



Sovereign Financial Services

Understanding Your Divorce

www.sfsadvisers.com

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Introduction.

Going through a divorce is never easy and most people find it very overwhelming. The objective of our guide is to educate, inform, organize and help you move forward on the financial aspects of your divorce. This guide will help put you in a stronger mental position to deal with the divorce and ensure that you don't make hasty decisions that could negatively impact you over the rest of your life.

People are often at their most vulnerable, both emotionally and financially during divorce. Being prepared and educated will not only help you avoid mistakes but will empower you to make sound financial decisions.

Included in the guide are articles that address the basics of the divorce process, our top tips and tools (including checklists and worksheets) to help you prepare for what lies ahead.

You will also learn about the tools Certified Divorce Financial Analyst® (CDFA®) use to evaluate and analyze divorce settlement options. A CDFA® can look at a proposed settlement agreement and project 1, 5, 10, 20 years to show how equitable the proposal is and what your lifestyle will look like post-divorce. If the projection shows you can't achieve your financial goals and your settlement is unfavorable, renegotiation is needed. This is why it is so important to meet with a CDFA® before you sign your agreement.

We at Sovereign Financial will show you how to take control of your divorce and have confidence in the decisions you will need to make.

Sovereign Financial highly recommends that any person getting a divorce seek legal counsel. Our role as the CDFA® is to assist the lawyer – not to replace the lawyer. Feel free to call our office (410) 575-3120 with any questions or comments.



Shawn Miller, CDFA®

Understanding The Divorce Process.

If marriage is defined as a civil contract between two people, then a divorce is the legal ending of that marriage by court order.

Your family law attorney will go into greater detail on the steps of the divorce process, but this article will help you understand some of the basics.



There are two types of divorce in the State of Maryland where our offices are headquartered; “absolute divorce” or a “limited divorce.” Other states often refer to a limited divorce as a legal separation that does not end the marriage.

The same issues are often addressed in both versions—custody and support of children, alimony, division of debt and assets with the key difference between these two at the conclusion of a limited divorce, the couple is still legally married. The most common reasons for

seeking a limited divorce include the need for financial relief or for couples who do not yet have grounds for an absolute divorce.

The spouse who files for divorce is the “plaintiff,” and the other spouse is the “defendant.”

The State of Maryland requires that at least one spouse reside in the State for a minimum of one year prior to filing for divorce.

Maryland law also requires the person and his or her spouse have been living separately and apart from one another for a continuous period of one year, and have not had martial relations. Otherwise, the plaintiff must show that there are “fault grounds” or reasons for the divorce. This means that the plaintiff must prove his or her spouse did something that caused the breakup of the marriage.

The law is very specific as to what sorts of conduct may provide fault grounds for divorce. In Maryland, the fault grounds include adultery, insanity and commitment to a mental institution, cruelty, or vicious conduct. Folks who want to file for a fault divorce should consult with a licensed Maryland attorney to determine whether their grounds are sufficient.

As of October 1st, 2015 Maryland Residents who do not have minor children from their relationship are eligible for divorce by mutual consent.

Getting Started

To begin the divorce process, the plaintiff completes a “Complaint for Absolute Divorce” form and the “Civil Domestic Case Information Report.” These forms are available online at the judicial branch website, www.mdcourts.gov/.

The plaintiff spouse needs to file these papers in the circuit court that covers his or her county. Maryland has eight circuit courts, with each court covering one or more counties. The State judicial branch website also has links to all of the circuit court websites. At the time of filing, the plaintiff must either pay a filing fee to the court or request a fee waiver.

Service of the Complaint

Once the complaint has been filed with the court, the court clerk will issue a “Writ of Summons” along with a copy of the complaint. These two documents must be “served” on the defendant spouse.

“Service of process” means that the other spouse receives copies of the divorce paperwork so he or she will have formal notice that the divorce has been filed in the courts.

Once service is completed, the plaintiff should receive proof of service from the server, be it the sheriff, a private process server, the third party or the U.S. Postal Service’s receipt (the green card.) This proof, which is in the form of an affidavit, will show that the defendant was properly served. The court website contains fill-in forms for this purpose.

The Answer to the Complaint

The defendant should file an “Answer” to the divorce complaint, which will allow the defendant to admit or deny the statements contained in the divorce complaint. If the defendant lives in Maryland, he or she has 30 days to file an answer; the out-of-state defendant has 60 days, and the defendant who is out of the country has up to 90 days to file an answer.

The defendant may also file a “Counter Complaint for Absolute Divorce.” Unlike the answer, the counter complaint allows the defendant to state grounds different than what the plaintiff wrote in the initial complaint. The answer and/or counter complaint may be mailed to the plaintiff; no formal service is required.

Financial Disclosures

Both spouses must complete financial statements, which include information about each party’s individual assets, liabilities, income and expenses as well as any joint property and debts.

If either side requests child support and/or alimony from the other, the judge will rely on the information in these statements to make an order. Therefore it is very important that the financial information be as accurate as possible.

Sovereign Financial always recommends seeking the advice of a licensed Family Law Attorney. Feel free to contact our office for a list of local professionals.

Preparing For The Financial Aspects Of Divorce.

We now have some basic understanding of the divorce process. We will move into some of the financial aspects of the divorce and things to think about when it comes time to discuss the division of property. Always keep in mind the decisions you make during the divorce process will have a significant impact on the future of you and your family. Below are our top 8 tips when getting started.

1. Realistically assess your current financial position

Obtain up-to-date copies of all financial documents pertaining to assets, liabilities, income and expenses. You need to have a clear understanding of what the marital property consists of before you can decide how to divide it.

2. Understand the actual value of an asset

Before agreeing to retain or give up an asset you must know not only its current market value but also the tax consequences, transaction cost and original cost basis. The current value is not likely the net value of what you keep. Once an agreement is signed it's too late to renegotiate an unfavorable deal.

3. Who keeps the family home?

To keep the home you need to have the means to support not only the mortgage but the real estate taxes, utilities and costs associated with refinancing the home into a single name. Since not all assets are created equal, be aware of what you may be giving up should you keep the house. Also keep in mind that you will incur all selling expenses when you move which could be upwards of 8%.

4. Acknowledge the potential for a decline in your standard of living

In divorce it is extremely challenging to stretch the same amount of income over two households. The sooner you can adjust your spending to match your new household income

the better off you will be. Creating a realistic budget based on your future income and expenses is critical to meeting your financial goals.

5. Understand the importance of retirement assets

All retirement accounts accumulated during the marriage are potentially subject to division. There is no such thing as “what’s mine is mine.”

6. Setting new financial goals.

Your long term financial plans will change as a result of a divorce. While divorce often focuses on the short term, don’t lose sight of your retirement needs and goals.

7. Engage a CDFA® to model various settlements

Professionally trained Certified Divorce Financial Analyst® (CDFA®) can show the effects of various settlements to help determine whether they are equitable and financially achievable. CDFA®’s use specialized software to generate comprehensive and realistic short and long term financial effects of divorce proposals. This allows for the “what ifs” analysis to determine the impacts of your options.

8. Explore all divorce avenues

Battling out your divorce in court is lengthy, costly, and emotionally draining. Reaching a settlement before going to trial and methods that are more cooperative and less adversarial; such as mediation and collaborative often result in favorable outcomes while saving time and money. Your attorney will be able to assist you in choosing the right avenue for your specific circumstances.

Since you can’t go back and renegotiate your settlement it is important to think financially and not emotionally. Using legal and financial professionals who are specifically trained will help you along your journey to ensure an effective outcome.

Getting Organized.

There are a lot of moving parts and pieces that need to be gathered through the process of divorce and step 1 should be to get organized. Your CDFA® and lawyer are going to be requesting documents and giving you paperwork; you will need a way to keep it all straight.

We recommend a portable compact case such as an accordion file that you can neatly store everything in with a tab labeled for each of the professionals on your team as well as a spot to track the items you need to complete.

Start with a To-Do list to keep you on track and make sure nothing falls through the cracks during a time when stress can be high.

When it comes to compiling a list one of the most essential things to think about is a date of determination. We typically recommend the closest end of quarter (3/31, 6/30, 9/30 or 12/31). This will ensure that all parties are on the same page and values are calculated using one date.

Below is a basic checklist of documents that both your CDFA® and Lawyer will be asking for. These items will help you to complete the Budget Worksheet on the following page.



Financial Documents Checklist

Date of Determination: _____

Assets & Income

- Income Tax returns (2 years)
- W-2's, 1099s or Paystubs (2 months)
- Financial Statements
 - Investment accounts
 - Employer Plans
 - Checking accounts
 - Savings Accounts
 - CD's
 - Money Market Accounts
 - Trusts
- Real Estate Records
- Personal Property list (autos, furnishings & collections)
- Whole Life insurance Policies

Liabilities & Debts

- Credit Card statements (2 months)
- Vehicle Loan statements
- Mortgage & HELOC statements
- Promissory Notes
- Student Loan statements
- Any other loan statements

**For any pre-marital accounts, assets, debts and liabilities include closest available statement from date of marriage*

Budget Worksheet

(Check one)

- Pre-Divorce
- Post-Divorce

	Monthly Expenses	Annual Expenses
Home Expenses	\$ _____	\$ _____
Rent/Mortgage	\$ _____	\$ _____
HOA Fee	\$ _____	\$ _____
Home Equity Loan	\$ _____	\$ _____
Property Taxes	\$ _____	\$ _____
Telephone	\$ _____	\$ _____
Cell phone	\$ _____	\$ _____
Internet	\$ _____	\$ _____
Security System	\$ _____	\$ _____
Cable / satellite	\$ _____	\$ _____
Electricity	\$ _____	\$ _____
Gas	\$ _____	\$ _____
Water/Garbage	\$ _____	\$ _____
Lawn	\$ _____	\$ _____
Snow Removal	\$ _____	\$ _____
Pest Control	\$ _____	\$ _____
Home Maintenance / Repairs	\$ _____	\$ _____
Housecleaning	\$ _____	\$ _____
Pool	\$ _____	\$ _____
Miscellaneous Household	\$ _____	\$ _____
Total Home Repairs	\$ _____	\$ _____
Food		
Groceries	\$ _____	\$ _____
Dining out	\$ _____	\$ _____
Total Food Expenses	\$ _____	\$ _____

Clothing Expenses

Clothing	\$ _____	\$ _____
Laundry/Dry Cleaning	\$ _____	\$ _____
Total Clothing expenses	\$ _____	\$ _____

Entertainment / Recreation

Entertainment (Exclude dining out)	\$ _____	\$ _____
Videos / CDs / DVDs	\$ _____	\$ _____
Hobbies	\$ _____	\$ _____
Movie theater	\$ _____	\$ _____
Vacations / Travel	\$ _____	\$ _____
Classes / Lessons	\$ _____	\$ _____
Total Entertainment /Recreation Expenses	\$ _____	\$ _____

Medical (Not covered by Insurance; not child costs)

Physicians	\$ _____	\$ _____
Dental / Ortho	\$ _____	\$ _____
Optometry/ Glasses / Contacts	\$ _____	\$ _____
Prescriptions	\$ _____	\$ _____
Therapist / Counselor	\$ _____	\$ _____
Total Medical Expenses	\$ _____	\$ _____

Insurance

Life Insurance	\$ _____	\$ _____
Health	\$ _____	\$ _____
Disability	\$ _____	\$ _____
Long Term Care	\$ _____	\$ _____
Home	\$ _____	\$ _____
Auto	\$ _____	\$ _____
Other (Umbrella/ Boat/ RV)	\$ _____	\$ _____
Total Insurance Expenses	\$ _____	\$ _____

Transportation

Auto Payment	\$ _____	\$ _____
Fuel	\$ _____	\$ _____
Repair/ Maintenance	\$ _____	\$ _____
License	\$ _____	\$ _____
Taxis & Transit	\$ _____	\$ _____
Parking	\$ _____	\$ _____
Total Transportation Expenses	\$ _____	\$ _____

Miscellaneous

Postage	\$ _____	\$ _____
Gifts / Holiday Expenses	\$ _____	\$ _____
Vitamins / Non Prescriptions Drugs	\$ _____	\$ _____
Toiletries	\$ _____	\$ _____
Hair / Nails / Grooming	\$ _____	\$ _____
Pet Care	\$ _____	\$ _____
Books / Newspaper / Magazines	\$ _____	\$ _____
Donations	\$ _____	\$ _____
Memberships / Clubs	\$ _____	\$ _____
Miscellaneous	\$ _____	\$ _____
Credit card	\$ _____	\$ _____
Total Miscellaneous Expenses	\$ _____	\$ _____

Other Payments

Quarterly taxes & Add'l Tax Payments	\$ _____	\$ _____
Spousal Support Payments	\$ _____	\$ _____
Child Support Payments	\$ _____	\$ _____
Eldercare Expenses	\$ _____	\$ _____
Professional Fees (Accounting, Financial Planning, Legal)	\$ _____	\$ _____
Service Fees (Banks, Investments, etc.)	\$ _____	\$ _____
Total Other Payments Expenses	\$ _____	\$ _____

Total Expenses (Excluding Children)	\$ _____	\$ _____
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Child Related Expenses

Education / Tuition	\$ _____	\$ _____
Day Care	\$ _____	\$ _____
School Lunches	\$ _____	\$ _____
Counselor	\$ _____	\$ _____
Sports / Camps / Lessons	\$ _____	\$ _____
Hobbies / Field Trips / School Activities	\$ _____	\$ _____
Toys / Games	\$ _____	\$ _____
Boys Scouts / Girl Scouts	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Medical	\$ _____	\$ _____
Dental / Orthodontics	\$ _____	\$ _____
Optometry / Glasses / Contacts	\$ _____	\$ _____
Prescriptions	\$ _____	\$ _____
Allowances	\$ _____	\$ _____
Miscellaneous / Haircuts	\$ _____	\$ _____
Total Child-Related Expenses	\$ _____	\$ _____

*Not Covered by Insurance

Total Expenses (Including Children)	\$ _____	\$ _____
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Net Worth Sheet

Name _____ Date _____

What I Own

Personal		
Home Equity	\$	
Other Property Equity	\$	
Cars	\$	
Furniture	\$	
Collectibles	\$	
Jewelry	\$	
Cash	\$	
Money Owed to you	\$	

Savings & Investments		
Checking accounts	\$	
Savings accounts	\$	
Other accounts	\$	
Annuities	\$	
Life insurance cash value	\$	
Stocks/bonds/CDs	\$	
Mutual funds	\$	
Other	\$	

Retirement Savings		
Pension plans	\$	
401 (k)	\$	
IRAs	\$	
Other	\$	

TOTAL ASSETS		
	\$	

What I Owe

Personal		
Home Loans	\$	
Other Property Loans	\$	
Car Loans	\$	

Accounts		
Card 1 _____	\$	
Card 2 _____	\$	
Card 3 _____	\$	
Retail Credit Cards	\$	
Personal Loans	\$	
Unpaid bills	\$	
Income tax owed	\$	
Other debts	\$	

Investment Debt		
School loans	\$	
Business loans	\$	
Investment loans	\$	
401(k) loans	\$	
Life Insurance loans	\$	
Other investment loans	\$	
Other _____	\$	
Other _____	\$	
Other _____	\$	

TOTAL LIABILITIES		
	\$	

TOTAL ASSETS	\$	
- TOTAL LIABILITIES	\$	
TOTAL NET WORTH	\$	

Top 10 Divorce Do's And Dont's.

With our finances organized we have included some tips of what we have seen works best and some things to avoid.



1. Revenge

You feel your ex-spouse deserves to be taken to the cleaners for all you have been through. The conflicts and the need to get even will only drag out proceedings which may cost more in legal fees and take an emotional toll over the long run.

2. Don't Get Attached

Trying to hold onto items that have an emotional value can cause heartache, frustration and more money than it's worth.

3. Dark Secrets

If you have not looked into your family finances, now is the time! Check your credit score and search for assets and debts that may be hidden from you.

4. Long Term Goals

Understand how your divorce will affect your finances today and years to come. How will that settlement measure up 20 years into the future? Will keeping the house with the expense of upkeep, taxes and insurance make you house poor? Think ahead, not just for today, and set long term goals.

5. Reality Wake Up

Look at your expenses and the cost to maintain your lifestyle. Sure you can cut back, but be realistic about what you will need for daily necessities when you are no longer a couple and plan for that emergency fund also.

6. Get Yourself Up-To-Date

With divorce brings updating your will, living will, power-of-attorney and estate documents to protect you and your family. This should also include work related benefits, insurance and medical policies and beneficiaries on all of your financial accounts.

7. Social Security Benefits

If you were married at least 10 years and do not re-marry, you could be entitled to receive Social Security Benefits based on your ex-spouse's earnings. These benefits do not interfere with what your ex-spouse receives so definitely take advantage if you qualify. Be knowledgeable of benefits that you may be entitled to receive.

8. Don't Let Old Debt Lie

If possible use marital assets to pay off any debit obligations that include you. If in your divorce your ex-spouse is ordered to pay off a debt and doesn't, the creditor will still seek you out for payment and your credit can be damaged.

9. Disabled Obligations

If you rely on spousal and/or child support for your expenses and necessities, then you may need a plan to carry you through if your ex-spouse dies or becomes disabled. A life or disability insurance policy on your ex may be the right step to take to secure your future. Make sure you own the policy or you are an irrevocable beneficiary.

10. Is Your Attorney Wearing Too Many Hats?

Sure your attorney has a lot of experience when it comes to divorce, but only a Certified Divorce Financial Analyst® is trained and certified to help you with your financial assets and determine how the settlement will affect you short and long term.

Top Ten Questions We Ask Our Clients.

One of the most common things we are asked by attorneys, accountants and psychologists is, “what do you ask new clients?” As financial experts these are the questions we typically cover during our initial financial consultation.



1. Where Are You In The Divorce Proceedings?

Commonly most people reach out to a family lawyer first, prior to seeking a CDFA®'s. Engaging a CDFA® early in the process will help you not only catalog information for the financial affidavit, but will help you get organized, educate you on the financial components, set goals and show you the impacts of your financial choices.

2. What Are Your Expectations In This Process?

Do you think your lifestyle will go unchanged? Do you expect to receive spousal support for your expenses and necessities? This is a very important question and will determine how you may be affected by different proposals.

3. What Are Your Priorities & What Are You Willing To Give Up?

If keeping the marital home is most important to you, we can help tailor your proposal. Knowing your priorities, we help structure an agreement that is based on what matters most. You may need to trade some asset to offset equity in the home if that is your biggest objective.

4. What Assets Do You Own?

Sure off the top of your head you can list the bank accounts and real estate but it is the CDFA®'s job to press further so you include art, jewelry, antiques and other marital assets that go far beyond liquid. As well as helping to identify what may be considered marital and non-marital assets.

5. What Do You Owe?

In our role we need to understand and include ALL debt from credit cards, mortgages, outstanding loans and even those to relatives. It is important to review all debt to determine marital net worth.

6. Could Your Spouse Be Hiding Assets?

It may not sound likely but spouses can transfer assets to a third party or create debt to change the financial picture. We conduct a thorough search using public records as well as tax returns for the last several years. We encourage every client to immediately pull their credit report for our review.

7. Has Your Current Lifestyle Already Changed?

Has one spouse left the marital home stretching income over two households while adding additional expenses? Are you now spending for services that were provided by the spouse prior to any separation?

8. How Will The Children Be Cared For?

Child support may have already been determined through temporary court orders or may need to be addressed in the short term. Additionally, things such as school tuition, medical needs like braces and insurance coverage as well as college education, transportation costs and future wedding expenses can affect how the financial picture comes together.

9. What Are Your Retirement Goals Post Divorce?

During divorce the majority of the conversations will deal with just the current short term finances while largely ignoring long term financial goals. As an individual your goals must change and your ability to save for retirement could be greatly impacted. Addressing your long term needs and goals prior to signing an agreement is one of the biggest priorities in our involvement.

10. What Questions Can Be Answered For You?

Divorce is a very confusing and emotional time for all parties and is overwhelming in many ways. It is our job as the CDFA[®] to understand these emotions and to have compassion for the client by answering all questions as thoroughly as possible, while obtaining and analyzing all pertinent financial information to aid in the financial health of the client going forward.

Why Should You Use A CDFA®?

Excerpt of article from www.Institudfa.com

Financial problems can tear a marriage apart, and are often the primary factor that leads to divorce. Once a decision to separate or divorce has been reached, all sorts of questions bubble to the surface. These questions are often clouded by wounded emotions and accompanied by mutual accusations, which comes as no surprise. If a couple cannot solve their financial difficulties while the marriage was underway, it is unlikely that they will be able to agree on pressing financial issues when it has fallen apart.



Many divorcing couples have a lot of questions that divorce lawyers face with each divorce case. Lawyers attend law school to become experts in the law, not to become financial experts. This is why more and more lawyers have seen the virtue of bringing a financial expert into the divorce process at the very start. Solid information and expert analysis are important resources in their search for the best possible resolutions for their clients.

What Is the CDFA®'s Role?

A CDFA® is someone who comes from a financial planning, accounting or legal background and goes through an intensive training program to become skilled in analyzing and providing expertise related to the financial issues of divorce.

The role of the CDFA® is to help both client and lawyer understand how the financial decisions made today will impact the client's financial future.

The CDFA® becomes part of the divorce team, providing litigation support for the lawyer and client, or becomes a member of a Collaborative Law team. In either event, the CDFA® will be responsible for identifying short and long term effects of dividing property, tax issues, retirement and pension analysis, insurance needs, future investment projections and bringing innovative and creative approach to assist in settling cases.

The Certified Divorce Financial Analyst® will also provide data, charts and graphs showing the financial effect of any given divorce settlement, can appear as an expert witness if the case should go to court, collect financial and expense data and help clients identify their clients future goals. We assist in developing a budget, understanding how much risk the clients are willing to take with investments, identifying the lifestyle our clients want and planning for the costs of their children's education.

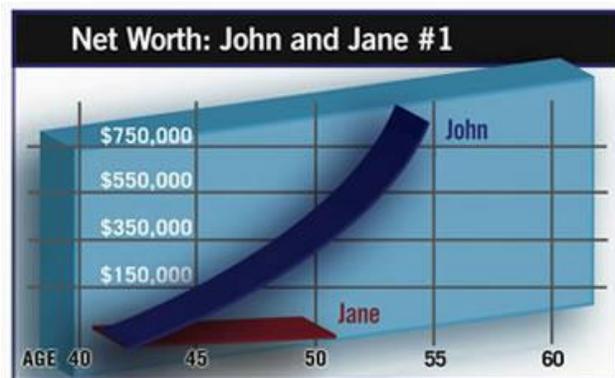
How A CDFA[®] Can Help A Divorcing Couple

John and Jane are 40 years old and have two children. They own a home worth \$165,000 with a net equity of \$77,500. Their retirement savings total \$165,500. John earns \$90,000 a year and has a take-home pay of \$68,760 a year. Jane has never worked outside the home and has no job skills, but hopes to get a part-time job with take-home pay of \$8,900 a year.

The following settlement has been suggested. After the divorce, Jane and the children will live in the matrimonial home, which will be deeded to her. She will also receive \$44,000 of the retirement savings while John will receive the remaining \$121,500, thus dividing the assets equally. John will pay Jane spousal support of \$600 per month for five years and child support of \$225 per month per child. He will also pay the children's college costs, starting in four years.

John's expenses include his normal living expenses, child support, spousal support and education costs. Jane's expenses include support for the children, and will be reduced as each child leaves home to attend college.

At first glance, this appears to be a reasonably fair settlement. However, a detailed analysis creates the financial future illustrated in Graph 1 (below). As you can see, Jane's assets will be completely depleted within seven years, whereas John's investments will grow dramatically.



To improve Jane's financial future, an alternative settlement could provide her with increased spousal support of \$1,500 per month for 10 years – which would actually cost John \$1,005 per month in after-tax dollars. The correct child support for two children according to the Child Support Guidelines in their area is \$1,136 per month for a payor with John's income. Jane could also be awarded an additional \$24,300 from the retirement savings plans, although she might need to cut her expenses by 10%. These changes in the original settlement would produce the results illustrated in Graph 2 (below). If they are made, John will still have a surplus, which he can add to his investments. If John stays within his budget and invests all of his extra income, his investments have the capacity to grow to \$2.5 million by the time he is 60.

Sovereign Financial Services Master Guide

This example illustrates the value of financial planning as a means of reaching a more equitable divorce settlement. If the court's intent is to treat both parties in a divorce as equitably as possible, it is essential to analyze the marriage as if it were a financial contract, and a CDFA[®] is uniquely suited to do so.



Links And Resources.

Below are some of our favorite links and helpful resources

Maryland Judiciary Department of Family Administration Forms Center

<http://mdcourts.gov/family/formsindex.html>

Maryland Child Support Calculator

<http://www.dhr.state.md.us/CSOCGuide/App/disclaimer.do>

DivorceNet.com

Child Custody in Maryland

<http://www.divorcenet.com/resources/divorce/child-custody-maryland-the-best-interests-child.htm>

http://www.divorcenet.com/states/maryland/mdfaq_02

American Association of Family Law Therapist

<http://www.aamft.org/iMIS15/AAMFT/>

Social Security Benefit Calculator

<https://www.ssa.gov/retire/estimator.html>

Free Credit Report

<https://www.annualcreditreport.com>



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Researching Divorce Law in Maryland

<http://www.peoples-law.org/researching-divorce-law>

Social Security Administration

<https://www.ssa.gov/myaccount/>