

from the typical 50/50 distribution.

Spousal Support

Idaho law permits spousal support when the requesting spouse cannot support herself or himself, and the requesting spouse is unable to obtain self-support through work. Temporary spousal support and attorneys fees may also be available at the initiation of an action. Your attorney can perform the necessary analysis and help you determine whether spousal support, temporary spousal support and/or attorneys fees are warranted.

Financial Realities of Divorce

Your attorney understands the financial realities of divorce. Whether you and your spouse have a little money or a lot, it is important that you work with your attorney and look at your divorce from the perspective of financial reality. It means working with your attorney to protect your financial well-being, whether your spouse cooperates or not. Without your attorney's perspective, you may one day find yourself painted into a financial corner, saddled with debts or burdened with assets you cannot afford or hope to sell.

Businesslike Divorce

Businesslike divorce negotiations vastly simplify the process and limit long term emotional hurt. Most divorces should involve two attorneys and two of any other professionals that might be necessary -- one for each side, as in a business negotiation. Even today it is surprising how many people -- usually women -- rely on their partners to set everything up fairly. That can be an invitation for financial and emotional disaster.

The choice is yours. Divorce is painful enough. Don't let money problems make it worse.

IDAHO TRIAL LAWYERS ASSOCIATION

The Idaho Trial Lawyers Association is a voluntary membership bar association. Our members are regularly engaged in the trial of all types of lawsuits.

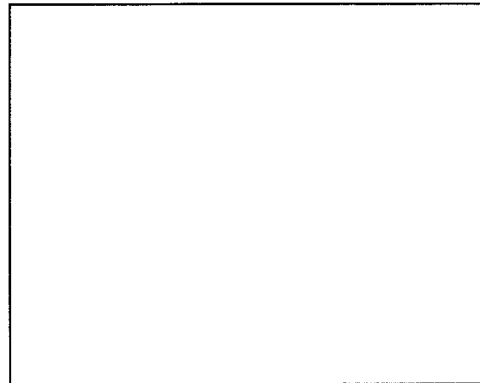
This pamphlet is presented to you as a courtesy of ITLA and your local attorney. We hope it will be of help to you in understanding the law.

A separate pamphlet containing information on the subject of Child Custody, Visitation and Support is also available.



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This pamphlet provided for your information by:



DIVORCE, PROPERTY AND DEBTS

THINGS YOU NEED TO KNOW

Legal vs. Financial Realities

Divorce is a crash course in managing your personal finances -- a course you must take whether you signed up for it or not. The first lesson is to understand that there is a big difference between legal reality and financial reality.

The financial truth about divorce is this -- just because you "get it in writing" does not mean that you will get it for real. In other words, just because your settlement is perfectly legal and fair, it can still be costly in financial terms.

Although there are a number of different grounds for divorce in the State of Idaho, most are granted on the basis of "irreconcilable differences." Irreconcilable differences place no fault on either of the parties. The judge is primarily concerned with child support, property and debt division. Fault issues, like adultery, desertion, or mental or physical cruelty may also be grounds for divorce.

Emotional Divorce -- Managing Your Money

Be aware of the emotional sabotage that can wreck your settlement negotiations.

Be on guard if you find yourself trying to:

- get even
- get it over

Vowing revenge or rushing the divorce will hinder your ability to think clearly and act in your own best interests. Your attorney is aware of these emotional pitfalls and can help you to take action to avoid compromising your financial interests.

The Separation -- Who Must Move Out and When

No matter how you feel about your spouse, neither of you "has to" move, except if you or your children would be endangered if your spouse stayed. In such cases, your attorney could get a court restraining order to prohibit your spouse from remaining in the family home.

If You Think Your Spouse May Be Hiding Assets

Unfortunately, divorce can be the occasion for a game of financial "cat and mouse" in which one spouse hides assets or makes other unethical moves. In some cases, financial information gaps may be the result of honest mistakes.

On the other hand, some spouses purposely hide business values, or switch money into hidden accounts. Your attorney is familiar with this type of behavior, and will perform a procedure called "discovery," which is designed in part to reveal hidden income and assets.

Your attorney can use the legal process of discovery to force a reluctant spouse to turn over records. Discovery is a formal information gathering process used in lawsuits. Attorneys send requests to each other asking that questions be answered or documents turned over.

Reducing Risks and Protecting Property

Make sure that you are doing what you can to reduce risks and protect yourself and your property during your divorce. Your attorney will help you to analyze your insurance coverage, including health insurance, life insurance, disability, and business coverage if necessary. Your attorney can also double check title documents, review your will, trusts and other documents which dispose of your property at death.

Avoiding Tax Problems

You may be in the habit of procrastinating about taxes until April 15. But when you're divorcing, that's far too late. Although you don't have to confront every small detail in your tax return when you're in the middle of a divorce, your attorney can help you to take basic precautions that will save you money and prevent hassles later.

Handling Your Property and Expenses

What is at stake in your divorce? Which property is legally yours and which assets will you have to

struggle for in the tug of war of divorce? To answer that question, your attorney will "get a handle" on your property and living costs.

Your attorney will address four basic issues:

- Who owns what -- community property, separate property and Idaho law
- Who knows what -- legal discovery
- Net worth -- what do you own and what to you owe?
- Cash flow -- where does the money go?

What Will Happen to Your House?

Wrangling over the house is a national pastime among divorcing couples. The discrepancy between financial versus legal realities is probably the most stark when dividing the equity in your home. Your attorney will help you to analyze your options regarding the family home, including (1) sell the house together and split the proceeds with your spouse; (2) buy out your spouse's share and keep the house for life; (3) Buy out your spouse's share and sell the house in the future; (4) sell your share of the house to your spouse; (5) own the house jointly with your spouse and sell it in the future.

Your attorney is familiar with Idaho community property law and its many subtleties and variations. Although any option may appear "equal," your attorney can help you to see the financial reality of your decision.

Debts

Upon divorce, you not only divide property, but debts as well. You are each responsible for paying your individual debts you incurred before marriage, and after you divorce. Generally, you are both responsible for paying any debts you ran up during marriage. Post separation debts are "community obligations" under Idaho law. However, an attorney will assist you in fairly distributing community debt, which may depart