



## ATTORNEYS AT LAW

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### Important Information You Should Know

When you are considering a separation from your spouse, it is important to consider whether actions need to be taken to prevent dissipation of assets by your spouse prior to a final resolution of your case. You should discuss the following with your attorney to determine whether you should take special actions to safeguard property and if so, the timing and notice to be given to your spouse of actions taken. **With each of the below listed categories, you must weigh the risk that your spouse may take action if you do not, against the possibility that action by you may anger your spouse. And, of course, time can be of the essence. While you are deliberating, your spouse may be taking action.**

#### 1. FINANCIAL INSTITUTIONS (banks, savings and loans, credit unions, stockbrokers)

- a. Either party to a joint account can go to the financial institution and clean out the balance. You should talk with your attorney about whether you should withdraw some or all of the amounts in your accounts, close the joint account and give your spouse a check for his/her share of the account, with a separate check for you. While withdrawing large sums of monies from a joint account or closing the account is not advisable in all cases since it may exacerbate the tensions between you and your spouse, it should be seriously considered if you believe your spouse will make unreasonable withdrawals from the account. It is usually best to not "freeze" the joint accounts because while your spouse will be denied access without your approval, you would also be denied access.
- b. Set up separate accounts in your own sole name, preferably at different financial institutions than those you had your joint accounts.
- c. See that your paycheck is deposited to your new separate account(s), and no longer deposited to your joint accounts.
- d. You should consult with your attorney about what, if anything, should be taken out of any safety deposit boxes. You should make copies of everything that is in it.

#### 2. BOOKS, RECORDS, and DOCUMENTS

- a. It can be very important for you to have in your possession the family financial records. These should include the sort of things listed below:

- Tax returns from all prior years
  - Account statements
  - Checkbook ledgers
  - Stockbroker statements, pension, IRA, Keogh, and 401(k) statements and plans
  - Life insurance policies
  - Pay stubs
  - Deed(s) of trust
  - Financial statements
  - Loan applications
  - Credit card bills
  - Loan payment books or statements
  - Identification cards and forms for health insurance
  - Electronic files of financial information
- b. At a minimum, you should make copies of the above.
- c. You should discuss with your attorney if you should place the originals where your spouse cannot find and remove or destroy them in a safe location not in the house. Again, there are pros (safety) and cons (exacerbation of tensions) to this action.

### **3. CREDIT and CREDIT CARDS, DEBIT CARDS**

- a. Accounts are joint if you have ever signed an application for the loan or card, and/or if the bill is addressed to both you and your spouse. You will be liable on the joint account as long as it is open.
- b. If you believe your spouse will run up the credit card debt, you should discuss with your attorney whether any joint credit card should be closed. The credit card company will usually close accounts only if there is a zero balance and if all cards are returned to them.
- c. Similarly, if you believe your spouse will run up debts without your consent, you should discuss with your attorney whether you should close or put a hold on all joint lines of credit, home equity lines of credit, and overdraft checking by sending a written notice to the creditor.
- d. You should consider obtaining a credit report on all debts in your name to determine the current status of all debts for which you may be liable.

### **4. MAIL, COMPUTER, VOICEMAIL, and HOME SECURITY**

- a. Take down and cease all social networking sites entirely. Often times opposing counsel and/or opposing party will search for and attempt to use incriminating photos or public messages found on social networking sites.

- b. Because your spouse should not know what mail you are receiving, you should make arrangements for an alternative place to receive mail. A friend or relative may be willing to receive your mail. Otherwise, you could consider opening a post office box. All creditors, financial institutions, and attorneys should be informed of the new address to send all mail to the box.
- c. Consider changing the online access for your voicemails and/or home security systems.
- d. Put all your computer disks and drives where your spouse cannot gain access.

## 5. THE HOUSE

- a. Usually you should not exclude your spouse from the marital residence, nor should you permanently depart from the marital residence, without careful consultation with your attorney.
- b. If, however, your health, safety, or well-being is in immediate jeopardy, you should avoid a confrontation and either go to the 1<sup>st</sup> floor of the Sedgwick County Courthouse located at 525 N. Main, Wichita, Kansas and file a Protection from Abuse action and/or call 911 to make a Domestic Violence report.

## 6. CHATTELS and PERSONAL PROPERTY

- a. If there are items that are particularly valuable, or are particularly dear to you, you should discuss with your attorney whether you should place these valuable items in a place where your spouse cannot get them. There will come a time when ultimate ownership and possession of marital property is decided, but, if you believe that your spouse will take them unilaterally, you need to consider ways to assure their safekeeping.
- b. You should record the items and condition of property with pictures. In addition to that, you should do a written inventory.

## 7. VEHICLES

- a. If you want to be assured that you have access to and use of a vehicle after separation, be sure you have at least one, if not all of the keys.
- b. If you are concerned that your spouse may try to deprive you of a vehicle, you should discuss with your attorney whether to have the locks on a car changed by a dealer or whether you should purchase a security device to protect it from being taken.