



*New Direction*TM

Family Law

Considering Separation?

What to do before you separate.

Knowing your legal rights and options BEFORE you separate is important. Better to find out before you separate than after.



Hindsight is, as they say, “20/20.” Many people leave their spouses without first considering what they should do to protect themselves and their children. A well-thought-out plan on when, what, and how to separate can help reduce the emotional turmoil and, perhaps, the financial strain on you and your family.

First, talk with a family law attorney experienced in separation and divorce. You may know friends and family that have separated or divorced, and they may be giving you well-meaning advice. But your cousin’s or best friend’s divorce is not the same as yours. No two separations and divorces are alike. There is a lot of miscommunication, so talking with a legal professional can help you focus on your specific circumstances and the options that are available for you and your family.

Getting information, setting out a plan and knowing what you should do can protect not only your legal rights, but can also help you make a plan that works for you and your family.



Determine if separating is right for you. If you are not sure you want to separate from your spouse it's a good idea to talk with an experienced therapist or counselor. They can provide a confidential and safe place to talk about all your options so that you can move forward with confidence.

Start working on a parenting plan if you have minor children. You know your family best. If you can, talk with your spouse regarding when and where the children will be with each parent. When developing a parenting plan, consider things like:

- Your family traditions
- Where you will live
- Your work schedule
- Where the children go to school
- Do the children have any emotional/behavioral or health issues
- Who has been the primary caretaker for the children
- Any other consideration that may be applicable to your situation.

Figure out what to tell the kids. Telling your children about your separation may be the hardest part of separating for you. Be as truthful as possible and take the children's ages and development into consideration. Experts agree that it's best to share this news together with your spouse. A joint discussion shows your children that although you and the other parent may be separating, you'll always be their parents and that you will both be there for them. Of course, this may not work for all parents, so consider telling them on your own if you and your spouse are unable to agree on what to say.

 *Know where you stand financially and make copies of your financial records.* Some couples share bank accounts, credit cards, etc. Some keep things completely separate during their marriage. Sometimes one spouse doesn't know what the other spouse has in terms of assets and debts. Before you separate, it's important to make copies of all your and your spouse's financial documents, such as bank statements, tax returns, credit card statements, retirement and money market accounts, stocks, bonds, and mutual funds. It's even better if you can copy at least the past 2 years of these documents.

 *Know your budget.* Running two homes means surviving on less income for each spouse. Determining what it costs to run your household and what you may need, in terms of support from your spouse, can be critical. Don't just guess at the numbers. Take the time to review your credit card and bank accounts for the past year so that you have a true "picture" of what your monthly budget needs will be. Many banks and credit card companies offer a "spending report" that can be useful in determining your actual expenses.

 *Establish your own credit/financial identity.* It's important to establish your own credit history if you've been dependent on your spouse throughout the marriage. Open a credit card in your name alone. If you do not already have a separate checking and/or savings account, open one in your name alone and obtain a copy of your most recent credit report.

 *Take an inventory of your personal property and identity documents.* You don't need to inventory or take photos of every knife and fork, but do try to get a handle on the larger items of furniture, artwork, jewelry, electronics, etc. There may also be property that has little financial value, but may have a great deal of personal value to you. Writing down the personal property on a list is good; photos or videos are even better. Make copies or secure the originals of your and your children's social security cards, passports, birth certificates, and any other identification or health, dental, vision, and life insurance documents.

 *Remove your name from utility, cable, security/alarm accounts, if you leave the marital residence.* Notify the company that you wish to have the account taken out of your name. Provide at least a 30-day window for the account to be changed. Inform your spouse of your intentions and encourage the spouse to have the account placed in his or her name. Verify if any security deposits/refunds may be due.

 *Review your direct deposits.* If your income is directly deposited into a joint marital account, you may want to consider having it be deposited in an account in your name alone. This may not work in all situations. It may be that you can have a portion of your paycheck deposited into a separate account and the remaining amount deposited in the joint account for the short term.

New Direction Family Law – Devoted to helping clients, going through separation and divorce, make powerful changes. Move from victim to victorious and from bitter to better.

Contact us to schedule an initial consultation. You will hear how we aggressively advocate, support, and educate our clients to achieve the best possible outcomes.

Building on more than 15 years of family law experience, we empower our clients to become their own best advocates when they are experiencing legal issues about:

Separation or divorce
Child Custody
Child Support
Spousal Support
Property Division
Domestic Violence

We are committed to providing individualized attention to each client we serve. We treat you as a whole person, not just a person “going through a separation or divorce”. That means we are with our clients every step of the way and are involved in every phase of the litigation and settlement process. We partner with a trusted network of professionals and experts to provide our clients the holistic services they need. We work with each client to advocate and support them in making powerful changes so they can have the *life they want and deserve*.

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