

How to Protect Your “Stuff” from the Marital Home.

By Nancy M. Perry

Many times in a divorce, one spouse will have to leave the house and live elsewhere while the case is pending. Sometimes that spouse will leave without taking furniture or personal items with the intention of getting them later. Unfortunately, more often than not, items left behind that you want will disappear. You can accuse the other spouse of throwing them away, but all he or she will have to say is, “I don’t know what you’re talking about. I don’t have them.” Something else that can happen is the spouse claims that you gave her the item so she sold it. If there’s no documentation of that, it’s a he said/she said scenario and there’s not much the judge or your attorney can do at this point. You have to offer proof that the items are in the possession of the other spouse or that you never agreed to give that item to your spouse. A great way to do that is to send your spouse an email confirming what items there are and what you’ve agreed to take and if this is not the agreement, to respond and say so.

If you know the divorce is coming, it’s time to start protecting your assets. Even if you don’t think your spouse will take anything, it’s a good idea to protect yourself just in case. Go through the house and take pictures of everything in the house and make an inventory of everything there. You’re going to need that for your attorney anyway. Most importantly, remove all important documents, treasured photographs and personal items and take them to your office or leave them with a friend for safekeeping. If you can’t remove the documents, then make copies of them. Change your passwords for all your online accounts so your spouse can’t go through them. Get a post office box and start having your mail sent there to keep your mail from disappearing. If your spouse is paying certain bills that are in your name or both your names, stay on top of them and make sure they’re being paid. It’s a good idea to subscribe to a credit reporting service that will email you every time there are changes to your credit. If you find that your spouse quit paying certain bills, you’ll quickly know this so you can take steps to minimize the damage.

You can also utilize your attorney to make sure that the marital assets are listed and protected through injunctions. This way, neither party can say they never received any emails regarding the items as it’s all done through the attorneys. You can also have your attorney agree with your spouse’s attorney to file formal inventories of the assets with the court. Usually, these inventories don’t include listing every piece of furniture, every dish, or linen item, but you can agree to list those things in addition to the major assets of the estate.