



8 tips for assuring an 'intelligent divorce'

As financial forensic accountants in over 200 marital dissolutions over the last 15 years, the experts at Heberger & Company have concluded that there really is such a thing as an "intelligent divorce."

In fact, clients who have been able to achieve an intelligent divorce share eight common, and beneficial, traits:

1. They educate themselves about the divorce process, California Family Code provisions and their rights and entitlements under the code, including:
 - a. "One cannot manage or influence outcomes of any process without specific knowledge of the process."
 - b. "Without knowledge of the process, one must delegate the implementation of the process to others, i.e., lawyers, and pay them for the privilege."
2. They use their new-found knowledge of the divorce process to prepare a specific written plan for their goals involving children, property, income and asset distribution, and they actively work toward achieving these goals during the settlement process.
3. They are able to collaborate to complete the divorce process and settlement within six to 12 months.
4. They seek out lawyers with reputations for being smart and having great settlement skills, rather than for being mean or tough on other lawyers and their clients.
5. They use joint financial experts rather than engaging with two "dueling experts."
6. They have already forgiven one another for whatever caused the divorce and are not seeking revenge or retribution from their spouse in their settlement.
7. They love their children and shield them from knowledge of either parent's alleged questionable past conduct and do not assign blame.
8. They refrain from post-separation conduct that inflames the other spouse, such as expensive purchases or new relationships.

And from our perspective as financial forensic accountants, there are a few more things that we know help ensure an intelligent divorce. For instance, having a non-lawyer friend or mentor to discuss things with during the process is a good thing. This could be a neighbor, friend, pastor, counselor or work colleague. Better decisions are often made when one discusses issues and alternatives with a third party with independent input.

It's also OK to seek a "sanity check." In the process of trying to explain something to that neutral third party people often find that their idea lacks merit or simply won't fly without some adjustments.

More hints for keeping your divorce on track

Post-separation behavior has complicated more divorces than can be imagined. These complications increase the time to complete the process and require spending more community property on attorneys, accountants and other experts. The kinds of behavior which are bound to be troublesome include: beginning a new relationship and flouting it; acquiring expensive cars, boats or houses; taking extravagant vacations; and having cosmetic surgery, to name a few.

Your divorce is likely to be the most significant financial transaction you've ever enter into. If you have the required financial knowledge and acumen, terrific. If you don't, you'd better acquire it so you are able to evaluate the equality of the asset distribution, including tax consequences. You can obtain this knowledge from a qualified CPA, a parent or another relative who works in business or finance. This person will be there to help you prepare for settlement meetings and discussions. They don't have to attend the meeting or get further involved unless you wish for them to do so.

The lawyer you retain is also extremely important. Take some time to research the referrals you've received. What do their websites say? How much do they charge? Do they communicate directly with clients or do they use "gatekeeper" paralegals and secretaries to do the work? You must be able to communicate with your lawyer about processes, timelines, costs and information gathering—the key decisions are made by the lawyers, not their paralegals.

Finally, keep things as simple as possible. Have a plan for your divorce process; effectively manage that plan through constant review of your plan and related goals; remain focused, unemotional and on task. And, as they say in the Navy, proceed with all due, deliberate speed and by remembering that "chance favors the prepared mind."