

Divorce Checklist

This is a list of the most common issues that need to be addressed in divorce cases. These may or may not apply to your situation, and you may have other issues not listed here. Please consult your attorney.

Children Issues

- Legal custody
- Physical custody
- Parenting time
 - Reasonable vs. Specific
 - Dates and Times
 - Restrictions
- Child support
- Child care expense
- Abatement of support for extended parenting time
- Arrearages owed under Temporary Order
 - Preserved?
 - Rate at which to be paid?
- Who claims exemptions on income tax returns?
- Life insurance to secure payment of child support
- Health insurance
- Division of medical bills not covered by insurance
- Division of private school tuition

Spousal Support

- Will there be any, or is it waived?
- How much?
- Frequency (per week/month)
- When does it end
 - After ? Months/Years
 - Upon remarriage
 - Upon cohabitation
 - Upon death of
 - Plaintiff
 - Defendant
- Taxable to Plaintiff or Defendant (consult a qualified tax professional)
- Pay direct or through Friend of the Court
- Other payments instead of alimony
 - Mortgage
 - Bills

- Medical insurance (COBRA)
- Payments to even up property division

Property Division

- What property is included
 - Marital
 - Acquired before marriage
 - Gifts or Inheritance
 - Acquired after separation
 - Improperly disposed of by a party
- When to divide
- How to divide
 - Personal property
 - Marital residence
 - Lien for other party
 - Lien due when
 - Sale
 - Not use as principal residence
 - Re-marriage
 - Cohabitation
 - Youngest child 18 years
 - Set time deadline or other terms
 - Interest on lien
 - Interest rate
 - Starting when
- Other real estate
- Retirement benefits
 - Offset or divide each
- Other property

Debt Division

- Who pays which?
- Hold harmless
- Property secured
- Incurred before or after separation or divorce filed
- Reason debt incurred - who benefited?
- Pay off or roll over from joint accounts?
- Income tax liability

Attorney & Professional Fees

- Each pay own

- One party pays the other's
- Tax return preparation fees and issues for the year before the divorce is final
- Tax return preparation fees and issues for the year the divorce is final
- Appraisal and business valuation fees

Name change by wife

- Notify Social Security Administration
- Notify credit reporting agencies
- Notify lenders, banks

Property Detail

This is a checklist of property that may need to be divided or addressed. You may have other property to be divided which is not listed here. Please consult your attorney.

- Marital residence
- Other real estate (use tax appraisal or professional real estate appraiser)
- Family business (obtain an independent, professional business valuation)
- Investments
 - Stocks
 - Bonds
 - Certificate of Deposit
 - Money market
 - Brokerage account
 - Mutual funds
 - Patent (obtain an independent, professional valuation)
 - Copyright (obtain an independent professional valuation)
 - Royalties (obtain an independent professional valuation)
- Retirement benefits
 - IRA
 - Annuity
 - Pension
 - 401(k)
 - 403(b)
 - Profit Sharing
 - Keogh
 - SEP
 - Railroad Retirement
 - Civil Service
 - Armed Forces
- Bank and credit union accounts
- Cash value life insurance
- Money owed to you or your spouse by others

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- Income tax refunds
 - Estimated tax payments refunds
- Money in escrow
 - Apartment security deposit
 - Mortgage escrow for insurance/taxes
 - Trust funds
- Collections
 - Stamps, books, etc.
 - Jewelry
 - Art work
 - Antiques
- Motor vehicles
- Recreational vehicles
 - Trailer
 - Motorcycle
 - Snowmobile
 - 4-wheeler
 - Boat
- Household furnishings and appliances
- Yard and Garden - lawn tractor, etc.
- Tools -- at home or at work
- Family photos and memorabilia

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