Considering Divorce? 10 Preparation Steps

GETTING DIVORCED IN ISRAEL

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- Success in one case does not guarantee similar results
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Introduction

Benjamin Franklin said that “by failing to prepare, you are preparing to fail.” You likely never imagined you’d be considering divorce when you stood with your spouse under the chuppah (wedding canopy). It doesn't matter why you're at this point – whether it’s due to infidelity, disagreements about raising the kids, financial struggles, religious differences, or simply falling out of love. Maybe it’s a mix of these. The reality is, today you're contemplating the end of your marriage.

Had you known where you’d be now, perhaps you would have taken different steps – either to avoid the marriage or to address the issues before they escalated. That's why it's crucial to take steps today to prepare for what could be the next chapter: the dissolution of your relationship.

This ebook is designed to help you maximize the financial outcome if divorce is on the horizon. While I sincerely hope you don't go down this path, I understand it’s sometimes unavoidable. In fact, at our office, we generally encourage couples to try counseling first, except in cases of abuse or certain addictions. But if you believe divorce may be in your future within the next year, it’s essential to start preparing now. Let’s explore how you can best position yourself financially for whatever comes next.

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Mysteriously, once divorce starts, all sorts of documents that were once freely discoverable start to disappear. By taking the following steps prior to divorce being filed from or by your spouse (or better yet – even mentioned), the best thing that you can do is to start to collect documents and other evidence which will affect the final asset split and any support payments to be ordered pursuant to the divorce.

Step 1

Make a file and collect proof of what assets you own

This list should include both liquid and illiquid assets (i.e. cars, real estate, banking and/or investment accounts, jewelry, etc.) The best proof to have is either a deed or recording of the asset, or a copy of the account statements. In the case of mitaltelin (chattels – i.e. furniture, lawn equipment, etc.) if you can get the receipts from purchase that would be great – otherwise pictures will suffice. The general rule (and there are exceptions) is that all assets acquired during the course of the marriage are split equally.

Step 2

Make a file and collect proof of debts and liabilities

This includes mortgages, personal and car loans, credit card balances, lines of credit or overdrafts (mishikhat yeter), and any other debts owed by you or your spouse – together with statements showing the current balance and the date each debt was taken on. Just as with assets, debts accumulated during the marriage are generally divided equally between the parties, so documenting what you owe is just as important as documenting what you own. Watch out for debts that mysteriously appear, or for a spouse who suddenly takes out new loans, once divorce is on the horizon – these can quietly eat into your share of the marital estate.

Step 3

Gather and copy income records for you and your spouse

This includes monthly pay stubs, tofesei 106 (Form 106 from the Israel Tax Authority), bank transfers into your accounts, if you and/or your spouse are self-employed then tax receipts issued (kabbalote mas), etc. Two things usually happen during divorce – the first thing is that all of a sudden the salary of a spouse may suddenly dive, the second thing is that proofs of income may just disappear. Either of these things can affect how child support will ultimately be determined – especially in light of the recent Supreme Court ruling regarding child support in joint custody cases. Don't get caught off guard – make sure that you have one year’s past records available to you.

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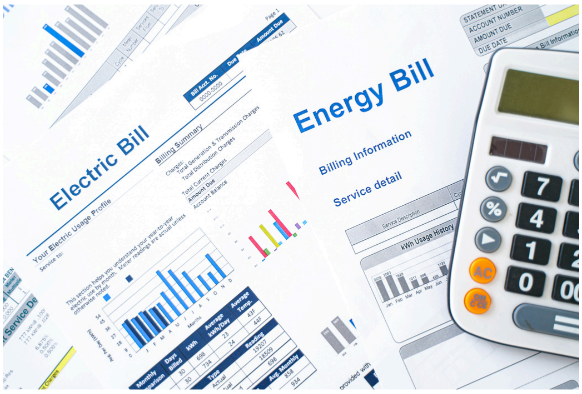
Step 4

Collect receipts from monthly housing related expenditures

Rent or mortgage, property tax (arnona), electric, water, gas, gardening, recurring repairs, etc. Child support payments in Israel are made up of three components, and one of these components is called madoor (housing). Having all of these documents (collect a year's worth if possible) will go into your calculations of any child support payments.



Step 5

Make a file of children-related monthly expenses

School fees; afternoon activities; medical and dental treatments; clothing; etc. All of these documents will be important in determining the final amount of child support to be awarded. Since men generally pay child support in Israel, women tend to exaggerate the numbers, and men tend to vastly underestimate the numbers. If you have collected these documents, you will know the real numbers and based on that you will be able to accurately calculate what you will be paying or receiving for that portion of the child support payment.

Step 6

If you have a prenuptial agreement, make a copy and file it

Pre-nups are generally binding and are applied by courts in Israel. It is important to have your pre-nup evaluated by a competent family law attorney before you take any legal actions – both to evaluate whether or not it or only parts of it – are valid, and to evaluate how it affects your particular situation. The earlier the better.

Step 7

List all of the pension rights that you and your spouse have

I cannot tell you how many times either a judge or a mediator or an attorney pushes the parties in a divorce to simply agree that each side keeps their own pension rights.

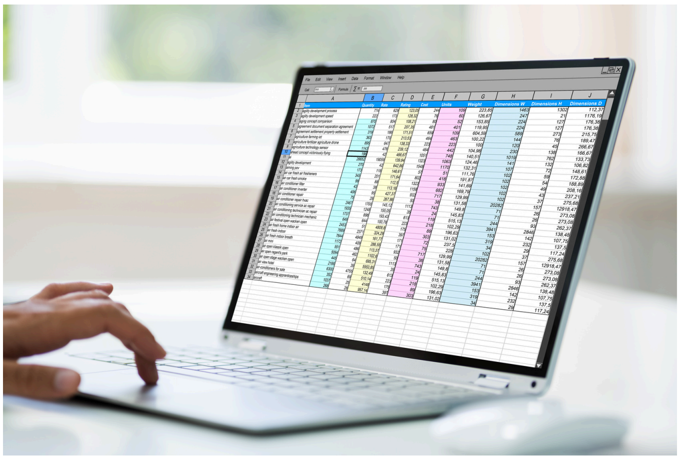
This is because they are too lazy to do the work and collect the information regarding pensions that people have. This is despite the fact that by law, any pension rights that were accumulated during the course of the marriage are to be split equally at the termination of the marriage. Sometimes, this has led to parties giving up rights worth hundreds of thousands of shekels.

Don't let this happen to you.

Step 8

Make a spreadsheet of when assets (in Step 1) were purchased

Make a spreadsheet or notebook page detailing when all of your assets were purchased, where the funds to purchase them came from, and whose name the asset is in. The date that assets were purchased may affect the split of the assets during the division of assets. This is especially true in the case of assets that were acquired prior to the marriage and/or by funds belonging to one party only and kept in a separate name. Have this information available to prepare for the best case and worst case scenarios if you move towards divorce.



Step 9

Get a copy of your katoova (Jewish marriage contract)

Remember that the katoova is a binding document. If your marriage ends, then in certain scenarios the amount of money payable to the wife in the katoova (the demei katoova) may become due and payable. Before anybody starts any actions, it is important to know what that amount is....

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Step 10

Make a file and gather proof if your spouse is having an affair

Emails, whatsapp or sms messages, pictures, recordings, hand written letters. Yes, it is true that the Supreme Court has said that infidelity is not supposed to affect the division of assets. Yes, it is true that there are many cases where certain "proofs" aren't allowed to be admitted into evidence. That being said, in the case of a suit over money payable to the wife pursuant to the Jewish marriage contract, it is always relevant; and in many other cases it can affect whether the family court judges or dayanim (religious court judges) issue rulings at the lower or higher end of the scales that they are weighing.

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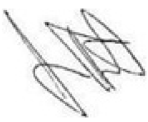
Thank you for downloading my guide. If you're thinking of divorcing your spouse in the next year, or if you think that your spouse may want to initiate divorce against you in the next year, and you want to prepare yourself so that you can get the best financial outcome, please call my office for an initial, complimentary assessment of your situation.

I've been practicing law for over 20 years, licensed in both Israel and New York, and I'm also a certified mediator. I've experienced divorce firsthand, so I understand what you're going through. I dealt with litigation in both the U.S. and Israel and ultimately gained custody of my three children.

You're also welcome to explore more ebooks and guides on my website. And don't forget to visit my YouTube channel, where you'll find hundreds of videos answering common questions and providing detailed advice. We're committed to giving you the tools you need to move forward with clarity and confidence.



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