

Self Employed and Seeking Divorce in SD? Three Steps To Making It Simpler

By Bonnie A. Rabinovitch-Mantel, CFLS.

Divorces in San Diego where one spouse is self-employed can pose some unique challenges when it comes to dividing property and assets, and when it comes to determining spousal and/or child support. Unlike divorces wherein one or both parties are standard W-2 employees, in cases where you or your soon to be ex-spouse is self-employed, income is typically not as easy to verify.



One primary reason that self-employment often presents challenges to divorcing couples lies in the fact that self-employed San Diegans do not have readily predictable income for the future. In addition, business expenses which may be tax deductible are not necessarily considered valid deductions in the family court. If an agreement can't be reached between parties on the amount of spousal support or child support, the court will be responsible for determining how much you will receive, or be ordered to pay each month. The court will rely heavily on the net income of the self-employed person to determine the appropriate amount support. So what can you do to make the division of property, assets, and money as easy as possible when seeking a divorce in San Diego?

1. Gather Your Tax Returns

Again, because spousal support and child support are based on income, it is important to provide your San Diego divorce lawyer with these documents as early as possible.

2. Provide Your Divorce Attorney With Complete Accounting of Business Expenses

Although the court may not deem certain expenses valid for purposes of determining spousal support and/or child support, your San Diego family law attorney will need this to best advocate on your behalf.

3. Be Prepared for a Forensic Accounting Analysis

Many self-employed people in San Diego don't have a clear picture on their business expenses, or the valuation of their business, because they rely on an accountant or bookkeeper to balance this books. In other words, while the majority of self-employed Californians do know roughly how much money they have, make, and spend, when it comes to divorce, the tiniest details matter. That's why forensic accounting analyses are frequent in divorces where one party is self-employed. If you're self-employed and seeking a divorce in San Diego, be prepared to have to pay for this analysis, and be prepared to be patient as this detailed analysis can be time consuming.

Once you and your spouse have decided to divorce in San Diego, the smartest thing you can do to ensure that you receive or pay what is fair, is to retain an experienced divorce attorney. Experts in family law in San Diego will help you to sort out of the financials of your divorce, and provide zealous advocacy for what is right and reasonable when it comes to the division of assets and debts.

For questions, concerns, inquiries, or to explore our free 30 minute phone consultations, please use the links below:

info@primusfamilylaw.com

[619.574.8000](tel:619.574.8000)

www.primusfamilylaw.com