

How Can I Maintain Confidentiality and Financial Privacy in My Divorce?

IN MOST STATES when you file documents in a divorce, they become public record for all to see. Some states allow you to black out your social security number to protect you from identity theft, but that is about all. But if you are careful, you can protect your sensitive information from public display. High profile people and celebrities do everything that they can to keep their "dirty laundry" and finances out of the courts and public eye. They usually agree to settle outside of court, either by using attorneys who commit that they will not force the issue to litigation or for an effective and less costly procedure, they'll use divorce mediation.

Although both parties must file the specific court forms dealing with child and spousal support (alimony in some states) and the divorce decree, it is not necessary for them to list all of their marital property in

the court documents. In divorce mediation, or in collaboration, the parties will protect their privacy, their identity, and their specific financial identifiers by entering into a confidential marital settlement agreement. You have a fiduciary duty to disclose all financial documents to each other when divorcing, but you don't have a duty to disclose everything to the general public. In mediation or collaborative process you may sign a pre-confidentiality agreement to keep confidences and finances secure by guarding information, such as the tax returns, and financial statements out of court files. In mediation, private arbitration or negotiation, you may avoid depositions and discovery that could be used in a trial setting. Both parties may be represented by counsel or share one neutral attorney/mediator. In mediation they should have their documents

reviewed confidentially by independent counsel before signing any agreement to make sure they are protected. Upon settlement, sensitive information is kept out of the courts files and out of the public settlement agreement. A private agreement is maintained by the parties and is enforceable in court as well.

Be sure to tell your attorney or mediator about your privacy and identity theft concerns before you hire him. Ask him how your financial information and personal information will be kept out of the court records. Settle the case as quickly as possible and get an agreement from all of the parties that instead of entering a stipulated judgment, you will resolve the case with a private settlement agreement, and file a simple public settlement agreement in the court file. ■



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