



Preparing for Divorce by Jodi L. Wyman

It may seem very cynical to anticipate that your marriage will end, but it is realistic. Statistics show that more than half of marriages result in divorce. You should ensure you protect yourself, just in case. Many clients tell their lawyer that the divorce came as a complete shock. Many clients also say they wish they had been more prepared.

The primary way you can protect yourself is to educate yourself. First, do some basic research on divorce law. There are still many serious misconceptions about the way property is shared or support is decided. Be careful when listening to friends about the law. Find a good internet website with some basic information. Ensure that any sites you use are Canadian, and apply to Manitoba. The Department of Justice website has good information, and many law firms publish papers on legal topics.

If you do not have access to the internet, there are books available from the Department of Justice, the courthouse or at the library. Read about custody and child support, spousal support, sharing marital assets and debts, and how the law deals with jointly-owned assets. Some people believe

paying to spend an hour talking to a lawyer even before separation can be a good investment.

Secondly, educate yourself about the financial affairs of you and your spouse. In some couples, the spouses are secretive about their money matters. Learn what your spouse earns and what your household expenses are. Know what investments there are, and where they are held. Keep copies of the paperwork for these assets. If your spouse owns a business, find out how the business is structured.

Look into the type of pension plans both you and your spouse have. What would happen if you divorce? Would a disabled spouse be able to stay on the other's health plan at work?

Know the details of any debts either of you have. In particular, be very careful when incurring debt jointly with your spouse, or in fact any person, even when only co-signing or guaranteeing a loan. You will remain liable even after a divorce, when you may not be in a position to pay it.

Thirdly, be careful when

receiving certain assets. Generally, assets inherited or gifted to you are not shareable in the event of a divorce. You must however retain the asset in its original form. For example, if you inherit a lump sum of money, and use it to pay off the mortgage on your jointly-owned home, or buy a family mini-van, you have lost the exemption if you separate. If you put the inheritance into an investment, however, you will not have to share the money if you divorce.

If you are in a position of dependence in your marriage, calculate how much you would need to support yourself in the short term, and then ensure you have some savings of your own. Most divorcing spouses are surprised at how expensive it is to set up separate households and it can take quite some time until child or spousal support begins. As well, make sure you maintain a good credit rating in your own name.

Educating yourself is even more important when in a common-law relationship, where the law is constantly changing and evolving. An unprepared spouse can have some unpleasant surprises when a common-law relationship ends.