



We empower our clients to navigate parentage, marriage and divorce toward more vibrant futures.

Fenchel
FAMILY LAW

Getting Their Ducks in a Row: 8 Ways You Can Effectively Help Someone Get Ready for Their Divorce

Someone has just told you that they're planning to get a divorce. The stress is evident in their voice as they admit to feeling overwhelmed and say that they "don't even know where to begin."

Perhaps the person is your friend or family member, or maybe a colleague or client. In any case, there are practical and personal ways that you can help them get ready for divorce.

Some strategies are more appropriate for attorneys than friends and family (or vice-versa) but all of them can give the person the information and support they need to navigate the ups and downs of the divorce process without losing sight of their goals.

1. Be objective when you listen and speak

Being objective is difficult when someone you know and care about is facing a highly personal and emotional situation like a divorce. If you are

close to their spouse too, it can be even more challenging. You want to help the person in any way you can, but are wary of being dragged into the conflict. That's understandable.

When they approach you for advice and/or to vent, focus on helping them make important choices with more logic than emotion. Empathize with them and listen as they express their anger, worry, and fear, but take care to avoid disparaging their soon-to-be-ex. Objective communication is key.

While this advice applies primarily to friends and family, even experienced attorneys and advisors can have trouble being objective. You may be an empath who often internalizes the emotions of others and has trouble distinguishing your own emotions from the other person's. Maybe your client tells you things that trigger memories of your own divorce or relationship breakdown. The key to this situation is focusing on the client's legal concerns and evaluating the issues within a vacuum. Concentrate on providing them with the unbiased, objective insights and advice they need to make important decisions about their future.

2. Recommend that they obtain good legal counsel

Preparing for divorce means having a good divorce attorney with experience in the type of situation your friend or family member is facing, such as a high net-worth divorce or a divorce involving children. It doesn't matter whether they've been married for 20 months or 20 years— they need a committed advocate who will help them make the right decisions regarding their future.

3. Help them understand their rights

You must emphasize to them that it is imperative that they understand their rights before making any decision that may impact their future.

Even if they claim that the divorce is completely amicable and they agree with their spouse on important matters such as child custody, support, and property division, they don't know what they don't know. They may be making decisions now that will have a negative impact on their future financial well-being or relationship with their children. They won't realize this until later -- when it is too late. No matter what they may tell you, they are likely going through an internal crisis, and require at least an hour consult with a family law attorney prior to reaching an agreements. Remind them that failure to seek the advice of counsel will never excuse them from any agreement they reach. Better to be safe than sorry, so to speak.

4. Assist them with their financial homework

Anyone who is about to get divorced needs to compile a detailed and accurate list of all assets and liabilities accumulated during the marriage. They also need to have a solid understanding of all sources of family income and what the family's monthly expenses are. While financial advisors are usually best suited to assist, friends and family members who feel comfortable doing so can help the person assemble key documents such as:

- Bank statements
- Tax returns
- Credit card bills
- Brokerage statements

5. Identify valuable assets

Many couples accumulate valuable assets over the course of their marriage. Examples include (but are not limited to):

- Luxury automobiles
- Jewelry
- Original artwork
- High-priced antiques

While some families don't have much of anything to disclose, higher net worth spouses should be directed to list such property, take photos or video footage, and locate bills of sale to determine any possible capital gains if the items are sold. If the person is a friend or family member, you can help them identify and itemize such property.

6. Identify separate property

California is a community property state, so all assets acquired during the marriage are considered community property, or belonging equally to both parties. If either spouse owns separate property, it needs to be properly identified as such to avoid being subject to division in divorce.

In divorce terms, separate property consists of assets that the person

- Brought into the marriage and maintained separately
- Received as a gift

- Received as an inheritance for them exclusively
- Was awarded in a personal injury lawsuit

Friends, family members, and professional advisors can advise the person to itemize all property that is legally separate and produce evidence of ownership, such as a bill of sale, copy of a will, or a statement from the giver that a particular item was a gift.

7. Offer assistance with the children

If your friend or loved one has children, you can offer to look after the kids for an afternoon or even overnight. This brief respite can help them rejuvenate, focus on the matters at hand and prepare for divorce. It may also be easier for the person to have difficult but necessary conversations with their spouse if there's no chance of the children overhearing and becoming upset.

8. Offer to help them move

If your friend or family member has decided to move out of the marital home, offer to accompany them on apartment viewings or help them move once they find a place they like. This type of practical support will spare them the time and stress of having to relocate on their own and make it easier for them to focus on other divorce preparations.

Divorce has been ranked as one of life's most stressful events, but the right support can make it easier to get ready for the negotiations, agreements, and changes that accompany the dissolution of a marriage. At Fenchel Family Law, we often partner with our clients' attorneys, financial advisors, friends, and family members to empower

our clients to develop proactive strategies to start over and start living life on their own terms. We are passionate about steering our clients toward the life they deserve. We do this by fighting for their financial freedom and parenting rights. We believe that no divorce should prevent a parent from having a relationship with his/her child, and no divorce should cause the financial ruin of a family. If you have a loved one going through a divorce, we would love to have the opportunity to change their mindset and empower them to realize the power they have to divorce on their own terms in a manner that is best for their children. Please have them call Fenchel Family Law at 415-805-9069.