

HelpYourself

## **What information do I need to gather as I prepare for divorce?**

Many people going through a divorce think of it as an emotional process, and with good reason. When you go through divorce, you feel anger and sadness and even some level of fear about an uncertain future. But what's important to remember is that divorce is a legal process, primarily concerned with two things: What happens to the assets and debts that belong to a married couple, and what happens to the children.

Most of the information you'll need to gather pertains to finances. You should make sure you have the following:

- A list of all financial accounts held jointly by the couple and individually, with their account numbers (including but not limited to bank accounts, credit card accounts, auto loans, mortgages, retirement accounts)
- The most recent statements from all of those accounts (including balances and minimum or regular monthly payment accounts)
- At least the last two years of tax returns (personal, as well as for any businesses that either or both spouses own)
- At least a year's worth of bank account statements for all accounts either held jointly or individually
- Records pertaining to ownership of any other assets held by the couple jointly or by either spouse
- The most recent pay stub from each spouse's employer or employers (to determine employment status as well as to determine child support amounts)

Please see the lists in section below on this page called "What do I need to know if I am contemplating divorce?" It will give you lists to start your homework.

[What information do I need to gather?](#)

## [What legal information do I need to know?](#)

When one party is claiming that an asset is separately owned—such as a cash sum, physical item, or property awarded via inheritance—that person should provide any documentation that will back up that claim. While a judge may indeed rule in that party's favor, and keep the asset from being apportioned as part of the marital estate, Texas is a community property state. Unless it can be proven otherwise, any asset identified as being acquired during the marriage—regardless if it's one or both names—is considered to belong to the couple.

It's good to get that information together as soon as possible. If one party suspects that the other is withholding financial information, a discovery motion can be filed requiring that information to be produced within a 30-day period. While this motion can bring forth a disclosure that otherwise might have been resisted, it can also raise tensions. If a couple is invested in minimizing the contentiousness in their divorce, full and honest disclosure of finances is a necessity.

While getting information about the children together is probably not as complex as financial information, you'll want to have copies of birth certificates ready for your lawyer, in part to determine that all children being covered in the decree were parented by both parties (which is the assumption legally made for all children the mother gives birth to during the marriage).

If a woman seeking divorce in Texas is pregnant, she'll have to wait until she gives birth to the baby before being able to proceed with the divorce, even if she believes that her current husband is not the father—so that's another important piece of information needed before the divorce can proceed.

While it might seem like a lot of information to produce, it's important information for your lawyer to have, as it will help give the most accurate

picture of your financial situation—determining what you'll want your decree to do for you and your children.

