

About Your Finances

By PAULETTE M. GRAY



Do's & Don'ts

HOW DO I HIRE A LAWYER?

Do's

- Get recommendations from friends, bar associations, and lawyer referral services. Then do your research and interview candidates.
- Determine whether you need a lawyer and, if so, what kind of lawyer. Is yours a difficult financial case? Is it a custody case? Find a good match.

Don'ts

- Don't hire a lawyer who has no family law experience.
- Don't hire a lawyer based solely on his or her reputation.
- Don't hire a lawyer who never goes to court.
- Don't stay with a lawyer who won't return your calls or keep you informed about your case.

WHAT DO I TELL MY LAWYER?

Do's

- Do your homework. If your lawyer asks for information, give it to him/her.
- Do your own legwork, copying, and organization. It is less expensive and less time consuming for you to get bank statements and make copies than for your lawyer to issue a subpoena and then make the copies.
- Answer your lawyer's questions. Tell your lawyer about your background, your education, your income, etc. Your lawyer will tell you what he/she needs to know, and you need to provide the information (income, employment, education, etc.).
- Tell your lawyer about any skeletons in your closet—do you have a girlfriend/boyfriend? DUIs? Any children out of wedlock?
- Err on the side of telling your lawyer too much. Let the lawyer decide whether to ignore it.
- Organize your documents for your lawyer.
- Rather than calling every time you have a question, keep a list of questions you want to discuss with your lawyer. Ask your lawyer how best/how often to deal with these questions. Organizing your questions and calls can help keep legal fees to a minimum.

Don'ts

- Don't lie to your lawyer.
- Don't hide things from your lawyer.
- Don't ignore calls and/or letters from your lawyer.
- Don't bombard your lawyer with calls and e-mails.
- Don't just bring a box of documents for your lawyer to dig through.
- Don't sign anything settling your case until your lawyer tells you to.

HOW TO TREAT YOUR SPOUSE DURING THE CASE

Do's

- Be civilized.
- If you continue to live together, set a healthy example for your kids.
- Engage in counseling to help manage your emotions.
- Walk away from fights.

Don'ts

- Don't date during your divorce. It will only make it more difficult on your spouse and add to the cost of litigation.
- Don't spend money on your girlfriend/boyfriend.
- Don't put anything nasty in writing. Your text messages and e-mails are evidence.
- Don't leave nasty voicemails.
- Don't threaten to quit your job.
- Don't cancel health/life insurance during the case.

CUSTODY & PARENTING TIME

Do's

- Be realistic about what is best for your children. Spending time with the other parent is usually best for your children.
- Let your children spend extra time with your spouse/ex-spouse. It's not about you, it's about them.
- Jointly parent your children. Keep your spouse/ex-spouse in the loop about things. E-mail is a beautiful thing.
- Put your animosity aside for the benefit of your children.
- Engage in family counseling.
- Engage in individual counseling.
- Let your children spend time with their extended family on the other side.
- Be flexible with parenting-time changes for special events.
- Speak positively about the other parent. You may hate the other parent, but your kids don't.

Don'ts

- Don't alienate your children from your spouse.
- Don't speak poorly about your spouse and his/her family in front of your children.
- Don't discuss your case with the kids.
- Don't ask your kids to spy on the other parent.
- Don't make your children choose between you and the other parent.
- Don't be unreasonably rigid with the schedule. What goes around, comes around.
- Don't move out if you plan to seek custody.
- Don't include your children in discussions with your lawyer. If you are making a phone call, be sure the children are not within hearing distance.

PROPERTY

Do's

- As you list your assets for your lawyer, indicate any you believe may be separate (nonmarital) property (an inheritance, separate gifts to you, items you owned before the marriage).
- Answer discovery questions completely and on time.
- Maintain your property to maximize its value (house, car, etc.).
- This is a good time to obtain a free online credit report.

Don'ts

- Don't make major life changes or major purchases until the divorce is final.
- Don't commingle property (i.e., refinance to put your spouse's name on nonmarital property).
- Don't buy real estate without first discussing it with your lawyer.
- Don't hide assets.
- Don't spend money on your girlfriend/boyfriend. Don't squander (dissipate) marital funds.
- Don't play games with discovery. If you are in possession of information that your spouse needs to respond to discovery, hand it over.
- Don't sell property without first speaking with your lawyer.
- Don't destroy property.
- Don't take money out of your retirement funds.
- Don't take money out of your kids' accounts.
- Don't argue over insignificant property (old furniture, the toaster, etc.).

Don't use social media to respond in anger, air your grievances about your spouse, or flaunt your improved new life

SOCIAL MEDIA

Do's

- Do limit or stop using social media during the divorce (Facebook, Twitter, LinkedIn, Pinterest, YouTube, etc.). What you share online can be used against you.
- Review your social media privacy settings and current posted content.
- If you come across your spouse's postings or photos that reflect poorly on him/her, alert your lawyer.

Don'ts

- Don't use social media to respond in anger, air your grievances about your spouse, or flaunt your improved new life.
- Don't change your Facebook relationship status from "married" to "single" until your divorce is final.
- Don't post pictures or statements that reflect badly on you.

DEBTS

Do's

- Maintain the status quo in terms of monthly payments unless your lawyer tells you to do otherwise.
- Pay the minimum payment due.
- Keep a paper trail.

Don'ts

- Don't run up credit card debt.
- Don't pay off your credit cards unless your lawyer tells you to do so.
- Don't charge things you don't want your spouse to know about. Those statements are subject to discovery.

SECURITY

Do's

- Do start your new single life with fresh equipment: a new computer, cellphone, etc., in your name only.
- Change e-mail and other passwords to ones your spouse won't know and cannot guess.
- Use available encryption software to protect all of your devices and your communications.
- Set up a new e-mail account that you use only for attorney-client communications.
- Make a mirror image of all shared computer hard drives, etc., for your lawyer.

Don'ts

- Don't communicate with your lawyer or discuss your case using your work computer.
- Don't install spyware on your spouse's computer.
- Don't use keystroke trackers.
- Don't destroy any potential evidence on your hard drives or online (files, social media postings, or e-mails), without talking with your lawyer first.
- Don't use technology to fake evidence.

When it comes to security that involves personal safety, always err on the side of protecting yourself and your children. If the other party is dangerous or you are fearful for yourself or your children, talk with your lawyer immediately about your options and how to devise a safety plan. **FA**

PAULETTE M. GRAY is a sole practitioner in Crystal Lake, Illinois, and has limited her practice to family law for nearly 20 years. She is president-elect of the Illinois Chapter of the American Academy of Matrimonial Lawyers, and is a member of the Illinois Appellate Lawyers Association, the Illinois State Bar Association, and the McHenry County Bar Association. Ms. Gray is an author and frequent lecturer on a variety of family law topics.