

EARLY STAGES OF A DIVORCE: THINGS TO CONSIDER
BEFORE MOVING OUT OF THE HOUSE

SHOULD I MOVE OUT?

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INFORMATION BROUGHT TO YOU BY A.D.A.M.
AMERICAN DIVORCE ASSOCIATION FOR MEN



**BEFORE
YOU LEAVE
YOU MIGHT
NEED TO
STAY**



"I want a divorce."

When you hear these words you know that you have a problem. Maybe you're the one who wants the divorce. Maybe you're not. Either way, decisions need to be made. In fact, that sentence tells you that decisions have **already been made**. That sentence is powerful, and there may be room for discussion, and there may not be much discussion from here on out.

Should you move out of the house? This is a very basic, but important question. Once you know that a divorce is happening, you need to take a closer look at your situation. You need to start planning for next week and next month. Part of this initial step of the process is fact finding, you will want to know how final this decision seems to be, and what your options are.



It is wise to seek professional advice on this topic early on in the divorce process. Depending on the circumstances, the decision to leave can have a large impact on your divorce and on every part of your life.

If you have minor children

If you have minor children at your house, the answer to this question is almost always going to be "No." You should not move out at the onset of a separation or divorce. The only exception would be if there is domestic violence or the potential for domestic violence in your home. Barring that exception, you will want to continue to live together at the beginning stages of a divorce or separation.

The primary reason for staying in the home is that it is much easier to parent your children, and it allows your children time to accept the transition to separation. Living separately will trigger a lot of legal issues that will all need to be decided immediately,



Additionally, moving out can trigger having to pay child support immediately when that would not otherwise happen. Child support,

by definition, does not exist if you live together.

However, if you move out, your wife can get child support right away. This is often in addition to being responsible for the monthly bills. In Michigan, there is no child support if you live under the same roof. But if you are living separately you can set yourself up for your wife or the state filing a child support case against you.

This is avoidable if you continue to live together, at least in the short term.

When the cat's away...

Moving out leaves you with no sense of what is happening at your house while you are gone. Your wife is now free to do as she pleases. You hate to assume the worst about someone, but the two of you are now at odds with each other. The trust is breaking down. Does she have a boyfriend? If so, now she's free to bring him to the house whenever she wants to, and if you have children, he's around your kids too.

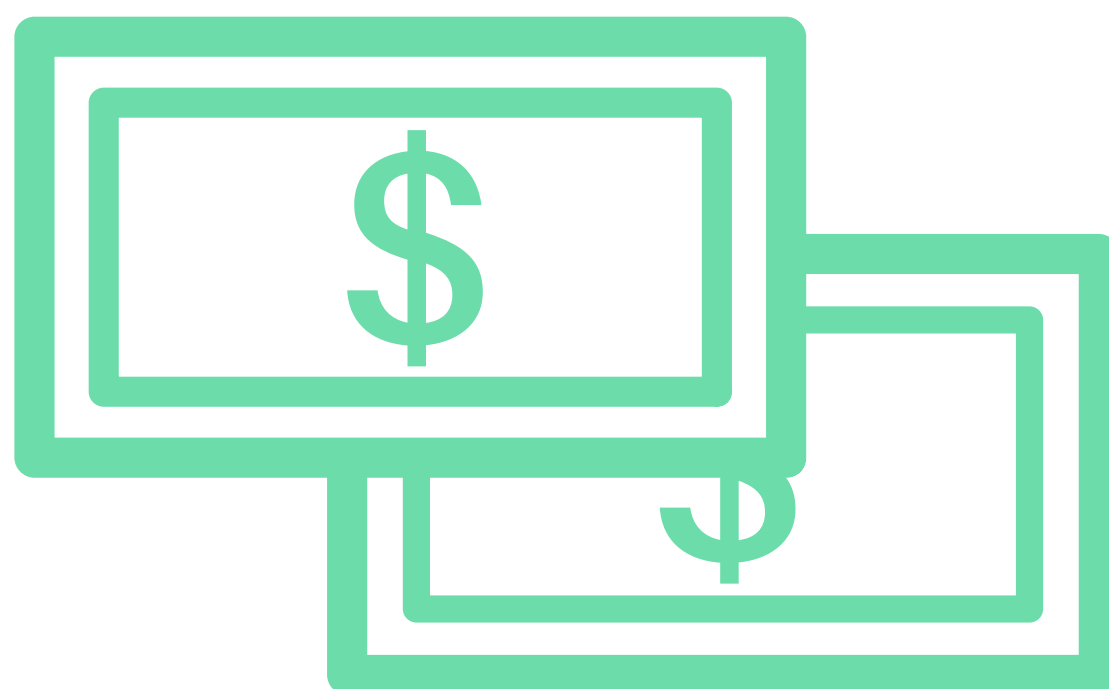
What about your possessions? Your prized baseball card collection? Other things that might be important to you and are irreplaceable are now at risk. It's very easy to destroy your things in a moment of anger when

you are not there. So don't be paranoid, but don't be played a fool either. What if she decides to have a garage sale and really the intention is to sell off all of your stuff? There are lots of stories of destruction of property, and of items disappearing at the house, and the recurring theme is the husband moved out of the house.

Increased Financial Stress

Living apart can lead to increased financial stress and disagreements. If you continue to live together at the beginning stages of a divorce and continue to share expenses, you are able to take advantage of what's known as "economies of scale." This means it is less expensive for two people to live together than for the same two people to live apart. Living apart means taking on a second set of bills, and whether it's rent, utilities, or even just groceries, these bills are better shared.

Moving out can lead to an expectation that you will pay all or most of the bills at the house, and you will also need to pay the bills at the new place you are staying. If you add spousal support or child support into this mix, you can quickly find that you are in the negative every month with your bills exceeding your income.



Custody and parenting time

If you have minor children, you can bet it is always best to stay put in the beginning stages of a divorce. Moving out with no discussion or game plan can lead to many disputes regarding custody and parenting time.

Disagreements regarding a schedule for your children can be frustrating to you and your kids. Why disrupt your children's lives and fight about it when you can live together, co-parent and see them when you want?

If there is no divorce filed yet, it is possible for your wife to file a divorce complaint, and then get a court order without any prior notice to you, awarding her sole custody of the children. All because you happened to move out at the wrong time! This is no good and can easily be avoided with some planning and advice early on in the process. If you can reach a temporary agreement regarding the children, you can then enter a temporary order through the divorce case and then expect that this agreement will be enforced.



Take a look at the finances and see if spousal support will be appropriate for your situation and have that discussion before you move out.

Payment of the bills and child support and a general idea of what is happening with the monthly expenses is often referred to as "status quo." It is typical early on in a divorce to agree on a status quo order, and this document will spell out the ground rules for you and your wife as far as what bills are to be paid and any other monthly financial issues.

You will also want to work out an agreement on how the bills are being paid. You need to determine who will be the one paying the bills every month now that you will be living apart. There should be an agreement on where your paycheck and your wife's paycheck will be deposited every month, and how you will have access to spending money.

These financial discussions should also address how you are dealing with debts on a monthly basis, and who has access to credit card accounts. It is best to work out these details prior to moving out, and then put the details into a court order which will then be enforceable through the court.



Before you leave



The strategy here is to work out the legal issues before you move out. Reach an agreement regarding custody, both legal and physical, and also a temporary arrangement on parenting time.

Reach agreement as best as you can on the expectations that you and your wife have regarding payment of the monthly bills. Have a discussion about child support and what the expectations will be on those issues.

Take a look at other financial issues related your children, such as day care expenses. Work on an agreement regarding the schedule for the children, and what your role is expected to be in that arrangement. Look at how moving out will affect the current schedule of day care and extracurricular activities for the children. Consider who will be watching the kids when you are not around, before and after school and on days off from school. It helps to look at all of these issues before you leave, so there can be some understanding about what is expected.

Addressing these expectations early on can be a tremendous help and avoid confusion and fighting later on.



Strength in negotiating

If you find that your wife desperately wants you out of the house and right away, use that to your advantage. It's not nice to think about someone who really wants you to leave, and it's very difficult to make someone leave when they want to stay.

But keep in mind that your wife cannot make you leave, all she can do is ask. Barring some sort of domestic violence issue, you are free to live together and have every right to live at the house for the immediate future even if a divorce case has been started. So use her disdain and desire to have you gone to your advantage, and work out the details before you move out. You can agree that you are willing to leave, but not until the details are worked out and reduced to writing first. If you both agree you are making each other miserable, then use that leverage to insist on reaching a temporary agreement **before you** have moved out.

Thinking that you can leave now and work out the details later is a bad idea. Use the momentum from these discussions to get an agreement that you will both be bound by for the immediate future, and things will go much better for you in your divorce case.

Losing access to the house

Moving out can definitely carry consequences. Once a divorce case is filed, you could find you've been ordered not to return by the court. So if you need access, such as picking up personal items or making a repair, you may find that you cannot do these things anymore.

Moving out can be an all or nothing situation, meaning either you live there and have access, or you move out and have none.

You may also find that you need access to financial records such as tax returns, paystubs, monthly bills, titles, or retirement account statements and these documents are at the house where you are no longer welcome or may even be court ordered not to enter. It is much easier to gather this information if you are still living at the home.

Don't be evicted from your life

Wanting to keep reasonable access to your own life and everything in it makes sense. Make that part of the discussion if you are planning to move out. When will you be allowed to come back to the house? Discuss things like changing the locks, and access to out of

season items, or your tools, or things you don't use everyday.



I am not leaving

It may be that you agree that you should no longer live together, but that you cannot leave the house. Maybe you have nowhere else to go, and living apart is not practical or not financially possible. That certainly can be the case. You may not have any family in the area.

There are some options if this is the case. Your wife can be the one to move out. It's not that just the men are the ones who must leave the house. That's a valid discussion to have. All the same rules apply, except that your wife is planning to move out.

It may be that you work from home and therefore really cannot move out. Or maybe you have a very elaborate garage with tools and need access to that all the time for work. You may even be self employed and running your entire business from home. You can stay and your wife can leave, and it's possible to get an agreement in place that can be given to your attorney to include a court order issued through your divorce case.

Nesting and other compromises

There may need to be some compromise here based on your unique situation. It's possible that neither one of you are moving out, but you cannot continue to live together.

One possibility is to do what is commonly referred to as nesting. This would be where you have minor children together, and you are all living together, but you feel



that you cannot continue to live under the same roof. The idea here would be to keep the children in the home all the time, and keep a stable living environment for them. But allow the mother and father to come and go based on a specific schedule.

How this would work, typically, is you would set up a week on and week off rotating schedule at your home. You would live in the house during the first week, and then during the second week you would move out and your wife would move in. Of course, this takes some level of cooperation. Also, you would have to have somewhere else to stay during the off week, and the same would be true for your wife. But this does work in unique circumstances as a temporary solution to two people who have children together but really cannot continue to live together.

Taking the next steps

Don't torture yourself. If the living environment is horrible, and it's not going to be any good for your family if you stay, then by all means leave. But there is a right way and a wrong way to go about this. Living in separate rooms can buy you some time, and so can sleeping on the couch, or even living in a basement.

But moving out is ok too, and we want you to be armed with the right information so that you can make informed decisions. After all, the whole point of getting divorced is that you can no longer live together, so it makes sense that you are considering moving out.

Learn the finances

Your first step with getting the finances under control, and ultimately creating a budget, is to learn what the income is. Of course, if you are the only one working, then you will know how much money is coming in per month. But if your wife also works, you need to make sure you know how much total income is coming in per month. You and your wife each get a paycheck, be sure you know where those checks are deposited. You will want to know what bank or banks are being used, and what accounts are used, and whose name is on those accounts.

It's typical in a marriage that only one of the spouses pays the bills, meaning only one of you actually looks at the monthly bills and sees that they are being paid. It is typical that only one of you writes out checks or has the auto pay set up, and therefore only one person knows the exact amount of all the bills in a given month. At this stage, where moving out is being considered, make sure that you are the spouse that has this information. If you are not normally involved in paying the bills, then take a good look at all of the monthly income and all of the monthly expenses as well.



Create a budget

Once you have a good sense of what the income is, and also what your monthly expenses are you will want to look at what makes sense for your household. What money is typically being spent at the moment? It is not a time to start making unilateral decisions about spending, for example, deciding to cut off internet or cable or cell phones to try and save some money. But it is a time to look at what is typical spending for your household. This will become what the courts refer to as "status quo."

Once you have a sense of the income and the expenses, you can make real decisions about moving out. You can look at what it costs to get the bills paid at the house, or what we call the "marital home," and that will help you decide if moving out is something you can afford. You will want to get a sense of what it will cost to live somewhere else, and what those added expenses do to your monthly budget. If you are already not able to pay the bills, then making a hasty decision to move out will only make the finances worse. The beginning stages of a divorce are a time when you will need extra money, not when you will get by on less money. For one thing, you will want to consider money needed for hiring a divorce attorney, and the added expense of a pending divorce case.



Document everything

When you are looking at finances, and reviewing income and expenses, you will want to get documentation of the different things you are reviewing. You will want a copy of a paystub for you and your wife, and copies of the past three years of tax returns. You will want copies of the monthly bills, or just a spreadsheet of the monthly bills if you have that. You will want documents showing things like the mortgage payment, and property taxes and other bills related to home ownership if you own a home.

In today's world, a "copy" might be a photo, or a pdf file, or any other digital version of copies, but you want some verification of the income and expenses so you can make real decisions moving forward. This information is also something your divorce attorney will usually need from you at some point during the divorce process.



Typical Expenses

Residence

Mortgage, Rent, Real Estate Taxes, Insurance, Home Equity Loan, Condominium Fee

Utilities

Electricity, Natural Gas/Oil, Propane, Water, Sewer, Septic, home phone, Cell phone, Cable TV, Satellite TV, Internet Service, Firewood

Home Care

Housekeeper, Lawn Mowing, Lawn Fertilizing, Landscaping, Snow Removal, Tree/Shrub Care, Chimney Cleaning, Window Cleaning, Gutter Cleaning, Carpet Cleaning, Rug Cleaning, Air Duct Cleaning, Floor Care, Wallpapering, Exterminator, Renovations, Interior Repairs, Exterior Repairs, Interior Furnishings, Exterior Furnishings, Furniture, Decorating, Window Coverings, Weatherizing

Insurance

Umbrella, Casualty, Life, Disability, Health, Dental, Vision, Prescription, Credit Card, Medicare Supplement, Travel Insurance, Vehicles, Vehicle Loan, Vehicle Lease, License, Taxes, Parts Replacement, Gasoline, Oil Changes, Insurance, Repairs

Personal Needs

Groceries, Restaurants, Clothing, Dry Cleaning, Laundry, Medical Care, Dental Care, Vision Care, Orthodontia, Glasses/Contacts, Shoes, Beauty Shop,

Barber Shop, Nail Salon, Jewelry, Over/Counter Medicines, Prescriptions, Cosmetics, Massage, Health Club, Exercise Equipment

Recreation

Relaxation, Hobbies, Entertainment, Sport Activities, Club Dues, Guests, Visiting, Short Trips, Vacation, Equipment, Clothing

Education

Tuition, Uniforms, Lunches, Room & Board, Books, Supplies, Fees, Club Dues, Frat/Sorority Dues, Class Rings, School Pictures, Year Book, Religion Classes, Summer Camp, Tutor, Counselor, Financial Aid, Advisor

Child Care

Nursery School, Day Care, Baby-sitter, After-school care, Before-school care

Pets

Veterinarian, Food, Grooming, Boarding, Equipment, Medical

Special Needs

Educational, Medical, Equipment, Accommodations, Elder Care, Home Nursing, Home Medical Care

Professional Services

Lawyer, Accountant, Financial Planner, Investment Advisor, Stock Broker

Civic

Political Contributions, Fund Raisers

Charity

Tithes, Contributions, Donations

Taxes

Federal Income, State Income, City Income, Personal Property, Real Property, Self Employment

Debt

Interest, Credit Card Balances, Personal Loan, Unpaid Bills, Penalties, Consumer Loan, Delinquent Taxes

Holidays

Decorations, Gifts, Cards

Special Events

Gifts, Invitations, Cards, Parties, Announcements, Decorations, Birthdays/Anniversaries

Miscellaneous

Bank Fees, IRA Fees, Credit Card Fees, Tickets, Film Processing, Fines, Film, Video Tapes, Cassette Tapes, Linens, Kitchen Supplies, Bathroom Supplies, Cleaning Supplies, Laundry Supplies, Buying Club Fee, Warranty Extension, Computer, Purchase, Printer, Hardware Upgrades, Software, Software Upgrades, Paper, Printer Refill, Additional Phone Line, Ancillary Equipment, Home Modifications, Subscriptions, Magazines, Newspaper

Legal

Child Support, Spousal Support, Judgments

Social

Annual Fee, Club Membership fees

Savings

College, Emergency Fund, Retirement

Other considerations before you go

This advice is not meant as torture. If you need to move out of the house then do so. If it seems like it will be too overwhelming to leave or too much of a financial burden, then look at temporary living arrangements, such as living in the basement or in another bedroom. Or stay with a nearby relative for a while. You can also consider leaving just for a few nights, or the weekend, or a week, and stay with a relative or at a hotel.

Saying in a toxic living environment is no good for anybody. If you must leave you will know it. Just give it some thought first, and get some legal advice early on in the process. The whole point of divorce is that you can no longer live together, so there's nothing wrong with that. But you need a strategy, and ADAM can help with a game plan and get your questions answered.



About the author

Brent Bowyer is an attorney and counselor with ADAM, the American Divorce Association for Men. He is a co-owner and partner at ADAM. He faced divorce head-on at a very young age when at eight years old his parents divorced. As a child, he didn't understand the impact a divorce would have and his suddenly changing life. His father, a lawyer and an alcoholic, was gone, and his older sister no longer lived in the same house. It felt like everyone was leaving, and the people closest to him had failed him. Divorce can feel this way. There is an overwhelming sense of confusion, lack of direction, and lack of trust.

At ADAM, the experience from our personal lives and our work as family law attorneys helps us to better understand what our clients are facing every day. It's easy to end up feeling very alone, like everything is stacked against you. We assure them they do not have to feel this way and guide them with a strategy and direction to put their lives back together.

In his personal time, Brent enjoys going up north, and spending time with his totally awesome wife, two daughters and his dog, Buddy. Brent is a lousy golfer, but loves the outdoors and the camaraderie of golf. He likes to play guitar and the simple things like driving in his Jeep Wrangler. He thinks if only we would all wave to each other like Jeep Wrangler owners do, the world could be a little better. He loves traveling to the Caribbean and snorkeling, boats and lakes but gets motion sick easily. A not so funny story, is that he was nearly killed as a child in a boating accident.

Brent has a BBA from Western Michigan University, and a law degree from The John Marshall Law School in Chicago. He says there is nothing more satisfying than helping a client, and seeing how happy they can be as a result of the work we do here at ADAM. His life's work is helping men through divorce and family law related issues.

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