too many husbands go to jail because the wife was angry and spilled the beans." Much too late, the woman comes to realize that the man can't pay alimony or child support if he's behind bars instead of working! The same holds true for men trying to hurt or demean their wives. You might have held all the winning cards if she has a drinking problem or cheated on you, but you'll blow it if you come across as abusive verbally, emotionally or physically.

5. DO THINK OF YOU FIRST.

It's easy to cave to the emotions of the moment and agree to too much trying to assuage your guilt or ensure the kids have enough. But that strategy can back-fire and leave you destitute in the long-term. "Forget about anything other than yourself; no more Mister Nice Guy," says DuCanto. "If you take care of number one, all the rest will follow." Think of it like the airplane drill where you are told to put your oxygen mask on first, and then your kid's. The thought process is the same: you cannot help your kids if you are out of commission. Tend to yourself first; you can always give your kids more later as you can afford it. for starters."

6. DON'T SECOND GUESS THE PROCESS.

"Do you even have grounds for divorce? Have you lived in your state long enough to meet the residency requirements? These are important questions you need to ask an attorney BEFORE you tell your spouse you are leaving," says Mark Guralnick, a veteran divorce attorney licensed to practice in seven states and four

countries. He is also author of six books on divorce. "Spending time with a lawyer will enable you to negotiate with your spouse more knowledgeably."

7. ACCEPT THE CHANGE.

No matter how you cut it, one-half of something is not greater than the original sum. "Mentally prepare to adjust your lifestyle following divorce," advises Steve Rhode, President of Myvesta.org, a non-profit consumer debt assistance service. "When two people split there is often a change in the financial power of each newly separated spouse."

8. DO WATCH THE MONEY.

"When you know separation is in the near future, think about dividing any cash available into separate sole accounts," says Rhode. "I just had a client last week where the wife cleaned out the joint account before she left." Separating the money, or at least starting an individual bank account with your next paycheck can contain your losses. If your spouse does clean you out, keep a journal and bank records to show to the judge later. Most courts accept journals as evidence which can help your case dramatically. It can also help your memory if you have to take the stand in court.

9. DO COLLECT VITAL INFORMATION.

"Inventory all debts; margin investment accounts, credit cards, auto loans, auto leases, personal loans, loans made to others," says Thomas Duffy, CFP and president of Jersey Shore Financial Advisors, LLC. "Also get copies of credit reports on both spouses; credit card statements for last few years showing spending patterns for each; copies of tax returns for last two to three years; pay stubs for last several months; detailed employment history for both spouses indicating benefits such as deferred compensation, healthcare in retirement or other retiree benefits. "For contested split-ups photographic evidence, for example videotape, of hard assets, detailed records showing large and or unusual asset movements, withdrawals etc., need to be gathered too," he says.

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