

# Guide to Good Divorce Jan. 2019 Enews

## Choosing the best divorce attorney for you

*By Trey Yates*

If you are preparing to get a divorce, or just considering it, it is a good idea to begin by finding the right attorney for you. Divorce is a big step. It is an intense emotional and psychological experience, but it is also a legal process and in fact, it is a lawsuit. You need to arm yourself with knowledge in order to make the most informed decisions. The settlement you secure is likely to impact your life for many years to come.



Set out to carefully select an attorney who has the right skills, knowledge, experience and personal qualities that fit your case and your philosophy. By carefully selecting someone you can trust and someone who will protect your legal interests, you will be better prepared to focus on yourself and your family during this difficult time.

### Skills and knowledge

Over the years, I have found that people have many misconceptions about divorce and their legal rights with regard to divorce. In addition, everyone's situation is unique. All attorneys are not equally skilled. The lawyer you hired to negotiate a real estate transaction or draft your will, is likely not the best choice for handling your divorce.

In the state of Texas, an excellent way to separate the "wheat from the chaff" when looking for a qualified divorce attorney, is to look for one who is certified by the [Texas Board of Legal Specialization](#) in family law and divorce. Of the more than 70,000 attorneys licensed to practice in Texas, only 7,000 have earned the right to be publicly recognized as board certified specialists in one of 21 select areas of law. Board certified attorneys must pass rigorous testing, have significant trial experience and take about twice as much continuing education as nonboard-certified family law attorneys.

Each state is unique in its laws, so it is vital your attorney stays up-to-date on legislative changes that could affect your case. Plan to interview several attorneys before deciding on one.

## **Experience**

Ideally, you want an attorney who is good in court and out. Do not assume yours has extensive courtroom experience. Ask. If you do need to go to court, it is very important that your lawyer is familiar with the system and its complexities, as well as how specific judges like to work. It is also a good idea to explore whether an attorney is flexible in his or her approach to the divorce process. Your case may be best suited for mediation rather than the court room, so make sure he or she has experience and certification in mediation practices.

If children are involved, secure an attorney with specific experience in this area. A quality attorney will recommend that during your divorce you put the children's needs first. He or she will also not pursue unreasonable demands for child support or vindictive child custody and visitation arrangements. Texas law requires family law judges to consider the best interests of the child in determining custody and visitation. When it comes to child support, the court may use a complicated formula to determine what a parent pays. This includes such factors as the cost of providing healthcare coverage for a child and other factors.

## **Style, personality and philosophy**

It is also important to find a divorce lawyer who is on the same page as you when it comes to how your divorce is managed. When interviewing attorneys, consider your case and the various aspects of your divorce. Ask her how she typically handles cases like yours. If it sounds as though she would approach your case differently than you would like, ask if she would be willing to consider a different approach. Her response should speak volumes. Also choose a lawyer you like, because personal qualities count as well. Consider how you communicate with each other during the interview.

Here are a number of ways to come up with a short list of good attorneys to interview.

- Ask family and friends but do not rely solely on their recommendations.
- If you know some attorneys, ask them who they would recommend and why.
- Ask your accountant or financial planner.
- Ask your therapist or contact members of divorce support groups.
- Check with family law mediators.
- Ask marriage counselors who advise divorcing couples.
- The personnel at local women's centers may have some tips.

- Check with the local or the state bar association for a list of family law attorneys who are board certified and experienced in divorce cases.
- If you know someone who has recently gone through a divorce, you may also want to contact them for a referral or just to gather advice and tips.

Once your list is drafted, contact 2-3 who best fit your needs and set up consultations. Some attorneys will charge for this meeting, others won't. Make sure you prepare a thorough list of questions for the consultation ahead of time, and try to limit your meeting to about an hour. To schedule a consultation with our office, call 713-932-7177.

## **Is your spouse hiding assets, income or debt?**

*By Patricia Barrett, CFP, CDFIA*

If you are currently considering divorce, you may be wondering if your spouse could be hiding assets, income or debts from you. Sadly, your fears are not that unusual. In fact, financial mischief is fairly widespread among couples today, even if they are not in the process of divorce.



According to a study conducted by The National Endowment for Financial Education (NEFE), 31 percent of individuals who combined finances with their significant other have been deceptive with their spouse/partner about money. And of those who were deceptive:

- 58 percent said they hid cash from their partner/spouse
- 54 percent hid a minor purchase from their partner/spouse
- 34 percent said they lied about finances, debt, money earned

As a marriage unravels, it is not uncommon for spouses to wonder if their partners could be hiding marital assets, income or debts from them. In Texas, all income earned and debt incurred by married spouses is considered “community property.” That means both income and debt is shared between spouses, regardless of who earned the income or incurred the debt. So, while some earners feel they have a sole right to their earnings, the law says otherwise.

### **Here are some unethical practices to look for:**

- Cash may be stored in a safe deposit box at the bank, or in a home or office safe.
- Income can be underreported to the IRS on tax returns and/or on financial statements.
- A spouse can overpay the IRS or creditors, and then get a refund later, after the divorce is final.
- Salaries can be deferred, signing new contracts can be delayed, and commissions or bonuses can be held back until after the divorce.
- Spouses can create phony debt, collude with family members or friends to create fake loans or expenses; then later get back money paid to these individuals.
- Stocks or investment accounts can be transferred temporarily to family members, business partners or “dummy” companies.

### ***Dealing with a spouse who might have financial dirty tricks up a sleeve, requires you to think financially, not emotionally.***

Be careful not to use illegal methods or software to “spy” on a spouse. There are many gray areas about what practices are acceptable and legal, and about what's admissible in court. And this can vary not only from state to state, but also from court to court within a state. According to most experts, information obtained illegally is usually inadmissible in court. An experienced divorce attorney can advise you as to a method's legality in your state.

Social networks offer opportunities to do simple snooping, if certain lines are not crossed. As people put more of their lives and careers online, it's getting much easier to find clues to secret activities that are hidden in plain sight. By legally monitoring social media accounts, such as Facebook, Instagram and LinkedIn, investigators and spouses may find out quite a bit.

Sometimes, uncovering mischief just takes some basic, electronic detective work. One forensic accountant did a quick search on a client's husband's employer website and discovered he was eligible for a large pension—something he had hidden from his spouse for more than a decade. Another expert searched a free public database and discovered that his client's husband owned real estate in another state. A simple Google search discovered a client's husband had sold his company for millions of dollars when he had told his wife it had no value.

## What you can do now

- Pull together and organize all your important financial documents
- Get credit reports on yourself and your spouse, and review them closely
- Review bank and credit card statements, over the last few years
- Review your income tax forms over the last several years, and your spouse's W2 forms
- Identify and explore any unusual activity on financial documents
- Report any suspicious transactions or activity to your divorce attorney

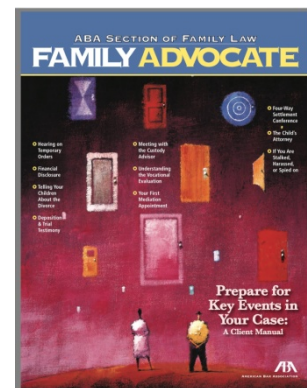
*If the financial documents are daunting and you have questions, get help from a savvy, experienced Certified Divorce Financial Analyst, such as myself. Call my office for a free phone consultation at 832-858-0099.*

## Free download

### Prepare for key events in your case

When couples begin the divorce process, it is common for them to feel overwhelmed, confused, lost in legal system jargon, and headed for an unknown destination seemingly out of their control. That is a difficult spot to be in for most competent adults who are accustomed to making their own decisions and dictating their own lives. This manual is published by the American Bar Association Section of Family Law and was written to help those going through divorce to better understand what to expect from the process. Because each participant in a divorce must be fully awake and actively engaged, this manual is designed to enhance the lawyer-client relationship.

For additional free information on navigating divorce, visit <http://www.GuideToGoodDivorce.com/Resources>.



## Guide to Good Divorce Seminars



*For seven years, the Guide to Good Divorce program has helped hundreds of women learn to successfully navigate the divorce process. Through quarterly seminars, they gain insights and knowledge from experts on the topics of divorce law in Texas, divorce financial planning, self-care, and wellness. For more information, call the Law Office of Trey Yates, 713-932-7177.*