



10 THINGS YOU NEED TO KNOW BEFORE YOU FILE FOR DIVORCE

Contents

Introduction	2
What is a Successful Divorce?	3
<i>How to Have a Successful Divorce</i>	
Talking to a Lawyer	5
Your Privacy is Valuable	6
<i>Who Gets Custody of Your Friends During Divorce?</i>	
Take Responsibility for Your Own Contribution to the Divorce	8
Gather Your Evidence	9
<i>Sharing Evidence with Your Lawyer</i>	
Get Your Finances in Order	10
<i>Creating a Budget</i>	
<i>Separating Joint Accounts</i>	
<i>Establish Your Own Accounts and Credit</i>	
Understand the Basics of Divorce	11
<i>How Divorce Works in California</i>	
Decide on Your New Living Arrangements	12
Decide How and When to Tell Your Spouse	13
Learn How to Deal with Your Spouse	14
Your Lawyer is Here to Help	15

Divorce isn't easy.

Divorce isn't easy on anyone involved, and it's a decision you can't take lightly. Before you file, there are several things you need to know – and because you're under a lot of emotional stress right now, we've put together a list of the 10 most important things you need to consider.

One of the most important things we can tell you, however, is that **you're not alone**. We'll be here for you through the entire process, from start to finish, and you can call on us any time to provide the help and support you need.

That's why we're here.

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What is a Successful Divorce?

Before you file for divorce, you need a strategy; a plan of action. Being prepared can make the difference between a successful divorce and an unsuccessful divorce, and we haven't met anyone yet who wants an unsuccessful divorce.

What's the difference between the two?

A successful divorce means that you and your ex wrap things up peaceably (at least for the most part) and you come out of it feeling reasonably satisfied. In a successful divorce, you know that you and your ex have reached a fair resolution that you can both live with.

An unsuccessful divorce is the exact opposite. Unsuccessful divorces drag on for months, or even years, and both parties are unhappy – and it only gets worse. When they're finally over, everyone is exhausted; nobody has the strength to begin moving forward.

How to have a Successful Divorce

Between the two attorneys, you and your ex, there's no reason you shouldn't have a successful divorce. Your lawyer's first job is to protect your rights under California law; her second job is to make sure that you reach a solution that's as fair as possible.

A successful divorce is a lot like a business transaction. There's plenty of give-and-take, and you have to make cool-headed decisions the whole time. We know that's hard, especially when emotions are running high, but it's absolutely essential. (Don't worry. **Your lawyer will help you see the big picture** when you're focused on details that will only drag you down.)

When you can treat your ex as if you're dissolving a business partnership, you can expect him or her to return the favor. Most people don't want to fight. They're simply reacting with their emotions rather than with wisdom and logic.

Working together is almost always better than letting a judge decide some or all aspects of your divorce. Yes, judges try their hardest to be fair and impartial – but they don't know you and your family like you do, and what they see as fair might not be the best solution for any of you.

A successful divorce goes through faster, and it **costs you less of your hard-earned money**, as well. For most people, it's an unpleasant process – so getting it over with sooner, rather than later, is usually exactly what they want.



Talking to a Lawyer

Now that you know that you'd rather have a successful divorce than an unsuccessful one, you're ready to talk to a lawyer.

During your initial consultation, you might feel a little nervous. Most people are; after all, this is a huge step that's going to affect the rest of your life.

Your attorney is going to have plenty of questions, and they might seem a little bit too personal. However, she needs straight answers so that she can build the right strategy. If you're elusive about some of the facts, she won't be able to effectively protect your rights during the process.

What Your Lawyer May Ask

In most cases, your answers might lead to more questions. Just bear in mind that everything your lawyer asks you is designed to help you during your divorce.

Your attorney will probably ask several questions, including:

- How long you've been married
- Whether infidelity is an issue in your divorce
- How many children you have
- Whether you have a prenuptial agreement
- What kind of assets you may need to divide
- Whether you have a place to live or you intend to keep your marital home
- What your financial situation looks like (and what it will look like without your spouse's income)
- How well you and your soon-to-be ex communicate
- Whether you've told your spouse that you want a divorce

She's not being intrusive; she needs to know all of these things to help guide the outcome of your case. Child support, spousal maintenance, and even property division can hinge on your answers to these questions, so answer as truthfully and as completely as you can.

Talking to an attorney, especially when it comes to an initial consultation, doesn't necessarily force you to go through with a divorce. Your lawyer might even ask you if you've tried marriage counseling or if you're positive that you want a divorce – and that's okay. **If you're not ready, you're not ready. Your attorney will understand.**

Your Privacy is Valuable.

While you may be tempted to tell everyone that you're going to file for a divorce, it's usually best to keep quiet until you've actually filed. There are many reasons, but some of the most important include:

- **Your kids' feelings.** If you have children, psychologists suggest that the best way to tell them about your impending divorce is face-to-face, with your ex, in a calm, non-threatening environment. It would be extremely hard on them to find out from someone other than you two.

- **Infidelity or personal problems.** Nosy neighbors, well-intentioned family and busybody friends don't need to know all of the details unless you want to talk about them. When you simply drop the divorce bomb and leave it at that, though, they often fill in the gaps themselves – and that can cause you serious problems.



Who Gets Custody of Your Friends During Divorce?

Many of your friends and family members will be armed with tons of advice and ideas as soon as you break the news. However, many people will be there for your ex instead of for you. Generally, the friends that each of you had before you were married stay on the same side – it’s the friends you made as a couple who have it a lot harder.

Some won’t know what to say, and some are too busy with their own lives to commit to being part of the support network you need during this difficult time. Others might feel like your divorce is “contagious,” and they’ll want to limit their involvement with you until some point down the road.

Your attorney might recommend that you join a divorce support group or talk to a therapist. If you feel like it would help, by all means, do so! **Sometimes it’s unbelievably helpful to talk to an impartial third party** about the way you’re feeling, and we could all use a healthy sounding board.

Take Responsibility for Your Own Contribution to the Divorce



During divorce, it's important to be honest with yourself.

You may not want to admit it, but you may be partially responsible for what's going on right now. That's not to say that the entire divorce is your fault. In fact, it's almost impossible for a divorce to be only one party's fault.

We don't say that to be harsh. We say that because it's important. Accepting your role in the divorce can help you strive to make it more successful; that's because you're more willing to accept that your soon-to-be ex is in a similar position, and you'll be more likely to be mature about the whole situation.

Your divorce is a negotiation. It's not a battle that you have to win.

Gather Your Evidence

California is a no-fault state. You can get a divorce here without having to prove anything to the courts; you simply have to be unable to repair your relationship.

Although it's a no-fault state, though, that doesn't mean any evidence of infidelity or other issues won't have an impact on the outcome of your case.

If one of you abandoned the family, for example, or one of you started dating your high school sweetheart during the time you were married, the court could consider those facts in some aspects of your divorce. You may even be entitled to reimbursement for your attorney's fees, or you may get a different share of the marital property than you would've otherwise gotten. Things like these can also be a factor in child custody and in spousal maintenance.

Sharing Evidence with Your Lawyer

When you have something that may be used as evidence against your spouse, give it to your lawyer. It's not legal for you to hack your spouse's email or social media accounts, but other types of evidence might be acceptable. If you're not sure whether something will benefit you (or whether it's legal), check with your attorney first.

Get Your Finances in Order

Before you file for a divorce, it's best to have a financial plan. Are you working, or can you work if you aren't already?

What will you do for money when you split from your spouse? Will you move into an apartment, or will you take over the mortgage payments on your marital home? What about your car, your insurance and your other expenses?

Step 1

Creating a Budget

Your lawyer might suggest that you create a budget to help you through your divorce. Don't count child support or spousal maintenance that you may have to pay or that you might receive – that way, you can plan for the worst.

Having a budget before you actually file for divorce can help you make the right decisions about when to file, as well.

Step 2

Separate Joint Accounts

Most couples share bank accounts, credit card accounts, and even utility accounts. Before you start pulling your name from everything, check with your lawyer. You could inadvertently do something to damage your case. If your ex will no longer qualify to keep the accounts open after you withdraw your name, he or she could argue that you pulled the financial plug – and that might not be good news for the outcome of your divorce.

Step 3

Establish Your Own Accounts and Credit

In most cases, it's best to begin work on your own credit as soon as you start thinking about divorce. Whether you need to open a line of credit in your name or set up a new bank account that your soon-to-be ex can't access, it's always a good idea to be prepared for financial emergencies before they occur.

Understand the Basics of Divorce

You don't have to know every California law that relates to divorce. That's what your lawyer is there for; however, you'll probably benefit if you understand the basics.

How Divorce Works in California

In order to begin the process, you must have lived in California for at least 6 months. Further, you have to live in the county where you're filing for at least 3 months. If you don't qualify, you can still file for a separation – but you cannot file for divorce until you meet those requirements.

Your lawyer will file the appropriate paperwork to get the ball rolling. Everyone needs a Petition for Dissolution, and couples with children will need to fill out additional paperwork.

Once that's done, your lawyer will tell you what to expect next. You and your ex may agree on the details (and that's a good thing!), or you may have to go back-and-forth to determine what's most fair to both of you.

In most cases, parents share legal and physical custody of their children. Usually, it's up to the parents to figure out a visitation schedule that works for them – but if they can't, a judge will step in and take action.

When you and your spouse reach your final agreement on all of the issues, or when a judge decides for you, the judge who's handling your case will issue your divorce decree.

There are many documents that need to be filed, as well as several issues that need to be resolved in-between each step, but don't worry; your lawyer will keep you updated and let you know if there's anything she needs you to do to move your case forward.



Decide on Your New Living Arrangements

Once you're sure about where you stand financially, you'll be able to make the best decisions about your new living arrangements. Whether you're keeping your marital home, renting an apartment or living somewhere else, **make sure that you talk to your lawyer first.** You don't want to do anything that could damage your case.

Your lawyer will help advise you on the best time to move out. She'll also give you guidance when it comes to what to do with the joint property in your marital home.



Decide How and When to Tell Your Spouse

It's usually best to keep quiet about your plans until you have all of your affairs in order. Once you have everything sorted out, you can tell your spouse.

According to most psychologists, you should strive for calm when you tell your spouse. Many people find it helpful to **have this discussion in a private, relaxed atmosphere**; others would rather do it in a public setting in an attempt to avoid emotional fallout.

You should definitely avoid breaking the news to your spouse in the heat of an argument, and don't say anything when your children are present, either. You're begging for trouble if you do either of those things.

Your spouse may want to plead, argue or question your decision; that's normal. Stand your ground and don't participate in a lengthy discussion. In most cases, the best course of action is to leave a situation like that and revisit the topic with your soon-to-be ex once you've both had time to process what's going on. No matter what, don't lead your spouse on; even if you think it will give you an advantage in your divorce case (it won't). That's not fair to anyone involved.

Learn How To Deal With Your Spouse.

Overall, would you rather have a successful divorce or an unsuccessful divorce?

Most people really, truly want a successful divorce. Even if you're extremely upset, hurt or bitterly angry, if you look at the big picture, it's easy to make the right choice (especially if you have children).

The key to a successful divorce is to be fair. While you can't predict how your ex will behave, the fact remains that you're more likely to come to a good resolution if you're not in attack mode. Remember that dirty divorce tricks have no place in the courtroom – and if your judge feels like you're playing games, the outcome doesn't look good.

The best way to deal with your spouse is to remain as calm as possible. Be confident, and be understanding and willing to compromise; don't get dragged into arguments or bullied into making concessions you're not comfortable making.

If you can't even muster the energy to avoid arguments with your spouse, it's perfectly fine to steer clear of him or her.



Your Lawyer is Here to Help.

I've worked with hundreds of people who were caught in a variety of circumstances. I've dealt with cheating spouses, people who want to divorce amicably and everything in-between, and I've helped them achieve successful divorces.

I want the same outcome for you.

If you have questions, just ask. I'm here to answer them. I'll protect your rights under California law, and at the same time, I'll help ensure that you get what you deserve from your divorce.

Before long, you'll be starting the next chapter in your life as a happier, healthier and more resilient person – and you'll be glad you chose the right path by aiming for a successful divorce.



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