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10 signs your spouse may be planning to divorce you

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If your spouse starts helping out more at bedtime, it could be a sign he or she is bracing for a custody battle

At this time of year, family lawyer Andrew Feldstein says he can drive through a neighbourhood and spot the homes where a divorce may be brewing.

"You see someone outside on a cellphone, and it's minus 5 and they're not smoking," says the Markham, Ont.-based lawyer. "I always say to my wife, I wonder what's happening there."

No, it's not simply an obvious sign of an extramarital affair: "Often they're talking to friends about their spouse."

It's just one of a number of foreboding clues Mr. Feldstein has come to see as telling precursors to divorce. Many are tactics that take months to execute, but as January is one of the busiest times for divorce lawyers - Jan. 8, the first workday post-holiday, has become known in Britain as Divorce Day - they are tactics that may become all too real for newly jilted spouses in the coming weeks.

Major red flags that are often overlooked during a season characterized by fresh beginnings include a spouse suddenly taking a greater interest in the kids' activities or convincing their partner to do some major financial shuffling - all ways in which they may be trying to secure the most custody and the least costs possible.

The pieces often don't fall into place until the blindsided spouse's first meeting with Mr. Feldstein after their husband or wife has initiated proceedings.

"They feel typically sick to their stomach. When you go through the facts and you realize a lot of these happened in the last few months before separation, they look at you and say, 'Did my spouse plan this?' And I say, 'There's a high probability that they did.' They feel duped."

Mr. Feldstein has compiled a list of behaviours he has seen in his practice at the Feldstein Family Law Group to share as a warning. "It's important for people to understand these things if they're happening," says Mr. Feldstein. "And be realistic and have their eyes open so that they can't be taken advantage of."

Sadly, many of these signs can mimic fresh starts, especially when one spouse starts to spend a lot more time with the kids, participating in sports with them or doing bedtime more often. Signed homework happens to be a handy physical record that the spouse was helping out regularly, for instance.

"They make sure lots of people can see that they're a superparent."

This happened to a friend of Lindsay Cross, who writes a column about parenting after divorce for the site Mommyish.com [<http://www.mommyish.com>]. Ms. Cross's friend agreed to let her husband start taking their son to a new church instead of the one they'd visited for years. She chalked it up to a lesson in religious tolerance and exploration.

Instead, he filed for divorce soon after and the new pastor and members of the congregation vouched for the husband's commitment to his son. "That took a lot of deviousness, in my opinion," she says.

Another tell, as Mr. Feldstein puts it, is an unexplained family detente. If your spouse has been on the outs with members of her family and all of a sudden there's peace, it could be that the sore point was you. And now your wife agrees with her family's misgivings about you, says Mr. Feldstein.

Bad news can also be a calculated attempt to stack the deck against a spouse. If your spouse says his successful business is doing poorly and he often mentions how much less he's making, he could be setting up a narrative to explain why he owes you less when the divorce comes. "It's all about managing the expectation of the spouse," says Mr. Feldstein.

Family law associate professor Natasha Bakht says it makes sense that people considering divorce are increasingly savvy about the law.

"We are becoming a slightly more litigious culture, so it doesn't surprise me that people would contact a lawyer with perhaps a vague intention to separate or divorce but wanting more information."

As Ms. Cross sees it, not only does this stone-cold behaviour reflect the very problems within the marriage that are pointing toward a break-up, they also risk locking parents in a permanent battle postdivorce. What's more, Prof. Bakht says, financial trickery could lead to higher legal bills for the deceptive spouse, as the other spouse challenges the paper trail. It also won't necessarily mean less support to pay. "Courts will always prioritize child support," says the University of Ottawa associate professor.

Other signs that your spouse may have divorce in mind:

A NEW VOCABULARY

Your spouse is using new words like "equalization payment." They might have picked them up in the lawyer's office.

REJIGGING GIFTS FROM INLAWS

Large financial gifts or inheritances from parents often go toward paying off the house (the "matrimonial home") - which is split 50-50 in a divorce. So if your spouse all of a sudden asks you to sign a form that redrafts his parents' gift as a loan, he may be aiming to reclaim it all in a divorce. Mr. Feldstein says some spouses will go so far as to ask their spouse to sign a first "repayment" cheque as future evidence.

JUGGLING ASSETS

Do extended family members all of a sudden need major cash infusions? From your joint bank account? Your soon-to-be ex husband may be just "parking" money for the time being. Another big one: Selling the home that one spouse brought into the marriage. If it's not the matrimonial home on the date of separation, he'll get full financial credit for the home he brought into the marriage, says Mr. Feldstein.

BANKRUPTCY TALK

A couple is in business together. Only one is financially responsible for the business. The spouse who is not on the hook says, "The house is in my name, so it's protected, why don't you file for bankruptcy?" says Mr. Feldstein. This can scupper that spouse's access to their half of the value of the home, since they now have to go through a trustee in bankruptcy on all financial matters.

LINE OF CREDIT DIPS

If your spouse is withdrawing a lot of money from the joint line of credit on a home, it could not only be a clue that he is socking away funds for a divorce lawyer, but ensuring that you won't have the liquid resources to hire your own.

TRAVEL TO TAX HAVENS. OR VEGAS.

While it would be bold to suggest a family trip to the Cayman Islands or Nevis so that a spouse could duck out to an offshore banking appointment, some will tack on stops in havens as part of a business trip. On a similar note, spouses often develop a "sudden gambling habit" and claim to have lost a lot of money but they've really stashed it with a friend. "Someone tried that on me once and I caught him on it," says Mr. Feldstein.

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<http://www.theglobeandmail.com/life/relationships/love/divorce/10-signs-your-spouse-may-be-planning-to-divorce-you/article2300660/>