

PREPARING FOR DIVORCE

A GUIDE FOR SUCCESS

Know how to prepare legally, emotionally, and financially for a divorce, and get answers to some of our clients' most common questions.

Preparing for divorce: What you'll need legally

Before initiating the divorce process, it is crucial to consult with an attorney to gain a comprehensive understanding of your legal options and rights. During a strategy session, you can explore whether mediation or litigation is the best approach for your situation. If you and your spouse can communicate peacefully, mediation might offer a cheaper and faster resolution.

Have these ready:

- **Financial Documents:** Collect and organize financial documents, including bank statements, investment account statements, tax returns, pay stubs, mortgage statements, credit cards, and any other relevant financial records.
- **Property and Asset Inventory:** Make a comprehensive inventory of all marital assets, such as real estate, vehicles, valuable personal property, and other possessions. Take photographs or videos of valuable items for documentation purposes.
- **Debt Information:** Compile information about any outstanding debts, including mortgages, loans, credit card debts, and other financial obligations. It's crucial to have a clear understanding of the debt burden to ensure fair distribution during the divorce proceedings.
- **Insurance Policies:** Gather copies of health life, auto, and any other insurance policies. These documents will help assess coverage, beneficiaries, and potential obligations.
- **Prenuptial or Postnuptial Agreement:** If you have a pre or postnuptial agreement, bring a copy of it. Understanding its provisions and enforceability is crucial during divorce proceedings.



Be Prepared

By preparing these essential legal aspects and gathering the necessary documentation, you can approach the divorce process with a solid foundation and empower yourself to protect your rights and interests effectively. Remember to consult with an experienced family law attorney who can provide personalized guidance based on your unique circumstances. We provide both mediation and litigation services to clients in the San Francisco Bay area.

Preparing for divorce: What you'll need emotionally

Ways to prepare

Therapy and Counseling

Start seeing a therapist **before** initiating the divorce process. A professional can provide valuable guidance as you navigate the emotions of divorce. It can help you process feelings, develop coping strategies, and manage the stress and uncertainty.

Build a Support System

Surround yourself with a strong support system of friends and family who can provide a listening ear throughout the divorce process. Seek out those who are understanding, non-judgmental, and willing to listen.

Make Arrangements for the Kids

Maintaining open and honest communication with your children is crucial. Consider seeking guidance from a family therapist who specializes in helping children cope with divorce.

Take Care of You

Prioritize self-care during this challenging time. Engage in activities that bring you joy, relaxation, and a sense of well-being. This might include exercise, hobbies, mindfulness practices, or spending quality time with loved ones.

Addressing Mental Health or Substance Abuse Concerns

If you or your spouse have mental health or substance abuse concerns, it is vital to address these issues appropriately. Meet with an attorney to ensure that you are creating a safe environment for yourself and your children and taking the necessary steps to protect your well-being. This may involve seeking professional assessments, treatment options, or supervised visitation arrangements when necessary. Remember--your physical and mental health matter, and you deserve a safe environment during this process.

Navigating the emotional aspects of divorce can be challenging, but with the right support and self-care, you can foster resilience and find the strength to move forward. Remember that seeking professional help, building a strong support system, and prioritizing your well-being are crucial steps in maintaining your emotional health throughout the divorce process. Your attorney can provide guidance and resources to support you during this emotionally demanding time.

Preparing for divorce: What you'll need financially

Financial considerations play a significant role in divorce preparation, but most people have more rights than they may realize. Being proactive and well-informed about your financial situation is crucial.

If your spouse is making threats regarding spousal support, custody, or other financial matters, it is essential to consult with an experienced family law attorney, as these threats may be based in common misconceptions. An attorney will help you understand your rights, navigate the legal process, and protect your financial interests.

If there is a significant disparity in financial resources between you and your spouse, you may be able to file a motion to request that your spouse contribute to your legal fees. This can help level the playing field and ensure that you have access to proper representation.

Disclosure of assets

Even if assets like the house or car are in your spouse's name, that doesn't mean you'll automatically lose them. As part of your divorce proceedings, you'll both need to disclose all assets and debts, regardless of ownership, in a comprehensive list of your assets, such as properties, bank accounts, investments, retirement accounts, and personal belongings. Similarly, all debts, including mortgages, loans, credit card debts, must be disclosed.

By the numbers

**Avg Cost
\$25k-\$40k**

Average cost of a divorce in the Bay Area, including attorney fees, court fees, and other expenses.

**Attorney Fees:
\$20K-\$30k**

Average cost of attorney fees. Fees can be higher depending on the complexity of the case. More complex cases may incur higher fees.

**Real Estate
70%**

Percentage of divorces that involve real estate, making property division a significant factor in the financial costs of divorce.

**Income of women
\$20K-\$30k**

Average decrease in annual income for women post-divorce. Men, on the other hand, may experience an increase in their income post-divorce.

**Child Custody
\$7K-\$12K**

The cost of child custody evaluations, which may be necessary in contentious divorce cases involving child custody disputes.

**Settlements
90%**

Percentage of divorces that settle before they reach trial. Settling outside of court can help minimize legal fees and court costs.

In cases of violence

If you are experiencing domestic violence or abuse, it is vital to prioritize your well-being. An attorney can help you by negotiating restraining orders and other legal protections from the court. Know that violence doesn't just mean "getting beat up." If your spouse breaks or throws things, verbally berates you, or enacts emotional abuse upon you, speak to an attorney. You may be entitled to more legal protection than you think.

What about the kids?

When going through a divorce, the well-being of your children is your most important consideration. Remember, consulting with a family law attorney experienced in child custody matters can provide personalized guidance tailored to your unique circumstances, helping you make informed decisions and safeguard your children.

What to know

- **Prepare for custody proceedings:** In California, it is likely both parents are entitled to equal parenting time unless it is determined not to be in the best interest of the child. It is crucial to maintain frequent and continuing contact with your children during custody proceedings to show that 50/50 custody is in the child's best interest.
- **Know your stuff:** It's vital to demonstrate that you know the basics on how to care for your child: medications, allergies, doctors' and teachers' names, extracurricular activities, and anything else you'll need in an emergency or day-to-day care.
- **Protecting your children (and yourself) legally, physically, and emotionally:** Make sure you and your children are safe when sharing the news with your spouse. If you're worried about the kids' well being, you'll want an attorney's help to make sure you're protected.
- **Moving with kids:** Once your petition is served, you may not be able to take the children out of state or get them a new passport without the consent of your spouse (or court order)--check with your attorney first.
- **Big purchases:** Once you file, you must notify each other of proposed extraordinary expenditure 5 days or more before you make them, and account for them to the court. Legal fees are an exception.



Prepare the kids for change

Divorce can be unsettling for children, so it's important to prepare them for the upcoming changes in a sensitive and age-appropriate manner. Maintain open communication, reassure them of your love, and emphasize that the divorce is not their fault. Consider involving a child therapist who can provide additional support.

Frequently Asked Questions

What are the grounds for divorce, and do I need to prove fault?

California is a "no-fault" divorce State, meaning you don't need to prove fault or wrongdoing to obtain a divorce.

How long does the divorce process take?

In California, there is a minimum waiting period of six months from date service to finalization. This time may increase based on the complexity of your case, level of cooperation between you and your spouse, and court backlog.

Can my spouse really take away custody of the kids from me?

Unless there are concerns about your ability to provide a safe and nurturing environment for your children, it is unlikely that your spouse can completely take away custody from you. In most cases, the court encourages shared custody arrangements where both parents play an active role in their children's lives.

My assets are in my spouse's name. Does this mean I will lose them in the divorce?

Ownership of assets solely in your spouse's name does not automatically mean you will lose them in the divorce. Any community property accumulated during the marriage should be split equally, regardless of how it's titled.

What if my spouse makes more money than me?

If your spouse earns more, you are likely entitled to receive monthly support--but this is not automatic. It must be requested from the court in a timely manner. Courts consider several factors, such as the duration of the marriage, the earning capacity of both spouses, and the financial needs of each party.

What is the process for determining child support and spousal support?

Child support and spousal support calculations vary by jurisdiction, but factors include income, expenses, health, education, overall welfare, worries about the other parent moving away, and anything else that may affect the child's well-being.

What if my spouse refuses to cooperate or is unresponsive?

If your spouse refuses to cooperate or is unresponsive, an experienced attorney may have better success moving your case forward. They can also guide you on legal options to make progress, like alternative dispute resolution or court intervention.

In Conclusion

Preparing for divorce can be stressful, emotional, and challenging, but it can also be for the best. A healthy divorce requires careful consideration of various legal, emotional, financial, and child-related aspects. By proactively addressing these areas and seeking professional guidance, you can navigate the divorce process with greater confidence and understanding, making sure your rights and the rights of your children are well-protected.

Remember to consult with an experienced family attorney who specializes in representing parents with children going through divorce. They can provide you with the support, advice, and advocacy you need to protect your rights and the best interests of your children. With proper preparation and support, you can embark on your divorce journey with a sense of empowerment and the knowledge that you are taking the necessary steps to secure a better future for yourself and your family.



Fenchel Family Law PC is committed to providing our clients with exceptional, personalized representation.

Need more help? For questions about your options, reach out to us today for a complimentary [15-minute intake call](#).

To begin planning for legal protection during your divorce, schedule a [1-hour strategy session for \\$395](#). All consults are held over Zoom for a stress-free experience from where you feel most comfortable

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