

# AABY FAMILY LAW



*(The information contained in this Newsletter is of a general nature and is not intended to be legal advice regarding your particular situation. Each case is different. If you have any questions about your particular matter, it is always wise to consult with an attorney.)*

## WHEN IS A DIVORCE DECREE NOT ENOUGH?

### TIPS

#### PASSWORDS

When was the last time you changed your password to your accounts? If you are going through a divorce or recently divorced, you should consider changing all of the passwords for all of your accounts, especially your bank account(s), investment account(s) and your email account.

#### CREDIT REPORT

Credit reports are relatively inexpensive, easy to obtain and they are a great source of information about your financial history. Not only will you learn your credit score, but you will also be able to confirm all of the credit card accounts which you are liable to pay. Once you obtain your credit report, give a copy to your attorney. If you are going through a divorce, you may also consider closing accounts that you no longer use.

If you are like most people, you may mistakenly believe that once you have a final divorce decree (sometimes called a "Judgment"), there is nothing more than needs to be done to insure that you receive the assets or support that you were awarded. While it may be tempting to simply put your divorce decree in a drawer and assume that all of the work is done, here are a few examples of when a divorce decree will not be enough to insure that you receive what you were awarded in a divorce.

**CHILD SUPPORT** – If you were awarded a child support judgment which is to be paid through the State of Oregon, then you must apply for services with the Child Support Enforcement Division in the county in which you reside. You will need a court certified copy of the order that originally established the support judgment. Information about who to call is available at [www.aabyfamilylaw.com](http://www.aabyfamilylaw.com).

If your child support is paid via a wage withholding order, then a Wage Withholding Order must be prepared and sent to the payee's employer. Sometimes the State of Oregon will prepare the Wage Withholding Order; other times you will need to consult with an attorney.

**RETIREMENT ACCOUNT** – If you were awarded a portion of your spouse's retirement account, you must transfer the retirement money or benefit you were awarded, into an account in your name. Sometimes you can accomplish this by contacting the investment company that manages the retirement account. You may need to complete an application in order to transfer the funds and provide a court certified copy of your divorce decree. Other times, you will need to obtain a court order called a Qualified Domestic Relations Order (QDRO) in order to transfer the money to a new account. There are attorneys who specialize in this type of work and there is a fee for their services.

**REAL PROPERTY** – If you were awarded real property in a divorce, such as a house, a Bargain and Sale Deed must be prepared in order to properly transfer the property. Once the Deed is signed, it needs to be recorded in the county where the property is located. There will be a nominal fee for recording;

**PERSONAL PROPERTY** – If you were awarded personal property such as a car, motorcycle or boat, the title for these assets may need to be changed. Check the registration and then take steps to transfer the title. DMV may be able to help;

**LIFE INSURANCE** – If you are the recipient of child support or spousal support, you may also be named as the beneficiary of a life insurance policy provided by the opposing party. Most divorce decrees allow you to ask the opposing party to confirm that the insurance is in place.

## STRESS AND DIVORCE

Some marriages end suddenly while others seem to fall apart over a long period of time. No matter what the cause, if your marriage fails, you are likely to feel a whole range of intense emotions: sadness, anger, hurt, fear of an uncertain future, loneliness, confusion over the many decisions you must make, and a sense of failure at your lost plans and dreams.

How you choose to handle a separation is very important because of the effect it will have on the rest of your life. If you do not deal with the pain and if you allow yourself to become bitter, you will be unhappy for a very long time. It is best to work hard to get over your bitterness and anger. Try to look at the separation as an opportunity to re-examine your abilities, your assets and your dreams, and to make the changes necessary for a new, full and rewarding life.

Most people who have gone through a separation and divorce have felt the same way you do now, and most have ended up stronger than before. However, while you are going through the experience, you will need coping skills and emotional support. Listed below are some things you can do.

Talk to someone you trust. Talking to a family member or close friend can give you an outlet for your frustration and anger. Be careful not to burden your children with these feelings. Be sure you can trust the person to keep your secrets so that you can feel free to share your deepest concerns. You may find that a person who has been through a separation or divorce is the best one to offer support.

Keep a familiar routine for yourself and your children. It is very important to have a sense of stability at a time of such major and painful change. This is especially important for your children: the more their world stays the same, the better they will be able to cope with the changes they will have to make.

Keep the lines of communication open with your children. They need to know that they are not losing the love and support of either parent, and that they are not responsible for your separation or divorce. Talk openly to them about your new living arrangements.

Stay healthy. You may find yourself forgetting to eat regularly and staying up late worrying. This could lead to a loss of energy and illness at a time when you most need to be on top of things. Keep yourself in good health by eating regular meals and getting enough sleep. You should also try to get regular exercise.

Learn some methods for coping with stress. There are many good books you can read on coping with stress, and you may also find some information on relaxation techniques helpful. Check with your local library and bookstore.

Keep in mind the old saying, "One day at a time." Deal with your separation and the unexpected problems and feelings it creates by asking yourself, "What do I need to do today?" Try not to worry about things you cannot do anything about until next week or next month. When the time comes, deal with them just like the others - one day at a time.

Avoid making major decisions until your life has become more settled. Some decisions have to be made quickly, such as housing and school arrangements for the children, and, if you have not been working, getting a job. However, you can put off many decisions until the dust has settled. It may be best to give yourself some time before deciding on a career change, moving to another community, going back to school or getting involved with someone new.

Allow yourself the time you need to heal. Your family and friends may encourage you to "cheer up" and "get on with life" before you are ready. Generally, this happens because people who care about you feel distressed at seeing you unhappy. Although their concern is understandable, you must take whatever time you need to heal. Losing a marriage, no matter how difficult it may have been, still causes wounds, and you will need time to grieve. Give yourself quiet times alone in which you can think, cry, or simply be by yourself.

Get professional help when you need it. You will face many legal and emotional problems along with separation and divorce, and you will probably need professional help. For legal matters, seek the help of a lawyer. If you are experiencing severe emotional stress, your family doctor can help you find a counsellor. You may also find it helpful to talk to a member of the clergy for your religion.