

Temporary orders during divorce can protect both spouses



By Trey Yates

Many individuals facing divorce worry about the disruption of financial security during the divorce process. This issue can be especially frightening and overwhelming when a stay-at-home parent, a financially dependent spouse or a disabled spouse is facing divorce.

One client told me, "My spouse earns much more than I do, how will I support myself and my children on my income alone while I'm going through divorce?" Another said, "My spouse has complete control of the household finances, I have no money to pay a divorce attorney." Still others have said, "My spouse is threatening to take away my children if I file for divorce since he/she makes most of the income."

I have counseled clients who are so concerned about finances, they are virtually paralyzed with inaction. Yet, there are solutions to these concerns that can help maintain a couple's financial stability during divorce.

While the divorce is pending, most couples should consider setting up temporary orders and/or support to protect their assets and credit during the divorce process. Either spouse can ask for a temporary support hearing at the time the divorce is filed, or shortly thereafter.

Temporary orders can state who stays in the family home; who cares for the children; and who is financially responsible for the mortgage payment, utilities, car payments, etc. during the divorce process. These orders also set rules restraining any inappropriate conduct by divorcing spouses.

Couples can often agree upon reasonable, temporary financial arrangements, through their attorneys, that will tide them over until the divorce is final. One attorney can draft a Temporary Orders document that outlines all the financial details agreed on. Then each spouse signs it and it is filed with the court. Agreeing on temporary orders moves the process along, alleviates fears, and can help avoid additional legal fees or a costly trip to court.

Many lawyers today accept credit cards. This is an option to consider if couples do not have cash reserves available to finance a divorce. It's also a good solution for those wanting to preserve cash reserves to pay for unexpected expenses during the divorce.