



14 Smart Ways to Protect Yourself Before You File for Divorce



SF Attorney Exclusively Representing Women in Family Law, Divorce, Custody + Support Cases



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Every divorce is a major undertaking. Just as with any major undertaking, you should prepare beforehand. Here are 14 steps you should take before filing for a divorce, contact us, as we are available to support you in this challenging time.

Smart Way #1: Save up liquid funds. There are many reasons why you could need cash leading up to and during your divorce. You will need to save money in order to hire a lawyer and pay litigation expenses. Also, you may have living expenses that you need to pay in the event that you and your husband end up needing to separate. The more cash to which you have ready access, the better.

Smart Way #2: Retain a good divorce lawyer. Maybe it sounds self-serving, but it is still true. There is a lot at stake in a divorce case. If you're considering divorce, hire a good divorce lawyer. A skilled divorce lawyer is a professional experienced and trained to understand the process, know the obstacles and guide you as smoothly as possible through the divorce process. *See our Tips to Hiring an Attorney sheets*



Smart Way #3: Evaluate joint bank accounts. Be aware of the fact that if all of your money is in a joint account, your husband might simply take it all, leaving you with no cash. This can be a real problem because even if you have lots of assets, they will not be in liquid form.

You have three options when dealing with a joint bank account. The first option is simply to do nothing. The second option is to take half the money in the bank account and put it in a separate bank account for yourself. The third option is to take all the money in the joint bank account and to put that in a separate bank account for yourself. **Note**, we do not recommend the last option for the reasons stated below. Which option you should choose depends on your personal situation and on the personality of your husband. For instance, if you are a stay-at-home mother, with no other sources of income, it may make a lot of sense for you to take all the money in the account to provide you with a reserve fund of cash. However, normally taking all the money in the bank account will not be to your advantage, as it immediately escalates the conflict and stress of divorce. And, it will not likely be well received by the divorce judge. Regardless of which you choose to do, the main point is to consider the issue carefully and to consult with your lawyer about it.

Smart Way #4: Evaluate joint credit cards, lines of credit and other liabilities. If a divorce is imminent you do not want to be liable on any accounts on which your husband has charging privileges. It is not unheard of for an angry husband, upon learning of a divorce, to go on a shopping spree. Likewise, some lawyers may advise their clients to take out cash advances on joint cards to provide a cushion while the divorce is pending or to charge a large amount in lawyer's fees on to joint cards. You will want to consider canceling such joint accounts or at least reducing the spending limits. If your husband is an authorized user on charge cards in your name, see what steps the credit card companies require to remove him as an authorized user.

Also consider home equity lines of credit. You may need to consider whether you should close it or restrict access pending the resolution of the divorce. Whatever you do, do not neglect thinking seriously about how to handle this issue, and discuss it with your lawyer before making a final decision.

Smart Way #5: Gather and organize financial records and put them in a safe place. Make sure you know what you own financially, including cash, assets and real estate. This includes making an inventory of valuables such as safety deposit box contents, jewelry, artwork and silverware. If you suspect that your husband



may be hiding assets, review all mail coming into your house and make a list of the sender and return addresses, especially if the mail is from a financial institution. Also, it is a good idea to make copies of all financial records you and your husband has including bank records, investment account records, tax returns, and any investment income records. You can open a secured virtual filing storing system online if you are concerned your husband will attempt to destroy your copies of the records.

Smart Way #6: Keep a journal. Having evidence to support your case is critical. It is important to keep a journal of the important events relating to your divorce. These include interactions with your husband and children. When making decisions about children, the court's guiding principle is the child's best interests. Thus, when writing about your children, it is important to do so from the child's point of view. For instance, if your husband is late in returning the children from an access visit, instead of writing about how terrible your husband is to do that, write about what effect the lateness had on the children. Did it mean that they got to bed late and could not concentrate the next day at school because they were tired? Be sure to include the date and the names of any witnesses to the events that you record.

Smart Way #7: Anticipate your post-divorce financial condition. If necessary, consider whether it would benefit you to go back to school or seek employment. But, don't do either without first talking to a lawyer. It could have a negative effect on your case.

Smart Way #8: Take good care of yourself. A divorce is one of the most stressful situations that you will ever go through. You must make sure that you are in as good shape as possible -- both emotionally and physically and spiritually -- before you start the divorce process. We refer many of our clients to Katherine (Kat) Forsythe for advice on keeping yourself happy and sane during the divorce process. Kat is a therapist-coach specializing in divorce recovery. Her website is katforsythe.com. It's critical that you work with a professional like Kat, who you can confide in about the emotions you're experiencing during the divorce process - someone whom you are confident will not report what you say back to your husband. Kat can also assist you with #6 and also #9, as a coach.

Smart Way #9: Establish a good support system. Having the help of friends, family or a counselor, can better equip you to get through this difficult process. On the other hand, friends and family are often more than willing to give you advice on what you should do. You may want to tell your friends and family you need someone to listen to you, not give you advice.



Smart Way #10: Learn the basics of divorce law. Knowledge is power. The better you understand the legal process and the divorce laws, the more reasonable your expectations will be and the less anxiety you will experience about the process. Look for our book, ***What Every Woman in California Needs to Know About Divorce***, soon to be available on [amazon.com](https://www.amazon.com) and [our website](#).

Smart Way #11: Set up a bank account that is in your name only. If an account is held solely in your name, only you will have access to the funds in that account. If, however, you fund the account with marital funds, you might later be ordered to repay some of it or provide an accounting of your expenditures. Even so, this is a very good move towards separation and your financial independence and security.

Smart Way #12: Make sure you have at least one separate credit card. Divorce cases can be unpredictable. Because you could find yourself with nowhere else to turn if you need quick access to funds, a credit card can be a useful safety net.

Smart Way #13: Review your Will, Trusts, Life Insurance Policies. You need to review who the beneficiaries of your will, trusts you may have set up and life insurance policies you have purchased. You may want to remove your husband if he is the beneficiary. We suggest speaking with Paul Hitchcock at the law firm [Barth Calderon](#). Paul is the director of business development at Barth Calderon and provides any caller who mentions my name a complimentary confidential asset protection and estate planning review. Barth Calderon has been working with women before, during and after the divorce process for years and knows the right steps to take to watch out for you. Find Paul Hitchcock and Barth Calderon's information [on our website](#) and you can reach Paul Hitchcock directly at 415-577-4685. Regardless if you call Paul Hitchcock or not, make sure you have a qualified professional review your will, trusts and life (and other types of) insurance.

Smart Way #14: Stay Safe! Divorce is stressful and can cause your husband to act irrationally, even if he was the one who initiates the divorce. Therefore, I tell all my clients to call the police if their husband begins to make them feel unsafe. Stress changes people and you are not dealing with the same person you married. Make sure to call 911 if you are at all worried for your safety. The police receive extensive training in handling domestic disputes and domestic violence emergency calls. Do not hesitate to call the police if you fear for your safety.

Please contact us for questions, support, and to schedule a private consultation.

