

**Special
Report**



KelownaDivorce

helping find a fair solution

8 Steps to Separation & Divorce

BEFORE YOU CALL A DIVORCE LAWYER



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8 Steps to Separation & Divorce **BEFORE You Call a Lawyer**

Hello,

After six (7) years in business we've learned a few things, including how to get ready for separation and divorce. So we compiled this report to help you navigate the rough waters ahead since most of us do this only once in our lives and we haven't a clue as to where to start.

You never thought you'd arrive at this cross-roads when you married, and when you do, you tend to act and react from pure emotion. Every couple has unique circumstances that require individualized attention, but **there are certain steps that everyone contemplating separation and divorce should take to protect themselves, their children, and their property.**

Follow these eight steps to save yourself time, stress and money—and be better prepared to deal with your divorce. At this point it doesn't matter whether you are the one leaving, or the one getting left behind. The fact is: the marriage is over.

Take these steps before you separate.

Step #1 – Are You Sure?

Do you really want a divorce? Are you doing the right thing?

A divorce can cost you emotionally, financially, and physically. You should avoid divorce at all costs unless you are a victim of domestic violence. Try marriage counseling even if your spouse refuses to go. A marriage is seldom perfect, but imperfection alone is not a good reason for divorce. If your heart and head are not in agreement about separating from your spouse, you need to slow down, re-think and, perhaps, re-focus on making your marriage work.



If divorcing is all a shock to you, you are likely to react by making bad, emotional decisions. A professional counselor can help guide you through these difficult times, and a divorce mediator or lawyer can explain the process to you. At this stage, knowledge is power. So, learn as much as you can.





Also attend to your spiritual needs since they are a critical part of your balance. If you attend a church, synagogue or other place of worship,

see someone who is in a position to help you. Even if they counsel against divorce, they will generally support you, and you may find you need their support as the process moves forward.

If you are in an abusive relationship, you should get help immediately. Your safety and that of your children is of greatest importance and should come first over anyone's advice. Legal aid and domestic violence shelters will generally provide immediate assistance at no cost.

But if you are sure the end has come and all hope of saving the marriage is lost, read on.



Step #2 – Prepare, Prepare, Prepare

Separation and divorce will change the way you live

We often refer to divorce as the perfect storm. All of the pre-divorce circumstances are lined up as the storm approaches and as it hits, it's devastating – whether you're the one leaving or the one being left.

Prepare! It goes without saying that it will cost you and your soon-to-be ex-spouse more to live separately than together. You will each have your own rent, food bills, cable bills, etc.

Gather as much information as possible before you separate and you will save yourself money, time and headaches.

While you may not be able to gather all of the documents listed on the following pages, the more you collect today, the more money you will save.



Note: There is nothing wrong with you collecting the information listed on the following pages. At the end of the day, you'll both be required to disclose all financial documents anyway.

Things to Do As You Prepare

- Change your passwords to bank accounts, emails accounts, etc.
- Open a Post Office box to protect your private mail.
- Open new email account for private email (e.g., gmail).
- Open a bank account at a bank different from your spouse. Some bank tellers are known to have shared with the other spouse that a new account was opened!
- Open a safety deposit box at your new bank to store important information.
- Apply for a credit card in your own name (if you don't already have access to credit).
- If you have a Google Plus, LinkedIn, Facebook, or similar account, consider that everything there will be monitored. You might consider “pausing” or deleting the accounts. At the very least, be careful what you post.



Things to Do As You Prepare (Continued)



- Research temporary places to stay. If you have children, the temporary home should be conducive to their needs (e.g., separate bedrooms). Investigate your options and the cost. Consider staying with family, in a short-term apartment, etc.
- Keep a detailed journal.
- Stay involved in school functions, extracurricular activities, homework, meals, childcare, and other aspects of the life of your children.
- Keep a record and receipts for all expenses.
- If you can, don't date! Wait until you're through the process if at all possible. Third party relationships just stir the pot and add to the anger and confusion.

Important documents to take with you



- Address book
- Credit report – Run it free at www.equifax.ca
- Tax Returns with Notice of Assessment for the last 3 years

- List of property and debt you and your spouse have
- If you or your spouse owns a business, gather business records and financial statements (profit & loss, balance sheet) and business tax returns for the last five years
- ICBC documents for cars, trucks, boats, trailers, etc.
Blue book value of vehicles
- If you use Quick Tax, QuickBooks, or similar accounting software, export a copy of the data to disk
- Medical records for yourself, your spouse and children that you have at home, including any drug test results, prescription records, and mental health records
Insurance documents (Life, Health, Disability)
- Children's school records, report cards, and attendance records
- Any photos you think might be important, plus one good photo of your spouse, each child, and other people involved

Step #3 – Hire Professionals

Divorce is serious stuff. Don't try to do it yourself. And for sure, look at mediation as your first option!

When we became family divorce mediators, it became clear that “do it yourself” or “kitchen table” divorces often resulted in failure to achieve the goal, or spouses giving up far more than they should without knowing it—and, in some cases, they found they were not even divorced.

You need to have skilled experienced professionals available to assist you when you need them...professionals who are not going to stir the pot and make the situation between you and your spouse worse. Having gone through our own divorces, we highly recommend (again) that you explore mediation as an option early in the process.

You have only one chance to get it right! And it should not cost you an arm and a leg.

IF YOU THINK IT'S
EXPENSIVE
TO HIRE A
PROFESSIONAL,
WAIT UNTIL YOU HIRE
AN AMATEUR.

Family Divorce Mediator

Seek the advice of a divorce mediator who understands divorce in BC because each province and territory are different. The two legislative acts that govern your divorce are the BC Family Law Act and the Divorce Act of Canada. Your divorce mediator should have a divorce support team available to you if you need extra help.

Learn more about mediation at [Mediate BC's Website](#)

Mental Health Professional

Seek the advice of a licensed counselor who can look at your circumstances as a neutral, third-party. You want someone who is caring and compassionate, experienced, and knowledgeable. A licensed counselor can also offer you advice on how to tell your divorce decision to your spouse, your children, extended family, and friends. Your mediator will have a list of counselors to share with you.



Divorce Lawyer

If your case is complicated and/or there is a history of family violence, you may need to take the litigation route. Seek out a lawyer that you can trust and who will not charge an arm and a leg while helping you. Remember that a lawyer can only represent ONE of you which can double the cost of your divorce.



Financial Advisor

Financial advisors are able to provide advice concerning investing and money management. For example, does one option pay even if your spouse dies before retirement? What are the tax considerations? Which is riskier? Can funds in a plan be invested as you choose? These are the types of issues that a financial advisor can help you resolve so that your decisions regarding a divorce settlement are the best they can be.

Real Estate Agent & Appraiser

If you own commercial property, you will need to properly value it. You should use a licensed real estate appraiser who has experience. In the event you need to sell your home or other property, you will also need a licensed real estate agent



experienced in working with divorcing couples. We have written an article with quick tips on getting your house ready for sale. [Click on the "Home For Sale" sign to read it.](#)

Friends & Family

You might wonder why we list friends and family under the category of professional team. We do because they play an important role in your support network. When you need to vent, vent to friends and family. Some of them will offer you advice in all areas of divorce, even though they are not qualified to do so. Remember they are well-meaning and perhaps their suggestions will help you form good questions to ask the professionals. But when it comes to sound advice, get it from the professionals. Your family and friends are there to support you—not to cause you increased anxiety and more money.



Step #4 – Budget

Gather the resources that will help you be financially stable for the first few months.



Divorce is expensive and you need to know how to get through the first few months and also how to start working towards financial stability. If you followed the steps in #1, you have already opened a separate bank account in your own name.

For the immediate future, you need to ensure you have funds to live. You should also have obtained credit in your own name. It is important that you begin to build your own credit.

When you are putting your budget together, consider child support and regard it as income or expense - as appropriate. In fact, if there is a high probability of spousal support being a part of the package, you can do the same with that.



Calculate child/spousal support
www.mysupportcalculator.ca

Step #5 – Separate

If you are a victim of domestic violence, you need to act immediately! [Click here...](#)

Do you risk losing your share of the property if you leave? “You may be worried that if you leave, this will affect who gets what. Don’t worry. If you have a



right to a share in the property, you won’t lose it by moving out. However, if you move out of the home while your spouse remains, it might be difficult later to convince the court that you should be allowed to return.”

Can you take any of the household belongings? “You have the right to take a reasonable share of the household belongings. If you’re the one who is moving out and you’re taking the children with you, you’ll need to consider their needs when deciding what to take and what to leave behind. But don’t strip the place bare or take more than a fair share, and don’t take things out of spite. Later on, you can always apply to the court if there are more things that you want from the home.”

[from J.P. Boyd's website](#)

Step #6 – Adults divorce; children do not

Children need reassurance during times of transition.



In almost all cases, children take the separation and divorce of their parents very hard. It is important that you reassure the children during this time. They need to understand that this is not their fault.

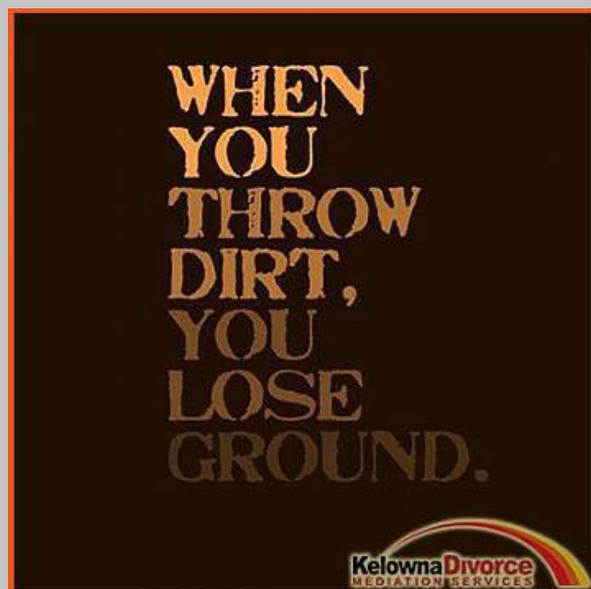
It is critical that you do not speak badly about your spouse in front of the children. By criticizing your spouse in front of the children, you are also criticizing them since they are a part of both of you. Take out your frustrations away from the children. They did not ask for this and certainly they should not be required to choose sides

Step #7 – Keep it Amicable

Trying to hurt your ex usually backfires.
Take the high road.

Badmouthing your ex is likely to hurt your kids more than the intended target. Remember, being divorced doesn't mean you are a failure, less competent or less desirable. You haven't been rejected as an individual, nor are you incompetent at being a partner, a lover, or a friend. **Conflict only increases the costs.**

As well, expect the holidays to be harder than usual. Most couples are not prepared for the loneliness that accompanies divorce since holidays only amplify the concept of a broken home. In the early stages of your divorce, make sure you stay busy during those difficult times of year.



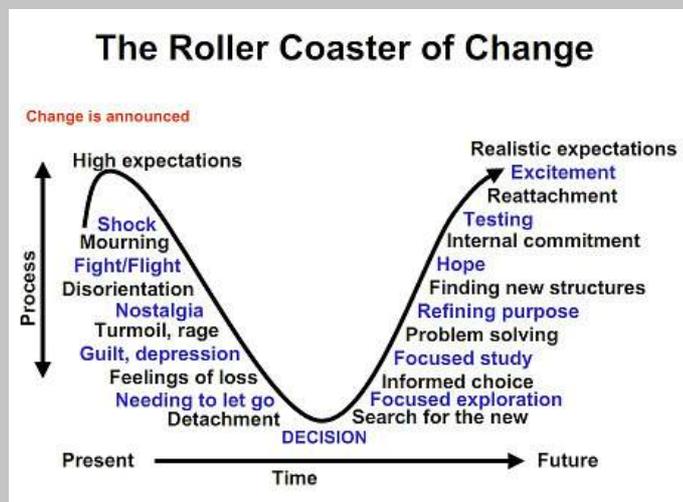
Step #8 – Take Care of Yourself

A divorce is the death of a relationship and you will need time to grieve.

It is important that you understand the grief cycle because that knowledge will expedite your own healing. You will hurt—and it is appropriate to acknowledge your pain and grief over the loss of your relationship. **You need to care for yourself and surround yourself with**



a positive support group, including your family and friends. Make sure you exercise, eat a healthy diet, and take care of yourself through this difficult time. If the divorce is emotionally too much for you, you may want to consider a divorce coach to help you on a daily basis, or you may need to see your doctor.



[Click on the image for more information on Elisabeth Kübler-Ross](#)

Further Reading

- Fisher, Dr. Bruce (2006). *Rebuilding: When Your Relationship Ends*. 3rd Edition
- Leman, K. (2009). *Have a New Husband by Friday: How to Change His Attitude, Behavior & Communication in 5 Days*.
- Trafford, Abigail (1992) *Crazy Time: Surviving Divorce*.
- Moskovitch, D. (2007). *The Smart Divorce: Proven Strategies and Valuable Advice from 100 Top Divorce Lawyers, Financial Advisers, Counselors and Other Experts*.
- Emery, R. (2004). *The Truth about Children and Divorce: Dealing with the Emotions So You and Your Children Can Thrive*.
- Ricci, I. (1997). *Mom's House, Dad's House: Making Two Homes for Your Child*.
- Weiner-Davis, M. (1992). *Divorce Busting: A Step-by-Step Approach to Making Your Marriage Loving Again*.
- Brownstone, Harvey Justice (2010). *Tug of War: A Judge's Verdict on Separation, Custody Battles, and the Bitter Realities of Family Court*.
- Kirshenbaum, Mira (1997). *Too Good to Leave, Too Bad to Stay*
- Ahrons, Constance Ph.D. (1995). *The Good Divorce*
- Sember, Brette (2011). *The No-Fight Divorce*



About Us



Kristy Bieker

Kelowna Divorce Mediation Services has been serving the Okanagan since 2009. We've helped 100's of families since then, however, we have been involved in mediation for over 20 years.

One of the reasons we opened a divorce mediation office was because of our own painful divorces. We figured there must be a better way than the high cost, adversarial, traditional method.

We offer quality, personalized service focusing on what's important to the whole family – children, assets, fairness, honesty, and respect. We offer a structured, step-by-step approach to divorce with the goal of providing for the best interests of both spouses and the children. **The ultimate goal is win-win for the entire family, and if it is just an uncontested divorce we can help you with that, too.** Call us, we can help.

Two Locations To Serve You (By Appointment)

307 Banks Road, Kelowna
and
3480 Carrington Rd, West Kelowna

250.707.0928

<http://www.kelownadivorce.ca>



Wes Stevenson

Click **HERE** for more information about our team.

Book A Consultation