

Divorce Settlement Checklist

This list is not exhaustive—it is meant to stimulate brainstorming and provide a base for what you and your spouse should consider, particularly if you are planning on using the services of an attorney only in unbundled capacity.

Children (if applicable)

- Have you and your spouse come to an agreement on child custody, visitation, living arrangements and support?
- Have you and your spouse reached agreement on dividing the costs of extracurricular activities, summer camps, school, clothing, etc.?
- Have you and your spouse agreed on responsibilities for providing health insurance for the children and paying additional medical costs which may not be covered?
- Have you and your spouse agreed on ground rules for leaving children alone? Technology usage? Meeting potential new interests in each of your lives?
- Have you and your spouse thought about how your agreement will effect your relationship to your children in the future: as they grow up, begin to drive, go to college? Have you built in safe guards on how to make decisions on these types of fluid and unpredictable issues in the future as to remain the best co-parents possible?
- Do you and your spouse have mechanisms in your agreement that dictate how disagreements and stalemates are to be handled?
- Do you believe these agreements are in the best interests of your children?
- Do you believe your spouse finds these agreements to be in the best interests of the children?
- Are you certain your spouse thoroughly understands these agreements and intends to adhere to them?

Spousal Support

- Have you and your spouse reached agreement on spousal support? Have you reached a dollar amount? Given consideration to a time period for the support and whether it should be modifiable or not?
- Are you sure certain your spouse thoroughly understands these agreements and intends to adhere to them?

Property Settlement

- Have you and your spouse reached agreement on dividing assets like the marital home, automobiles, vacation homes, etc.?
- Have the above decisions been made taking into account the ramifications of each division? (For instance, taxes on the marital home or upkeep costs of a vacation property)
- Have you and your spouse reached agreement on the distribution of liabilities like credit card debt and mortgages?
- Have the above decisions been made with full consideration of tax implications, the practical implications of changing these responsibilities in contracts, etc.?
- Have you and your spouse come to an agreement on how to divide bank accounts, stocks, etc.?
- Have you and your spouse agreed to a division of personal effects, household goods, and furnishings?
- Have you and your spouse mutually agreed upon tax exemptions (for the children)?
- Have you and your spouse agreed on the division of retirement assets (401K, pension, annuity, etc.)? Have you made these decisions understanding the full financial and tax implications for both parties?

- Have you and your spouse discussed health insurance?
- Have you and your spouse agreed on what rights you will maintain in regards to each other's life insurance policies?
- Do you feel that you have a full and accurate understanding of your partner's finances?
- Do you believe your spouse has a full and accurate understanding of your finances?
- Are you sure certain your spouse thoroughly understands these agreements and intends to adhere to them?

Costs of Divorce

- Have you and your spouse agreed on how to cover the costs of divorce? (Attorney fees, filing fees, court fees, etc.)
- Are you sure certain your spouse thoroughly understands these agreements and intends to adhere to them?

Emotional Issues

- Do you and your spouse have mechanisms built into your agreement to address future conflict that may arise between the two of you?
- Do you feel that you have a through understanding of how the agreement reached by you and your spouse will effect you financially and emotionally into the future?
- Do you feel that your spouse has a through understanding of how the agreement reached will effect them financially and emotionally into the future?
- Do you feel that either one of you made decisions out of anger, shock, or denial?

- Are you sure certain your spouse thoroughly understands these agreements and intends to adhere to them?

If you answered “No” to any of these questions, it is in your best interest to meet with an attorney to assess the agreement and make sure that it will be valid in the eyes of the law, protect you and your interests, and most importantly, that your spouse feels the same way. No agreement will be perfect—no one can get everything they want in a conflict, but I am always surprised by the number of clients who come to my office saying they have figured everything out with their spouse, and it is later revealed the spouse either entirely disagrees with the agreement or worse, has no idea about the meaning and implications of it’s terms.

If this checklist has helped you realize that you may not have it as figured out as you thought, don’t panic. There are many avenues which can help you and your spouse through the final stage to have a workable, legally binding agreement that is acceptable to both of you. If you would like help determining which of these avenues is right for you, please schedule a free consultation to determine how to best meet your needs.