

SFBW

SOUTH FLORIDA BUSINESS & WEALTH

April 13, 2020

Locked up: Marriage and divorce during COVID-19

By Brian M. Karpf



Brian M. Karpf a shareholder/partner with Young Berman Karpf & Gonzalez P.A., which has offices in Miami and Fort Lauderdale. He is a Florida Bar Board Certified divorce and family law lawyer and mediator.

It's safe to say that with the Covid-19 pandemic going on around the world, families are living in fear. Fear, stress, and anxiety are common emotions today. But, what do you do when those tensions become marital discord or prior marital discord has made the lockdown even worse? How do you deal with the concept of a divorce at a time like this?

So now you are in "lockdown" with your spouse. Were you contemplating a divorce before the quarantine? Are you thinking about one now? The court system does remain open (albeit on a "different" basis) for this purpose, but there are a number of considerations you should first be taking in reaching your decision.

First of all, speak to professionals. A therapist can help you deal with both ongoing stressors as well as the issues you have (or which may arise) with your soon-to-be-ex-spouse. You may wish to find one who accepts your insurance. You should also consider finding a therapist with the ability to speak with you by videoconference or telephone, so that you have access during times like this. If you feel there is a "stigma" associated with therapy, there isn't!

Also, speak with a financial confidante, such as your accountant or financial advisor. You will no doubt have questions on how your finances will look now versus post-divorce. What obligations will you have? What support will you receive or pay? Can you afford to keep your home? A sound financial plan will help alleviate the "money stress" that is common in divorce.

And, of course, consult with a qualified family law attorney. This is often the first step. Look at their experience and credentials. Are they Board Certified in Family Law? Are they members of any professional organizations? What experience do they have? And, perhaps most importantly, are they accessible, responsive, and are they the right fit for you? Finding the best family law attorney to meet your needs is an important step. Also consider their ability to communicate with you during the lockdown. For instance, at my law firm, our office phones remain active, a live person always answers calls, e-mails are running, and we meet with clients virtually via video services and telephone. Accessibility is key.

In speaking with any of these professionals, make sure you have a private location to communicate, and one in which your spouse cannot access. If there is nowhere in your home to do this, then call from a nearby store parking lot. For e-mails, ensure that your spouse does not have access to your account. Change your password and confirm that those e-mails do not show up on other devices in the home, such as a family computer or even your children's iPads. Remember that cloud-based sharing services like iCloud and Google Drive can be linked across multiple devices, and you may not remember where you are logged in. Change your password and turn off these features on other devices. This includes photo sharing applications and messaging services!

Make the best use of your time home and start inventorying belongings. Make copies of important financial records. If you do not have a scanner, do not fret: there are a number of applications you can download which turn your phone into a portable scanner. Go online and download account statements while you still have access. Make logs of items of significant value, such as jewelry, artwork and collectibles. Include photos that have date-stamps (this is usually built into your cell phone). Store everything in a secure location—whether printed or digitally.

Of course, taking these steps to prepare does not necessarily mean that your marriage will wind up in divorce. It simply means you are prepared for what may (or may not) lie ahead. If nothing else, you will at least have a grasp on your personal situation.

There are always pros and cons of waiting to file for divorce versus filing now, and this is a critical conversation to have with your attorney. This decision depends on each individual relationship and should be based on your personal situation (with proper advice, of course).

There are also alternatives to divorce. For instance, a postnuptial agreement can be entered. This is like the more-well-known prenuptial agreement, but is done during the course of a marriage (rather than before it). It can govern your ongoing relationship as well as what happens *if* you do wind up getting divorced. The same information noted above will be necessary to prepare a postnup.

Likewise, there are alternatives to litigation and trial. As a family law litigator, I am often asked to serve as a mediator for divorce and family law disputes since I have experience in the courtroom and have insight into how cases are ultimately resolved. Online mediation is now a reality. While in-person mediation is the norm, online mediation can now occur through video services with each party and their team in different “virtual rooms” with screen sharing abilities, and even settlement agreements can be signed digitally. You can use mediation to settle your entire case or even just temporary issues like financial disclosures, temporary support, timesharing with children, living arrangements, etc. Judges often require family law mediation prior to litigation anyway.

While much of the world is frozen right now, it is important to take care of your own psyche, and many individuals in this day and age find that they are a better person, partner, parent and the like when they are *not* with their current spouse. That is an unfortunate reality, but with many times fortunate long-term personal improvements. It is important to still bring some level of brightness and peace to your life even in the darkest of times.

Brian M. Karpf a shareholder/partner with Young Berman Karpf & Gonzalez P.A., which has offices in Miami and Fort Lauderdale. He is AV Rated by Martindale-Hubbell and was named by Super Lawyers as a Rising Star in Family Law and received a Rising Star Award in South Florida Business and Wealth's Leaders in Law awards. He may be contacted at bkarpf@ybkglaw.com.