

10 THINGS TO KNOW BEFORE MARRIAGE

The only thing to give me peace in writing about divorce is not reliving the heartache, but to perhaps educate others on the lessons and loopholes of matrimony. The ones I missed. Technical aspects left me without a home, car, savings, insurance and legally deemed worth *less*.

Hopefully none of you, dear readers, will ever experience such obstacles of eviction, repossession, cancelation and utter depletion in life, love and assets. Maybe someday the act of marriage will come with a mandatory course in matrimonial law and required prenuptials. Till then, here are ten facts to know before marrying:

1. **Money:** In the United States, on the day you wed, half of every dollar you make can be claimed by your spouse. Even if you have separate accounts. Any money you put into your account also belongs to your spouse. My husband and I verbally agreed he would pay the mortgage, and my salary would be deposited in a savings account for our retirement. Verbal agreements, however, don't hold weight in court. He took half the savings I earned. But because only his name was on the mortgage/title, I had zero stake in the house.
2. **Titles, titles, titles:** If your name is not written on property or assets (house, car, etc.) you have no right to them. If you purchased a house together while *engaged*, most states do not consider this a joint asset. If your spouse "gives" you a house, car, boat, palace, unicorn, whatever... it's not yours unless your name appears on the title.
3. **Marital Home:** Before marrying, schedule an appointment with a family law & marital attorney in your state. Ask what state laws apply regarding the "marital home." In community property states, a marital home is considered equal to both parties, no matter whose name is on the title. However, that's if a house is bought *during* marriage. Not during engagement, cohabitation, etc. In fact, the spouse whose name isn't on the title can legally be removed from the home by law enforcement at any time... even while still married! As of 2021, Louisiana, Arizona, California, Texas, Washington, Idaho, Nevada, New

Mexico and Wisconsin are community property states. No matter what, make sure both your names are on the title. And/or, if you move into a house your spouse has owned long before you were a couple, ask the lawyer what you can do to protect yourself from being evicted in that state.

4. **Financial Planning:** Talk to a financial planner before you wed. Discuss ideas for any joint accounts/investments. Talk about what could happen to your finances in the worst-case scenario of divorce. Before you wed, ask your spouse to disclose their accounts so you know where they are located. Discuss incomes and budgets openly. If a future spouse is not willing to be open about their finances, consider it a red flag. Remember, it is illegal to “hide” money in undisclosed accounts, but spouses considering divorce have been known to move/hide money before filing for divorce.
5. **Health Insurance:** If you are on your spouse’s health insurance policy, call the company throughout your impending divorce. At least once a month. It is illegal for one spouse to take the other spouse off joint health insurance policies until a divorce finalizes. Some spouses will still attempt to remove the other *during* the divorce! Here’s the dangerous loophole: the removed spouse may never know. On a joint policy, the insurance company deals directly with the spouse who is the primary policy holder. Insurance companies *do not* notify secondary policy holders when they are removed. My spouse illegally removed me from his health care policy during the divorce. Unbeknownst to me, I was without health coverage for *four months*. Protect yourself ahead of time: Before marrying, sign an agreement/prenup stating no changes will ever be made to your health care policy without written and verbal consent by both spouses.
6. **Prenups:** I used to think prenups were for fancy people with a lot of money. No no no. Regardless of your income, sign one. Not just a boiler plate form. Write clear, concise rules about your property, home, finances, assets and children. Women, if there are no children, be prepared: courts may consider you “less than” when it comes to housing and alimony. No matter if children are present in your marriage, a well-constructed prenup will draw much clearer definitions of value and equity.
7. **Alimony:** Marriages under five years duration are often considered fiscally insignificant. Alimony, if given at all, is usually set for one-third the number of marital years. I was married four years. I received 14 months of “alimony.”

Alimony remains in quotes because the judge gave my spouse half my savings. My spouse was then ordered to give back part of it each month. The kicker: the recipient of alimony pays taxes. Which means I paid taxes *twice* on my original savings. My spouse, however, was allowed to write it off as a deduction. Alimony is not as straightforward as it seems. Prenup, friends. Get a prenup.

8. **Mental Health:** In the prenup, consider an agreement where you and your spouse inform one another of any medications taken. Especially medications for mental health. Spouses can help one another best when they know what to look for regarding signs and side-effects of medications.
9. There are three ways to divorce: 1) Do it yourself. Costs as little as \$300 to fill out the legal paperwork together. 2) Hire a mediator. One lawyer works with both of you, together. 3) Each of you hires your own lawyer. Let the Expense Games begin. Options 1 and 2 are only available to couples who choose to part ways amicably. Unfortunately, Option 3 is both common and financially destructive. Lawyers often drag out divorce cases for as long as possible to incur more fees. Because my husband chose the route of abandonment, I had to hire my own lawyer. “In my 25 years of marital law practice,” my attorney said, “This is the first case I’ve had where someone cuts off all communication and disappears.” The divorce became devastatingly expensive. I highly encourage all prenups to include a) an agreed upon method of divorce and b) who will pay for legal fees should a divorce ensue. Not a fun topic to discuss before marriage, but a red flag for those who won’t.
10. Thinking about divorce? In the middle of one? Get help. The mental health kind. For yourself. Psychologist, psychiatrist, therapist, priest, whatever works for you. Too intimidating? Not sure where to start? Websites like *Psychology Today* have a Find a Therapist link where you can search for professionals in your zip code who specialize in individual therapy, couples’ therapy, divorce, depression, etc. Please, please. I beg you. Find someone who knows how to help you navigate the abyss of divorce.

How to communicate with friends and family flailing in the depths of the divorce

Listen. Don’t Solve: Divorce is a painful, private thing. Remember this: The only safe assumption about someone else’s divorce is that we know absolutely nothing.

Rather than offer platitudes of *everything happens for a reason* or embark on a guessing game of Whos and Whys, this is the time to do a whole lot more listening than talking. Tell your friend you're there for them, and that you are ready to listen whenever they need to talk. Refrain from guessing motives and offering solutions. Divorce is not a game of Clue. Asking the wrong questions will make someone anxious and upset. Asking the right questions build trust and yield compassion. Don't try to provide an answer to a situation you've never experienced. And if you *have* experienced divorce, be still. Love, loss and grief are specific to each situation. Listen, listen, listen. The best friends are the ones who understand the difference between listening and solving.

The Beast of *At Least*: Another golden rule on divorce etiquette, don't begin sentences with "At least." *At least* trivializes someone's pain. The two worst ones for me were: *At least you don't have kids* and *At least divorce is really common!* Child-bearing decisions are delicate and complicated. Imagine saying *At least you don't have kids!* to someone who might have been trying, couldn't conceive or desperately wanted to have kids with her spouse. Ouch. As for divorce being common, yes it is. But that doesn't make it any less painful... especially for the person who didn't want the divorce. Especially for those who enter marriage as a lifelong partnership. Always avoid the beast of *At least*.

The Right Things to Say: As for helpful things to say or do, this will vary from person to person. But there is one universal truth: Keep checking in on friends who are struggling. Especially the ones who seem the strongest. They probably need it the most. While there is no official rulebook on how to help friends and loved ones thrashing in the mosh pit of divorce, these were most effective, caring and helpful things for me to hear:

- What are you comfortable sharing with me right now?
- What is the most helpful thing I can do for you right now?
- I'm guessing you're not ok right now, but are you safe?
- I am here for you. May I also help you find a therapist who specializes in divorce?
- I can't imagine what you're going through. Talk to me.
- I am so sorry you are suffering. I love you. I will keep checking in on you.

One final note. Love is beautiful. Marriage is beautiful. Marry for love. But protect yourself. The course of my divorce was not the norm. Then again, nothing in my adult life has ever been status quo. Took years to heal, but today I'm okay. Eventually, this journey brought the most important life lesson I needed to learn: Ask for help.

–Kathryn Bertine, *STAND*

ABOUT THE AUTHOR



Kathryn Bertine is an author, activist, filmmaker, public speaker and retired professional athlete. She's written four nonfiction books, *All the Sundays Yet to Come*, *As Good As Gold*, *The Road Less Taken* and *Stand*. Her documentary film, *Half the Road*, can be found on iTunes, Amazon and Vimeo. A former columnist and editor at ESPN, she now serves as CEO of Homestretch Foundation. A native New Yorker and dual citizen of St. Kitts and Nevis, Bertine lives in Tucson, Arizona. Follow her on Twitter, Facebook and Insta @kathrynbertine and www.kathrynbertine.com