



The following checklist can be helpful to clients facing divorce as a guide to the decisions that need to be made in the settlement process.

DECISIONS REGARDING CHILDREN

Parenting options

- Sole custody and decision making by one parent
- Joint decision making but residence primarily with one parent
- Split residence and decision making
- Which decisions need mutual consent or discussion?

Geographic restrictions

- Foreign travel
- Relocation with the children

Access to records

- Doctors, dentists, etc.
- Schools and teachers

Notification

- Addresses and phone numbers
- Illnesses and accidents
- Children's whereabouts

Access and parenting time

- Weekdays
- Weekends
- Holidays and long weekends
- School recesses
- Summer vacations
- Birthdays—parents' and children's
- Other occasions
- Telephone calls
- Notice of changes

- Expenses of missed times
- Grandparenting time**

SUPPORT DECISIONS

Child support

- Amount
- Date of payment
- Cost-of-living adjustments
- Amount of reduction on the emancipation of each child
- Right to claim dependency exemption (and related to child tax credit)

Definition of emancipation

- Age
- College
- Marriage
- Living away from home
- Employment

Life insurance

- Amount
- Cost-of-living adjustment
- Type
- Beneficiary
- Trustee for children

- Health insurance/COBRA rights**

Extra expenses

- College or private school tuition
- Child care costs
- Summer camp/other activities
- Extracurricular activities

Medical

- Insurance coverage
- Procedures for claims filing and reimbursement
- Payment for uncovered expenses
- Decision on elective procedures, including orthodontia

- Dental, prescription, eyeglasses, psychotherapy, etc.

Spousal support

- Amount
- Cost-of-living adjustment
- Time of payment
- Duration

EQUITABLE DISTRIBUTION OF PROPERTY

Real estate

- If the home is to be sold, who occupies it until the sale?
- Who pays expenses until the sale?
- Who pays/arranges for work needed to make it ready for sale?
- Mortgage
- Taxes
- Utilities
- Insurance
- Repairs
- If the home is to be retained by one person, who remains in the house?
- Valuation of the home
- Division of value—lump sum or payout

Sale of house

- When?
- Age or graduation of children
- Remarriage or cohabitation
- How the sale price is to be determined
- Option to buy
- Expenses of the sale
- Division of proceeds
- Capital gains consequences

Division of personal property

- Bank accounts and liquid assets
- Stocks, bonds, tax shelters
- Cars
- Jewelry
- Collectibles
- Household furniture

Family photographs

Business interests

- Method of valuation
- Division of value—lump sum or payout

Retirement funds

- Valuation
- Division of value—lump sum or payout
- Early retirement benefits

OTHER ISSUES

Estate waivers

- Effect of waivers
- Provisions for children of this marriage

Tax returns

- Liability or refunds on past returns
- Future filings

Costs of the divorce

- How to divide legal fees and filing fees