

Thinking About Divorce? Here's How to Prepare.

June 6, 2025

Source: Vows to Verdicts: Saiber Family Law Blog

We commonly think of divorce as a legal process that ends a marriage and restructures the legal responsibilities between spouses. However, it is also a major emotional and financial transition. While every relationship is unique, there are certain universal steps anyone considering divorce should take before formally beginning the process.

As a family law attorney who has been practicing for more than twenty years, I can tell you that the individuals who prepare before filing for divorce often experience less stress, fewer complications, and more stable outcomes. This blog post outlines the essential areas of preparation—legal, financial, emotional, and practical—to consider before moving forward with filing for divorce.

Consult with an Attorney Early

Even if you are unsure whether you will proceed with divorce, speaking to a family law attorney early can help you understand your rights and responsibilities. It is the first thing you should do. A consultation can cover:

- What the divorce process will look like in your jurisdiction;
- What outcomes are typical in similar cases;
- How assets, debts, and custody are usually handled; and
- Whether mediation or other alternative dispute resolution might be appropriate.

An attorney can also help you avoid missteps, such as moving out of the marital home prematurely or making financial changes that could be misinterpreted later in court.

Knowledge is power. You need to understand what you may be entitled to and the best way to proceed before you make any decisions about a potential split from your spouse.

Understand the Legal Landscape

In most states, divorces are granted on “no-fault” grounds, meaning that a spouse does not need to prove misconduct, such as infidelity or abuse, to file. The most common ground is irreconcilable differences or an irretrievable breakdown of the marriage.

While fault-based divorces still exist in some jurisdictions, they are less frequently used and often have little impact on property division or support determinations. However, in some cases, a spouse’s conduct during the marriage may influence issues like alimony or custody.

Each state has its own requirements regarding residency, waiting periods, and procedures, so it's important to understand the laws that apply where you live.

Organize Your Financial Records

A key part of preparing for divorce is understanding your financial situation. Start by gathering and organizing important documents, including:

- Tax returns (ideally for the past three years)
- Pay stubs or other income statements
- Bank and credit card statements
- Retirement and investment account records
- Mortgage, car loan, and other debt information
- Business ownership documents
- Insurance policies

Once the divorce process begins, both spouses are typically required to disclose all assets and liabilities. Having this information ready helps ensure an equitable division of property and can speed up the negotiation process.

Consider Custody and Parenting Time

If you have children, custody is likely to be one of the most emotional and important aspects of the divorce process. Courts across the U.S. make custody decisions based on the best interests of the child.

Parents should begin thinking about:

- Where the children will live
- How parenting time will be shared
- How decisions about the child's education, health, and welfare will be made
- How communication between parents will be maintained

Creating a proposed parenting plan can help set expectations and provide a useful starting point for negotiations or mediation.

Be Aware Of The Law Against Domestic Violence

Understanding your rights and the law against domestic violence, is important if you are residing with a spouse and things are getting "heated" at home.

If you get into an argument and one spouse seems "unhinged" or threatens you or harasses you, make sure you contact the police.

If you are ever in a situation where you are scared of what your spouse may do, you need to call the police and look into obtaining an order of protection or temporary restraining order. It is vitally important that you and your children are safe.

Divorce or talk of divorce, can be a very stressful time for any family. Stress can cause extreme anger or aggressive behavior and while a restraining order is a significant step, it is important to seek, if it is necessary to protect the safety of a victim.

Protect Your Privacy and Digital Security

Before initiating divorce proceedings, take steps to secure your personal information and digital access. This might include:

- Changing passwords to email, bank, and social media accounts
- Setting up a new email address and bank account
- Backing up important digital documents
- Reviewing your credit report

These steps can help protect your privacy and financial security during a time when trust may be eroding.

Build a Support System

Divorce is as much an emotional experience as a legal one. Support from trusted friends, family, or professionals can provide stability and reassurance.

Consider:

- Speaking with a therapist or counselor
- Joining a support group for people going through divorce
- Consulting a financial advisor to plan for your post-divorce future

Being emotionally grounded will allow you to make clearer, more rational decisions throughout the process.

Timing and Practical Considerations

Timing may matter in a divorce and an attorney can advise you when is the best time to file. It may affect everything from tax filings to eligibility for health insurance to the division of certain assets and duration of support. Consider:

- Whether a move or job change is on the horizon
- How the school calendar affects custody planning
- The impact of holidays or family events

Some people also wait until key financial milestones—like the vesting of stock options or sale of a home—before filing. Consulting with legal and financial professionals can help you make these strategic decisions.

Key Takeaways

Divorce is rarely easy, but careful preparation can reduce uncertainty and empower you to make thoughtful decisions. By understanding your legal rights, organizing your finances, and protecting your person and your privacy, you set yourself up for a more manageable process and better long-term outcome.

If you are thinking about divorce and want to understand your options, consulting with a knowledgeable family law attorney is a wise first step. Being informed is not only empowering—it's essential.