

Preparing for Divorce

There are things a man needs to know if he's going to survive a divorce in Florida

By Jaymi Curley

Whether you've been blindsided by a spouse or are pulling the ripcord yourself, bailing out of a failing marriage is tough. Divorce is said to be second only to the death of a loved one in terms of the stress and depression it brings men.

Despite that, divorce happens. So here are six things to consider before untying the knot in the sunshine state.

Know the law, but hire an attorney

As soon as you're sure a divorce is going to happen, contact a licensed attorney who specializes in family law. Make sure he or she has negotiated settlements and has taken cases to court.

But don't go into the process blind. Many resources exist online and offline that can help you get familiar with Florida divorce law. Do not take any information you might glean from outside resources, however, as legal advice. Rather, use what you learn to ask your lawyer smart questions.

Keep detailed records

"The end of a marriage can be likened to that of dissolution of a corporation. People who are good record keepers, who have very organized accounts of this definitely have an advantage in court," says John R. Nettles, a Gainesville attorney who has specialized in family law for more than 30 years.

Keeping detailed accounts of finances, property holdings and high-value personal items is always a good idea, but having those records in a divorce proceeding can be crucial. When there is a dispute over who really owns that original Warhol, or the actual value of the '72 Harley you lovingly restored by hand, being able to produce the correct piece of paper can save you time, money and aggravation.

Also, keeping detailed track of the time you spend with your children can cut off any possible accusation of indifferent parenting.

Forget financial trickery

Horror stories abound of wives who have drained family accounts or blown credit card limits. This fear may tempt some men to remove cash; to tamper with assets by hiding them; or to temporarily transfer ownership of items to friends or relatives.

Bad idea, says Leslie Smith Haswell, an attorney who practices family law. "Courts make detailed examinations of any and all financial transactions in the two years prior to the divorce filing. You can't convert marital assets; it's going to look like you have been hiding money."

What might have been an equitable distribution of the marital assets can go in the wife's favor if it looks like you've been tampering. If a man fears his wife will attempt a financial end run, his lawyer can file for an injunction to prevent revenge spending.

Consider the kids

New Florida statutes have abolished traditional notions of custody. Teacher conferences, consultations with physicians, or discussions with coaches, tutors or others involved in your child's life are within the scope of each parent's rights and responsibilities.

Moreover, support payments are no longer simply the obligation of the parent with more money. Amounts are predicated on net income as well as the percentage of the child's time that is spent with the parent.

The less time you share with your child, the greater the percentage you will be required to contribute for support.

Clean up your act

Florida is a no-fault divorce state, so charges of infidelity have no legal effect on the divorce itself; however, your behavior still has consequences.

"Divorce is a much smoother process when you keep emotions from escalating," says Haswell. "If you have someone waiting in the wings, then cut it out. Flaunting that is just going to make your wife angrier and in a mood to fight. And the more you fight, the more drawn-out and expensive the process. I usually advise my clients to wait until the final decree to start dating."

Consider collaborative divorce

In a collaborative divorce, each party has an attorney and a divorce counselor, and there is a neutral financial examiner agreed upon by both sides. There may also be a separate counselor to represent the children. Together with this team, the husband and wife negotiate the details of the divorce.

Proponents claim this brings the family to a place where the marriage can peacefully dissolve. Choose an attorney who specializes in this type of divorce.

Whoever Jaymi Curley's future ex-husband may be can have the beach house, but will never get her cookware. Follow her at twitter.com/bookgirlz.