

## Separation? Where Do I Start?

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If you are contemplating a separation, or if you believe that your spouse is, where do you begin?

1.

Collect and preserve financial information.

This will include tax returns and information regarding income and expenses, such as check registers, checking account statements and credit card statements. You will also want information regarding assets and liabilities. If you have done a loan application for a mortgage or refinance, that will be a very helpful summary. You also want to secure information regarding 401K's, retirement and investment accounts and the like. If there is a business involved, any documentation regarding the business would be an integral part of the information you will need.

2.

Information regarding real estate.

HUD-1 forms from the purchase and sale of real estate are essential for tracing. If any assets were acquired using non-marital funds by either party, that information should be provided to your attorney. Non-marital asset tracing would include funds or assets owned by either party prior to the marriage, gifts from a third party, inheritances or anything traced to those funds.

3.

Consider available funds.

You will need funds to retain counsel and experts and enough funds to pay ongoing bills for at least a short period of time. Familiarize yourself with bank accounts and investment accounts that would be accessible to acquire a new place to live and other expenses for at least a few months' time.

4.

Consider options for living arrangements.

Although you do not want to move before consulting with an attorney and considering all of your options, it will be beneficial for you to know whether you can afford to remain in your current home if that's an option. And, if you must move, what kind of residence would be appropriate for you (and for your children)?

5.

Consult with a divorce attorney.

Seek referrals from trusted friends who have had divorce experiences, estate and trust lawyers, accountants, therapists, and others who can give you names of competent attorneys. You may want to consult with more than one before making the decision as to who should represent you. Always consider peer evaluations, such as Super Lawyers, Best Lawyers, and, of course, the American Academy of Matrimonial Lawyers (AAML). Membership in the AAML is an organization of the top divorce lawyers in the country. Both Cheryl Hepfer and Sandy Brooks are Fellows of the AAML.

6.

Make your children your primary concern.

For any parent contemplating separation and divorce, the best interest of their children is of great concern. An experienced divorce attorney can give you advice regarding the process options for you to consider and can provide information that will make this less frightening.