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First chapter only

The Divorce Financial Disclosure Binder

A Plain-English Prep System for Assets, Debts, Statements, and Questions Before the Legal Meter Runs

The Divorce Financial Disclosure Binder

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What This Binder Is and Is Not

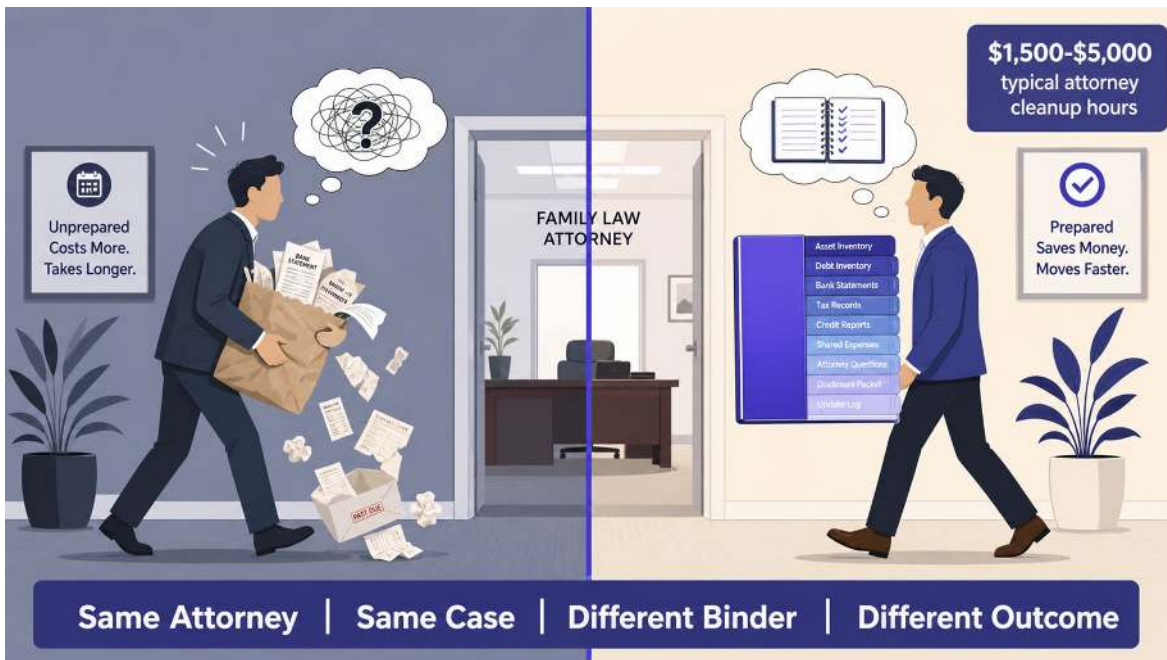


Figure 1. Same attorney, same case, different binder, different outcome: unsorted statements sit beside a 9-tab disclosure binder labeled from Asset Inventory through Update Log, with \$1,500-\$5,000 in typical attorney cleanup hours at stake

1.1 The Conversation That Costs \$400 an Hour

You sit down at a family-law attorney's conference table. They have given you an hour for the initial consultation. Forty minutes of that hour gets spent on one question, asked many ways: "Tell me what you own and what you owe."

You start in good faith. The house. The 401(k), you think it is around \$180,000 now, you would have to check. The other spouse's retirement account, but you do not remember the name of the firm. There is some money in a brokerage somewhere, your father-in-law set it up for you both years ago. The credit cards, you can name four of the six. The HELOC — yes, there is a HELOC. You do not remember the balance.

The attorney is patient, taking notes. You can see what they are thinking. They are thinking that this is going to take a paralegal twelve hours at \$150 an hour to organize before they can do any actual legal work on your case. They are thinking they will have to schedule a second consultation just to get the numbers right. They are thinking, gently, that you are about to spend \$1,800 on the part of the divorce that you could have done at the kitchen table for free.

\$1,500-\$5,000

the typical attorney billable hours a person pays for "organizing your statements" before any actual legal strategy work begins on a divorce matter¹

This book is the binder you bring to that consultation so that the first forty minutes of the meeting are about strategy, not stenography. It is the same binder a family-law paralegal would build for you in twelve hours — assembled by you, in advance, over a weekend or two, at the cost of your own time.

¹American Academy of Matrimonial Lawyers, "Survey of Divorce Costs," aggregating attorney billing data from member firms, 2024.

Warning

This book is not legal advice. Family-law rules vary enormously between US states and between US and Canadian provinces. Community-property states (California, Texas, Arizona, others) split marital assets very differently from equitable-distribution states (most of the rest of the country). Required financial disclosures differ. Statutes governing the cutoff date for marital versus separate property differ. Disclosure deadlines differ. Spousal-support formulas differ. **Always work with a licensed family-law attorney or accredited mediator in your jurisdiction.** This book makes that work cheaper and faster. It does not replace it.

1.2 Disclosure Is Not the Same as Discovery

Two words get used interchangeably and should not be. They mean different things and the binder serves both, but the distinction matters when you talk to your attorney.

Disclosure is the mandatory exchange of financial information that almost every US state requires from both spouses early in a divorce. Most states have a form for it — in California it is the Schedule of Assets and Debts plus the Income and Expense Declaration; in Florida it is Family Law Rule 12.285; in many states there is some equivalent. Both spouses sign under penalty of perjury. The disclosure is not optional, and incomplete or misleading disclosures have real consequences — assets hidden in disclosure that surface later can be reassigned entirely to the other spouse in some jurisdictions.

Discovery is the broader, attorney-driven information-gathering phase. It includes formal requests for documents, interrogatories (written questions answered under oath), depositions (sworn statements taken by attorneys), and subpoenas to third parties (banks, employers, business partners). Discovery is open-ended and combative. Disclosure is mandatory and standardized.

The binder serves both. Done correctly, your disclosure form fills itself out from the binder, and any subsequent discovery requests get answered by handing the attorney the relevant binder section. A binder that handles disclosure cleanly almost always shortens discovery, because the other side stops chasing what you have already volunteered.

1.3 Who This Book Is For

This book is for people in any of these situations:

- Preparing for a first attorney consultation about a possible divorce
- Already in a divorce and trying to reduce billable cleanup hours
- Considering or entering mediation, where both parties present their finances
- In a separation arrangement that may move toward divorce
- Helping a friend or family member prepare for any of the above
- In a long-term partnership without marriage but with shared property requiring partition

The binder structure is the same in each case. The legal framework differs. Your attorney or mediator handles the legal framework. You handle the binder.

1.4 Who This Book Is Not For

Not for emergency or safety situations. If your spouse is hiding assets while emptying joint accounts, or if there is any domestic violence concern, the binder is a long-term tool, not a crisis response. Call a family-law attorney immediately and request emergency protective orders. The binder gets built later, in the calmer phase that follows.

Not for litigation strategy. Whether to file first, in which county, on what grounds, with which custody position — these are attorney decisions. The binder gives your attorney clean inputs. It does not tell them what to do with them.

Not for tax planning. The Internal Revenue Code §1041 governs the tax treatment of transfers between spouses incident to divorce (generally tax-free, with specific exceptions). The actual tax planning — which assets to divide, in which order, with which basis tracking — requires a CPA or tax attorney. The binder organizes the information that planning depends on; it does not perform the planning.

Not for hiding assets. Nothing in this book obscures, undervalues, or omits anything. Disclosure is sworn under penalty of perjury. Under-disclosure is frequently uncovered in contested divorces through discovery, and the consequences for the spouse who hid assets are usually severe — reassignment of the hidden asset entirely to the other spouse, attorney-fee shifting, and in some cases contempt sanctions. The binder is a forthright-disclosure tool, not a concealment tool.

1.5 The Cost Anatomy of a Divorce

Before you spend money on attorneys, mediators, forensic accountants, or anyone else, know the realistic ranges.

| Divorce Type | Avg Total Cost | Typical Range |
|--|-----------------------|----------------------|
| Uncontested, no children, simple assets | \$1,500–\$3,500 | \$500–\$5,000 |
| Mediated, with children | \$3,000–\$7,500 | \$1,500–\$15,000 |
| Contested, no children, complex assets | \$15,000–\$30,000 | \$8,000–\$60,000 |
| Contested, children, custody disputed | \$25,000–\$50,000 | \$15,000–\$120,000 |
| High-asset (\$2M+) with business valuation | \$40,000–\$150,000 | \$25,000–\$500,000+ |

These figures track Nolo’s published divorce-cost surveys and align with American Academy of Matrimonial Lawyers (AAML) member data². Two patterns hold across categories: the larger share of the cost is attorney time, and the largest single category of avoidable attorney time is the financial-disclosure preparation that this book helps you do yourself.

30-50%

the typical share of a contested divorce’s total cost that consists of attorney and paralegal hours spent organizing financial documents the spouse could have organized in advance

1.6 The Five Disclosure Failures That Quietly Cost You

Family-law paralegals see the same five failure patterns again and again. Each one costs the client real money or real outcome, often invisibly.

²Nolo, “Divorce Costs by State and Type,” compiled survey data, 2024 update; American Academy of Matrimonial Lawyers member-firm billing data, 2024.

1. **Missing the other spouse's retirement account names.** You know they have a 401(k). You do not know it is at Fidelity, not Vanguard, and you do not know the policy number. The attorney spends two billable hours subpoenaing what you could have read off a benefits statement.
2. **Confusing marital and separate property.** The brokerage account you opened before the marriage is separate property in most jurisdictions, but only if you can prove it was never commingled with marital funds. Commingling is the silent killer of separate-property claims.
3. **Forgetting old retirement accounts and HSAs.** A 401(k) from a job you left in 2014, never rolled over, with \$22,000 in it. An HSA from a former employer. A pension from a brief government job. These get missed and either later cause amendment of the disclosure or simply leak out of the divisible-asset pool.
4. **Missing the cryptocurrency.** About 14% of US adults hold some form of cryptocurrency. About 90% of family-law attorneys are not asking the right questions to find it. The other spouse's Coinbase or Trezor frequently goes unnoticed unless the disclosing spouse is intentional about looking.
5. **Skipping the post-separation date analysis.** Most jurisdictions treat assets accumulated after the date of separation as separate. "Date of separation" is a legal concept that differs by state but matters enormously — the bonus check that landed two weeks after you moved out may be entirely yours or entirely marital depending on the date.

Key Insight

None of these failures are about legal knowledge — they are about *documentation discipline*. The spouse who arrives at the consultation with every account named by institution, every balance dated to the day of separation, every credit report pulled within the last 30 days, and every shared expense categorized as marital or separate gets dramatically better legal advice for the same number of

attorney hours. Same attorney, same case, same opposing counsel — different binder, different outcome.

1.7 What You Will Build In This Book

By the end of Chapter 8 you will have:

- A 9-category asset inventory covering banking, investment, retirement, real estate, vehicles, business, collectibles, digital, and intellectual property (Chapter 2)
- A complete debt inventory covering every secured and unsecured obligation in either spouse's name (Chapter 3)
- A 3-to-5-year set of bank, retirement, property, and tax records organized by year and by account (Chapter 4)
- Recent 3-bureau credit reports for both spouses plus a structured hidden-account audit (Chapter 5)
- A shared-expense ledger separating marital from separate spending, with a clean post-separation cutoff (Chapter 6)
- A 30-question attorney intake template that makes the consultation productive (Chapter 7)
- An assembled disclosure packet ready for the form, the mediator, or the opposing counsel (Chapter 8)

Roughly 20–40 hours of work, depending on the complexity of your finances. Spread across two to four weekends. Against billable savings of \$1,500–\$5,000 and dramatically better outcomes, that is hourly compensation few jobs can match.

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