

# DIVORCE EDUCATION KIT

Dear Sister in Christ,

If you have come to this page on the NEWIM website, you may be struggling with your marriage. Maybe you fear your spouse is having an affair. Maybe you are experiencing more complex issues stemming from addictions, abuse or abandonment. Maybe your spouse has already decided to end your marriage and now you have no idea what to do.

Whatever the reason, we are sorry that you have found yourself in this position. Marital conflict can be completely overwhelming and divorce is not an easy decision. However, having some general information to guide you through the process can help in navigating this uncharted territory. Remember, you should seek a professional and competent attorney who is well-versed in family law to provide specific advice for your particular situation.

There is much to think about when you consider divorce. Many decisions will need to be made. And although some of them may be tough, having the right information can help you journey to a more hopeful future. As part of your initial research, this education kit has been compiled to help you make some preliminary decisions.

The first thing you may find helpful is a checklist on page 2. The questions and information are specifically designed to facilitate your thought process if you are headed toward a divorce. The worksheet can help you organize your next steps. On page 3 you will find a list of divorce definitions. The process is complex and understanding terms will be beneficial. On page 4 there is a comparison of the divorce options available. This will give you some idea of how each of the different options for divorce can play out.

Making the decision to divorce may still be in your hands, or your spouse may have already contacted an attorney. No matter what, we hope this information will give you some confidence to move forward however the Lord is leading you. We do not offer counseling or legal advice—you'll need a professional therapist and a competent lawyer for those specialties. Should you wish to talk to someone who has been down this road, we have leaders who have been there and would love to extend confidential encouragement and prayer.

Remember, as you travel this dark valley, God's got this and you.

*Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me. Psalm 23:4*

NEWIM Leaders

# PREPARATION CHECKLIST

## INITIAL QUESTIONS TO ASK YOURSELF

- Is reconciliation or counseling possible?
  - Could marital counseling help?
  - Should I explore non-adversarial, non-court options?
  - Is it possible that my spouse would be willing to explore non-court options as well?
  - When everything has been completed, what do I hope the outcome will be?
  - Is my safety at risk?
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## EVALUATING YOUR DIVORCE PROCESS OPTIONS

- Review Process Options [page 4]
  - Determine what your options might be for this decision
  - Google 'Divorce Options' & 'Divorce Workshops' in your area
  - Attend a Divorce Options Workshop
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## DETERMINING WHAT'S IMPORTANT TO YOU

- Control over decisions
  - Children/Family Issues
  - Financial Interests
  - Fees
  - Confidentiality/Privacy
  - Mutually beneficial outcomes
  - Length of time – Filing to Judgement
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## HIRING A PROFESSIONAL

- Family/Friend referrals
  - Professional contact referrals (counselor, financial professional, etc.)
  - Internet Search
  - Verify attorney standing through the State Bar
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## CONSULTATION QUESTIONS

- What are the benefits/risk/advantages /disadvantages of:  
*Litigation*      *Collaboration*  
*Mediation*      *A hybrid model*
  - What is your specialized area? How many years have you been practicing?
  - What documentation will you need from me?
  - What is the expected timeline and fee for completing this process?
  - What are the most common cost inflators? How can I minimize cost?
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## PREPARING FOR YOUR PROCESS

(Detailed List Page 5)

- Gather/organize financial records
- Prioritize: Finances, cash flow, parenting/ co-parenting schedules,
- Be proactive in divorce process and planning
- Get emotional support with a focus on lowering anxiety
- Focus on your children and don't speak poorly of your spouse in front of them

# FAMILY LAW DEFINITIONS

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**LITIGATION:** The traditional court option where both spouses retain lawyers who present their case to a judge. The judge is the final decision maker. Litigation is an adversarial process.

**PRIVATE MEDIATION:** A neutral professional assists both spouses in settling their disputes in an effort to create a "win-win" situation. The spouses control the presentation and decision-making in the case. Spouses commit to an open information-gathering process.

**COLLABORATION LAW:** Combines the positive qualities of litigation and mediation in a non-court, non-adversarial process. Each spouse has the advice and counsel of their own lawyer. All commit to an open, information-gathering process and a commitment to settle without going to court.

**ALTERNATIVE DISPUTE RESOLUTION (ADR):** Ways of making decisions and resolving disputes, other than litigation (contested hearings), including collaborative practice, mediation, parenting coordination, arbitration and neutral evaluation.

**DISSOLUTION:** Meaning "to end" or "dissolve." Often used interchangeably with the word "divorce" as in "dissolution of marriage."

**DIVORCE COACH:** A divorce coach is a skilled professional, trained to manage a wide variety of emotions and issues that arise during divorce. Divorce coaching is not legal advice and not therapy. Divorce coaching is not about placing blame, finding fault or dealing with the past.

**FINANCIAL COUNSELOR:** This professional acts as a neutral party who assists both spouses in gathering/understanding the couple's financial information in a supportive environment.

**MARITAL SETTLEMENT AGREEMENT:** A written document that outlines the divorcing spouses' rights and agreements regarding property, support and children.

**MEDIATOR:** A neutral, impartial person trained in negotiation, conflict resolution and communication. The mediator does not represent any party or take sides, nor does (s)he function as an attorney, judge, coach or therapist. (S)He explains the mediation process to the parties and assists couples to clarify issues, concerns, interests, needs and values. The mediator brings in and works with various professionals as needs arise.

**PRO PER:** Literally means "do it yourself." This term is often used in mediation and collaborative law to indicate that individuals have determined to represent themselves.

**UNCONTESTED DIVORCE:** A divorce in which all issues have been agreed upon by the parties.

# COMPARISON OF DIVORCE PROCESS OPTIONS

	<b>PRIVATE MEDIATION</b>	<b>COLLABORATIVE</b>	<b>LITIGATION</b>
WHO CONTROLS THE PROCESS?	Mediator serves as facilitator; parties' control decisions	Professionals organize the process; spouses make final decisions	Judge controls process and makes final decisions
DEGREE OF ADVERSITY	Mediator assists spouses to achieve cooperation	Spouses pledge mutual Respect and commit to non-adversarial process	Court process is based on an adversarial system
COST	Costs are manageable, often the most cost effective process	Costs are manageable, usually less than litigation; team model is financially efficient in use of experts	Costs are unpredictable and can escalate rapidly
TIMETABLE	Spouses create timetable with professional assistance; average timeframe 6-8 months	Spouses create timetable with professional assistance; average timeframe 12-18 months	Judge sets timetable; frequent delays; average timeframe 2-5 years
OUTSIDE EXPERTS	Spouses retain specialists to help develop informed, mutually beneficial solutions	Jointly retained specialists develop informed, mutually beneficial solutions	Separate experts hired to support the litigants' positions
LAWYER INVOLVEMENT	Mediator serves as process facilitator; spouses may hire outside lawyers for legal consultation or advocate	Spouses, with advice and guidance of professionals, work toward a mutually beneficial settlement	Lawyers fight to win, but someone always loses
PRIVACY	The process and discussion or negotiation details are privileged by law	The process, discussion or negotiation details are kept private	Dispute becomes public record available for review by others
COMMUNICATION	Mediator educates and assists with communication; other experts may be retained for specific purposes as well	Team of collaborative practice specialists educate and assist spouses on how to effectively communicate with each other	No process designed to facilitate communication; lawyers control all communications
	Spouses communicate directly with the assistance of a mediator	Spouses communicate directly with the assistance of team	Spouses negotiate through lawyers
VOLUNTARY VS MANDATORY	Voluntary, non-court based	Voluntary, non-court based	Mandatory, court- based

# PREPARING FOR DIVORCE

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## **Before You File**

- Open a new checking/savings account in your name only. Change any individual direct deposits to this account
- Open a credit card in your name only to use for emergencies only
- Decide your desires when it comes to your shared home. Have a plan in place should you need to move out

## **Privacy**

- Consider a P.O. Box if you need to receive mail confidentially
- Change your passwords – on every account you own. However, do not change passwords on joint accounts. Change your phone password. Use random passwords not related to anything in your life
- Make your social media accounts private. Don't delete info, this way you control who sees them

## **Financial Information**

- Make a list of joint monthly bills
- Make sure you know you and your spouse's net worth, income and expenses
- Make a list of all joint financial accounts with current and past 12-month balances
- Make a list of all credit cards in both your names
- Make a list and find documentation on retirement accounts, IRS's, 401k's, pensions

## **Information about your Children**

- Update contact info with their school
- Know your child's class schedule, extracurricular activities with dates, times, etc.
- Plan ahead for custody issues and child care

## **Copies of Documents**

- Credit Report
- Recent pay stubs for you and your spouse
- Tax returns for at least the last 3 years
- Bank statements credit card statements and any other financial accounts
- If you/your spouse own a business, copies of certificates, company agreements, shareholder agreements, profit/loss statements and any other information reflecting financial condition of the company
- Trust agreements. Real estate documents like deeds and mortgage documents
- Car titles and loan information
- Make a list of all personal property (furniture, art, jewelry, etc.)

## **Take Pictures**

- Take pictures of items of value
- Take pictures of each room of your home and its contents