



## The Guide to Good Divorce Summer 2019 Enews

### Protect and guard your privacy while going through divorce

By Trey Yates

For better or worse, we are living in *the digital age*. Lightening-speed advancements in technology have enabled global electronic communications among us to accelerate to unbelievable levels of interconnectivity. Through expanding Internet bandwidth, increasingly powerful Smartphones and wireless devices of all shapes and sizes, internal cameras and thousands of apps beckon us to work, play, share and socialize in this electronic world.



We can now *communicate* with each other and with electrical systems and appliances in our homes via Smartphone, iPad or voice activated “Artificial Intelligence (AI)” assistants, such as Amazon’s Alexa or Apple’s SIRI. Our cars now have advanced, touch screen GPS systems, WIFI and voice activated AI assistants to help us find our way and stay connected while on-the-go. Yet, there are drawbacks to this capability.

**If you are considering divorce, have separated from your spouse, or started the divorce process, digital technology can be problematic and challenging with regard to your privacy.**

Spousal spying is a growing concern and can lead to major issues in a divorce. In addition, a disgruntled spouse with access to your online accounts, laptop or wireless devices can make unauthorized changes, withdrawals, or collect potentially damaging information to use against you in court or at the settlement table. So, it is important to protect yourself by taking steps immediately to protect your digital privacy now. Here are some steps to take:

- **Create a new email account immediately** with a new password and new PIN to use during your divorce;
- **Create an inventory of all shared online accounts or device plans**, and determine how to privatize each one; change the passwords and the access name of your home WIFI; close accounts where it makes sense and open new ones just

to be safe; don't forget your online access to insurance providers, home security systems with web cams, or any voice-activated systems, such as Amazon's Alexa;

- **For best results, purchase a new Smartphone, iPad and/or laptop** from a different service provider than who you are currently using; set up the account as an individual, and create all new passwords for supporting networks, software plans and accounts on these devices; make sure privacy settings are locked down; turn off location services; and if your children have Smartphones or other devices, including gaming consoles, ensure they cannot access your account from their devices;
- **Purchase strong security software** for all your new devices at the time of purchase; for PCs, Bitdefender and MalwareBytes are two excellent security software products; for Apple devices or Macs, Norton Security and Norton Security VPN are essential to protect your devices;
- **Change the passwords on all online banking and credit card accounts;** close or freeze joint bank accounts, and credit cards, if possible;
- **Change the passwords on all your shared online accounts immediately;** examples include accounts with iCloud, iTunes, Netflix, Amazon, Comcast/Xfinity, AT&T Uverse, Microsoft, software programs, etc.; discuss with your attorney how this "content" should be divided in the divorce; these accounts typically may hold many family photos, and purchased music, movies and other entertainment that is likely to be considered *community property*; etc.;
- **Also change the passwords and logins connected to your IRAs, 401(k)s, retirement or investment accounts, and any healthcare provider or healthcare insurer's online portal;** tell your attorney that you are taking this action to protect the funds, and prevent your spouse from accessing the accounts; you will be responsible for any withdrawals of these accounts during the divorce process;
- **If available, enable two-step password verification on all of your online accounts;** this usually entails new passwords, PINs, security questions with answers your spouse will not know, and will require you to enter a special code sent via text or call to your new cell phone to gain access;
- **Take a vacation from all your social media accounts until the divorce is final;** however, be sure to first change all your passwords on these accounts and tighten up security settings to protect the content that is already there; do not close these accounts;
- **Stop using any wireless devices, computers or laptops** in your home that you may have shared with your spouse;
- **If you are living in the home, and your spouse has moved out, change the passwords on your home WIFI modem, login and security system,** etc., or change providers and get new WIFI equipment that you can activate with new passwords and PINs; (make sure your children do not share this updated information or new passwords with the spouse who has moved out);
- **Open separate bank accounts under your name with a different financial institution;** move half your joint savings or balances into your new account for "safe keeping" until the divorce is final; move your automatic payroll deposit to your new account immediately;

- **Secure *Temporary Orders* through your attorney** in order to legally ensure civil boundaries such as to who gets to live in the family home during the divorce process, who pays what bills, how each spouse is expected to behave, etc.;
- **Open a separate line of credit or new credit cards in your name only;** secure online access with new passwords, PINs and a two-step verification process;
- **Consider opening a post office box** in order to receive mail from any of your new device or account providers, and/or any correspondence from your attorney or financial advisor that you want to keep private;
- **If you have a joint safe deposit box at your bank, consider closing it and moving the contents** to another *safe* location until settlement discussions begins and the contents can be divided legally as part of the divorce decree.
- **Keep all documents regarding the divorce and your finances locked up in a safe place throughout the process;**

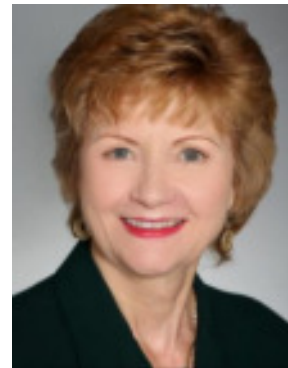
This list may seem daunting, but taking these steps quickly will give you peace-of-mind and significant protection from potential harm from spousal hacking or spying. If you aren't tech savvy, you can usually find a friend or family member to help you, or you can hire a computer consultant. Most technology providers can also help you set up new service, online security settings and passwords. Stay diligent, change passwords and PINs often, and focus on creating your next best life after divorce.

## **Don't fight over pots and pans**

*By Patricia Barrett, CFP, CDFA*

As a Certified Divorce Financial Analyst, I consider my primary focus to be one of helping divorcing individuals and couples sort out and divide the marital estate in an equitable manner.

This typically requires reviewing financial documents and statements with regard to all assets and debts with an eye on short- and long-term goals and outcomes. This includes the couple's savings accounts, retirement accounts, credit card statements, brokerage accounts, equity in the family home and/or other real estate holdings, automobiles or recreational vehicles, any liens or debts owed, and non-qualified executive compensation packages, such as bonuses, deferred compensation, stock options, restricted stock, supplemental executive retirement plan.



However, when it comes to dividing the household contents, which I call “the pots and pans,” I encourage clients to do this on their own. This is because family law courts and attorneys will very rarely get involved in dividing a couple's household contents. For one

thing, very little real value can be placed on such things. Generally, these items are considered second-hand, or holding only garage sale value.

I am sometimes surprised at how “the stuff” can become highly charged during a divorce. Couples argue about who paid for what, or which items belong to whom. Frustration then flares up and the process toward a settlement is stalled or derailed over pettiness and emotional short-sightedness. If the couple cannot come to an agreement, they can incur unnecessary legal fees or mediation costs in order to move forward.

I give my clients a spreadsheet form they can use to list all household items to be divided. Columns on the form include the **Item Description, Estimated Value to him and to her, Separate Property of Wife, Separate Property of Husband, and Children’s Household**. Go through your home room-by-room, identifying items to be considered for division. Include tools, patio items, garage items, etc. But, I suggest only adding items worth over \$50 or some other figure.

If an item was brought into the marriage, gifted to or inherited by one spouse, that item is considered his or her Separate Property. In the case of children’s items, I advise couples to divide these in accordance to the Children’s Wishes, The Amount of Time the Children Will Spend with a Spouse, and the Nature of the Item. It is important in this situation that discussions are kept reasonable, moderate and calm, for the sake of the children.

If you get stuck on who gets an item or two, set the items aside for later. You may use an “alternate pick” method of dividing these items. Flip a coin to see who gets first pick. This process may work for dividing family photos, for example. Continue the process until all items are divided. You could also decide to hold a garage sale on all or some of the household items, and then split the cash proceeds. Or, hire an auctioneer or an estate sale company to liquidate the items and divide the proceeds equally, after paying any costs.

### **More valuable personal belongings**

If there are more valuable household items, such as antiques, art or other collectibles in the mix, you may wish to get these appraised first, although most individuals use the internet to find values. Then determine how to divide these items up based on the appraised value combined with who wants what. Perhaps one spouse does not want any of the items, but instead would prefer cash.

Concentrate on the important financial facets of your divorce estate: the IRAs, 401ks, home, savings, stocks and bonds. Don’t let “pots and pans” get in the way.

*This article is designed to provide readers with a general overview of the issues discussed and is not a substitute for individual legal or financial representation.*



## [Prepare for Key Events in Your Case](#)

When someone initiates a family law proceeding such as divorce, he or she often feels lost and caught up in a system they know little about. This client manual was created by the American Bar Association Section of Family Law to help those going through divorce to better understand and prepare for key events in the process. Just click on the headline above to download the manual.

For more free information on divorce, visit <https://www.GuideToGoodDivorce.com/resources>



Watch for Guide to Good Divorce founder, Trey Yates, on KHOU Channel 11's morning show, Great Day Houston, on July 16, 2019 at 9 a.m. He will be discussing the Guide to Good Divorce seminar program and his more than seven years of helping Houston area women navigate the process of divorce. This show will stream live from [KHOU's website](#)! Or, watch the show anytime on [KHOU's YouTube Channel](#).