

# WHEN LIFE GETS LEGAL

## Preparing for Divorce: Practical Steps to Safeguard Your Future

December 10, 2025  
12pm - 1pm

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### Session Notes

Below is a summary of the topics and items discussed on the December 10th, 2025, session of **When Life Gets Legal - Preparing for Divorce: Practical Steps to Safeguard Your Future**.

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### SESSION TOPICS

Separation Requirements | Contested vs. Uncontested Divorce | Marital Property Division  
Custody Arrangements | Child Support | Spousal Support

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### UNDERSTANDING SEPARATION

- Virginia requires a separation period before filing for no-fault divorce: 6 months if uncontested with no children, or 12 months in most other cases
- Separation begins when one party intends to separate permanently and communicates this to their spouse
- Living in the same house during separation is permitted - parties should "live as roommates" by not sharing a bedroom, going on dates together, or wearing wedding rings
- No formal paperwork or filing is required to establish separation - a text message documenting intent to separate is sufficient proof
- Separation agreements are not required but should never be signed without attorney review

### CONTESTED VS. UNCONTESTED

- **Uncontested Divorce:** Both parties have agreed on all terms including asset division, custody, and support - typically resolved in 6-8 weeks after filing
- **Contested Divorce:** Any disagreement on any issue makes it contested - approximately 99% of contested cases eventually settle before trial
- Filing first provides minor administrative advantages but carries no weight with the court regarding fault or outcomes
- Trial dates in contested cases typically occur about one year after filing, though some courts have much longer wait times

### MARITAL PROPERTY DIVISION

- **Marital Property:** Anything obtained during the marriage regardless of whose name is on the title - includes retirement accounts, houses, vehicles, and debt
- **Separate Property:** Inheritance, premarital assets, and gifts - but only if properly documented and not commingled with marital funds
- Titling means virtually nothing - property in one spouse's name alone is still marital if acquired during marriage
- Courts can "claw back" dissipated assets if one spouse improperly transferred or spent marital funds
- Accurate financial documentation is essential - courts assume property is marital unless proven otherwise

## DOCUMENTS TO GATHER

- Tax returns (3 years minimum)
- Bank statements and credit card statements (3 years)
- Retirement and investment account statements (3 years)
- Mortgage documents, settlement statements, and HUD1 statements
- Pay stubs, employment compensation statements, and resumes
- Any documentation proving premarital or inherited assets

## CUSTODY CONSIDERATIONS

- **Legal Custody:** Decision-making authority regarding children - almost always awarded jointly to both parents
- **Physical Custody:** Determines the parenting schedule and where children spend their time
- Courts evaluate the best interests of children using factors including willingness to be involved, ability to co-parent, and encouraging the child's relationship with the other parent
- Extended family support is viewed favorably by courts when determining custody arrangements
- Detailed parenting plans covering holidays, school breaks, and transitions are recommended even when parties are amicable

## SUPPORT CALCULATIONS

- **Child Support:** Calculated using a statutory formula based on incomes, custody time, and childcare costs - courts rarely deviate from the formula
- **Spousal Support (Alimony):** Considers length of marriage, income differences, age, health, and contributions to the household
- Temporary support (pendente lite) can be requested during divorce proceedings to maintain financial stability
- Adultery, if proven, bars the offending spouse from receiving spousal support in Virginia
- Vocational experts can be hired to establish imputed income if a spouse is voluntarily underemployed

## KEY TAKEAWAYS

1. Start gathering financial documents early - the more organized you are, the less you pay in attorney fees
2. Avoid making major life changes (new jobs, large purchases, relocations) during divorce proceedings
3. Document your separation date clearly through text message or other written communication
4. The court cannot force you to divorce - couples can remain legally separated indefinitely
5. Most contested divorces settle before trial through attorney negotiations
6. Debt incurred during marriage is generally marital regardless of whose name is on the account

## Q&A HIGHLIGHTS

### 1. Is there a benefit to filing for divorce first?

**A:** There is no legal advantage in the court's eyes to filing first - the judge won't view the filing party more favorably. However, there are minor administrative benefits: filing first allows you to set the initial tempo of the case, present your case first at trial, and gives you time to prepare rather than scrambling to respond within 21 days of being served.

### 2. How does mediation fit into the divorce process?

**A:** Mediation can be helpful but is often more effective after both parties understand the full picture of assets and issues through the discovery process. A mediator's job is to help parties reach agreement, not to tell one side they're wrong. If one party starts with reasonable positions and the other doesn't, the mediator will push toward a middle ground that may not be fair. About 95% of cases settle through attorney negotiations without needing mediation.

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### 3. What if my spouse is hiding assets or refuses to disclose financial information?

**A:** Attorneys have powerful tools called subpoenas duces tecum that can compel banks and financial institutions to turn over records. If a spouse lies about assets during discovery and the truth is uncovered through subpoenas, courts respond very harshly. The cost of investigating depends on what you're looking for and how much impact it will have on your case.

### 4. Can assets purchased after separation still be considered marital?

**A:** Generally, assets purchased after separation with post-separation income are separate property. However, if you use marital funds (like liquidating a 401K) to purchase something after separation, that asset remains marital because it was purchased with marital money. The source of funds matters more than the timing.

### 5. What happens if one spouse is deliberately underemployed to avoid paying support?

**A:** You cannot simply argue that your spouse is smart and should earn more. However, if someone quit a job, failed a drug test, or is clearly not working to their potential, the court can impute income. This typically requires hiring a vocational expert who testifies about available jobs matching the person's qualifications and what they could reasonably earn. Courts then calculate support based on this imputed income rather than actual earnings.

## ABOUT OUR SPEAKER:



### THESEUS SCHULZE | BRISTLE SCHULZE

Theseus Schulze is a partner at the law firm Bristle Schulze, where he partnered with Anna Bristol in May 2025. With seven years of experience practicing law, he has handled hundreds of family law cases with a focus on divorce, custody, and support matters. Licensed in Virginia and DC, he is known for his straightforward communication style and commitment to ensuring clients fully understand their options and the realistic outcomes of their cases.

**DISCLAIMER:** This summary highlights key webinar points and questions. For comprehensive details, view the full seminar at [LRSeminars.com](https://www.LRSeminars.com).

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