Divorce Checklist

Created: 12/27/2011

# Tasks:

☐ **Personal Information to be Gathered**

☐ **Each spouse's name, date of birth, and Social Security number**

☐ **Names and birth dates of children**

☐ **Date and place of marriage and length of time in present state**

☐ **Information about prior marriages and children**

☐ **Date of separation and grounds for divorce**

☐ **Current occupation of spouses and name/address of employers**

☐ **Education and degrees of each spouse**

☐ **Name, address, and telephone number of divorce attorney**

☐ **Assessing Financial Situation**

☐ **Income of each spouse**

☐ **Expenses of each spouse**

☐ **Assets of the spouses (joint and separate)**

☐ **Liabilities of each spouse**

☐ **Employee benefits each spouse is entitled to**

☐ **Life, health, and disability insurance policies owned by each spouse**

☐ **Credit reports**

☐ **Property Settlements**

☐ **Does prenuptial agreement exist?**

☐ **Do spouses reside in a community property state?**

☐ **Have all assets been listed, valued, and classified as joint or separate?**

☐ **Have the tax bases of all assets been determined?**

☐ **If assets will be transferred or sold, have tax consequences been calculated and explained to client?**

☐ **Have loans and other liabilities on the properties (or otherwise) been listed and considered?**

☐ **Is there a family business?**

☐ **Alimony and Child Support**

☐ **Have tax consequences of classifying support as alimony or child support been reviewed?**

☐ **Has physical custody of children been determined?**

☐ **Has legal custody of children been determined?**

☐ **Have visitation parameters been established for the noncustodial parent?**

☐ **Has it been decided which spouse will get dependency exemption?**

☐ **Will alimony be paid?**

☐ **Marital Home**

☐ **Will home be transferred to either spouse as part of settlement? If yes, has cost basis been reviewed for improvements?**

☐ **Has amount of outstanding mortgage been calculated?**

☐ **Will the principal residence be sold to a third party? If yes, has the tax cost (if any) been computed?**

☐ **Retirement Planning**

☐ **Have retirement plans been listed and interests in retirement plans been reviewed?**

☐ **Will the divorce decree provide a payout from the plan? If so, will a qualified domestic relations order (QDRO) be used?**

☐ **Should beneficiary designations be changed?**

☐ **Will any IRS penalties apply?**

☐ **Tax Planning**

☐ **If already divorced, was divorce finalized by year-end?**

☐ **If still married at year-end, agree to file jointly?**

☐ **Have joint filing risks been discussed?**

☐ **Has separate maintenance decree been obtained to permit filing as unmarried or head of household?**

☐ **Have head of household conditions been met?**

☐ **Who will claim the dependent child exemption?**

☐ **Who should claim for the largest financial benefit?**

☐ **Other**

☐ **Should will and trust be changed?**

☐ **Should insurance policy beneficiaries be changed?**

☐ **Should banks and other creditors be notified of divorce and signatures changed?**

☐ **Will either spouse's health insurance plan cover the children post-divorce? Cover spouse?**

☐ **Has budget been revised to account for changes in income and liabilities?**

☐ **Does credit need to be repaired or established?**

☐ **DO List**

☐ **Make sure you have a good/current inventory of all property, owned separately or jointly in the marriage.**

☐ **Make sure you know where all of your cash or other liquid assets are prior to filing; consult with your attorney about protecting these assets during the divorce proceedings.**

☐ **Make sure you know all of your current debt [credit cards] balances before sitting down with an attorney.**

*(Now's the time to make a list!)*

☐ **Make sure [once a lawsuit has been filed] that all credit cards are turned off [to prevent the other spouse from running them up after the legal "bomb" is dropped]**

*Most credit card companies will open new cards for either/both spouses...but check with the credit card company first before you pull the plug.*

☐ **Make sure you keep contacts with your attorney [or his assistants] as brief as possible**

*Don't skimp, but make every call/conversation count. You might want to make a list of questions and fax these to your attorney; this way you'll have time to make sure all of your questions are clear and it'll help you avoid multiple calls.*

☐ **DON'T List**

☐ **Clean out all of your bank accounts and "hide the money" without getting proper direction from your attorney.**

☐ **Let the emotions of the legal turmoil force you into making multiple calls to your attorney or their assistant; you'll pay the price when you get your bill at the end of the month!**

☐ **Expect to be able to correspond with your attorney or their assistants via e-mail; most lawyers agree it's extremely unsafe to use this method for exchanging attorney-client privileged information.**

☐ **Agree (either verbally or in writing) to ANYTHING without getting your attorney's approval, first and always! You've hired an attorney to protect your interests**

*..so let them do their job!*

☐ **Agree to any sort of settlement without making sure that you are off any and all liabilities, or potential liabilities**

*This means NO DEAL unless and until you're released from all joint obligations, such as mortgages, credit cards and auto leases/loans. You must first be releasedâ??either through re-financing or retirement of the debtsâ??prior to signing the final agreement. Otherwise, you could be haunted for years to come by your soon-to-be-ex-spouse.*