

# Law Office of J.J. Dahl

BOARD CERTIFIED IN MARITAL & FAMILY LAW

## **KNOW YOUR RIGHTS**

Many of our prospective clients have needlessly suffered from anxiety, fear, embarrassment and other emotional difficulty because of their family law problems. The causes are generally:

Fear of the unknown, especially of their legal rights in a dissolution action

Concern over protecting their relationship with their children and causing as little turmoil as possible

Concern about finances; where will the money come from or how much money will it require?

We strive to eliminate all such fear and anxiety by explaining your options, your rights and the effects of the legal matter on you and your family. Our objective is to make you feel comfortable, to help you understand your rights and explain the ways that your matter can be handled.

AN EARLY CONSULTATION IS IMPERATIVE. You must know what your rights are BEFORE you take any action. Many people wait to talk with an attorney just to find out that they should NOT have moved out of the house, or they SHOULD have taken certain documents. Basically, they find out that if they had acted earlier, something they want right now could have been theirs. Early planning can determine how an action will proceed. Like a chess game, the first move is extremely important and can determine the entire game. Your first move should be to gather the information we have requested and meet with us as scheduled.

## **TENDING TO MONEY ISSUES IMMEDIATELY**

Once a separation seems inevitable you must turn your attention to money issues as quickly as possible. If you prolong these actions you may fall victim of a variety of different problems, such as, you may find that you are responsible for credit card debt that was incurred after you moved out, or that one of your joint accounts have been wiped clean of all its assets, or that the home equity account that was there in case of emergencies now has a loan against it for \$20,000.00. Do not be afraid to separate your accounts immediately. If you should end up getting back together, you can always open these accounts again. Make sure all joint accounts are closed or divided when you separate. Before doing so, set up an account in your name and make sure that you qualify for credit since sometimes your individual credit rating can be affected if you close out an account. Do not freeze accounts. One or both of you may need access to the funds for any number of reasons. With your attorney's approval, split the money from joint accounts equally.

- Copy documentation about all of your assets – any investments, retirement plans, bonds, mutual funds, savings or money market accounts, etc.
- Make copies of all financial documents that show your true debts, assets, and expenses (including household and credit card bills, bank records, expenses for the children)
- Obtain a current credit report.
- Sit down and really figure out what you are worth. Determine the worth of everything you own – household furnishings, real estate, cars, everything.
- Start keeping track of all debts incurred and money paid to each other after the date of separation. This includes money spent on joint bills, improvements to the home, moving expenses, children, insurance premiums – everything that could pertain to the two of you.
- After learning your rights and determining what you have in assets as well as your expenses and income, try to sit down with your spouse to see if you can work out something that is equitable. **Do not do this before you have all of your documentation, however because you cannot negotiate without the facts. Do not agree to anything or sign anything without consulting your attorney.**
- If you decide to pay for items for your spouse after you have separated, it is very important that a start date and a stop date are delineated. The particulars of any financial arrangement between the two of you should be put in writing so that there is no misunderstanding. Remember, when one person is in shock – most likely the person who is being left – he or she is not going to hear things accurately or remember things clearly. If you put this in writing these payments may be tax deductible, although they will be considered taxable income to the spouse receiving support.

*We look forward to meeting you.*