

PRE-DIVORCE CHECKLIST



SHAKHAN & WILKERSON FAMILY LAW ATTORNEYS

PRE-DIVORCE TEN COMMANDMENTS

Very little in life can prepare you for a divorce. The process of dissolving your marriage can be gut-wrenching. Having a checklist to assist you in navigating this process may help you in mitigating some of the stress, but keep in mind, this checklist is not an exhaustive one and contacting a legal and financial professional is still your best bet in safeguarding your rights. We encourage you to review the checklist below if you are contemplating throwing in the towel on your marriage. And of course, consult with a legal professional if you are considering filing for a divorce.

1. Seek Emotional Support

The process of divorce is a life event that should not be undertaken in isolation. Having family, friends, allies, co-workers, and prayer partners to lean on can help you navigate through this difficult time. At this early stage in the process, you should begin talking to people who have gone through a divorce and find out how they managed it. Don't hesitate to ask for a helping hand from family and friends. In many instances it may be advisable to seek a counselor or therapist who can help you transition into this new chapter of your life.

2. Start Putting Money Aside

Divorce can be costly, in more ways than one. Make sure you have your expenses covered, and factor in attorney's fees, etc. Make sure you have enough for your daily expenses as well as your new place if you have plans to move out. Set a budget. It is vital that you figure out how much money you will need during the divorce, and after it is final. Calculate whether you can afford to maintain your household on your own, and if not, how much spousal support and child support may be necessary to make ends meet.

3. Begin to Organize Your Important Documents

Begin gathering all your important paperwork into one place. Make copies of your documents so that you don't lose them and they are available when needed. Make a comprehensive list of all of your financial assets and debts as part of your divorce financial checklist so that you can make wise fiscal decisions during this time period. Here are just a few documents you should consider securing at this stage:

Marriage Related Documents

Start a documents file by gathering paperwork related to your marriage and estate planning.

- **Agreements:** Locate copies of any prenuptial or postnuptial agreements and all estate planning documents. For example, find copies of wills, living wills, trust documents, powers of attorney, and advance healthcare directives.
- **Marriage license:** Find your marriage license and place it in a secure location.
- **Life insurance policies:** Gather copies of life insurance policies for either spouse.



Compile Important Financial Documents

Identify all the important financial paperwork you'll need.

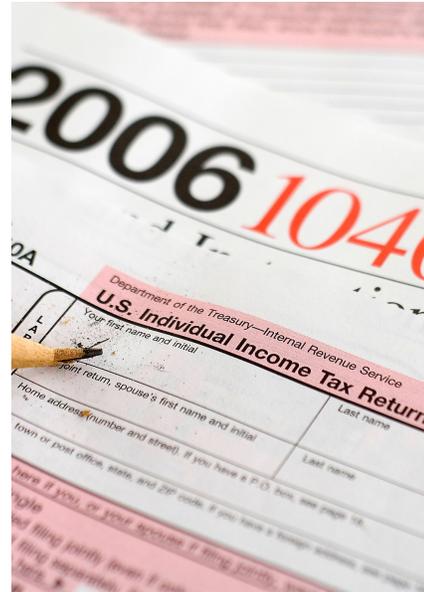
- **Assets:** Start compiling a list of your joint assets, including vehicles, bank accounts, credit card debts, medical bills, retirement accounts, stocks, bonds, and anything else you believe the court will want to see. Even though courts require both spouses to provide full financial disclosures, not all spouses make the process easy, so gathering as much information as possible now will help you in the process later. Be sure to be as detailed and accurate as you can be, and don't exclude anything, even if you're not sure it's relevant. Look for all types of account statements, such as brokerage, checking, and savings accounts.
- **Debts:** Look for documentation on your joint debts, including mortgages, vehicle loans, retirement plan loans, and student loans.
- **Retirement plans:** Gather all the information you can on any retirement or pension accounts that either spouse accrued during the marriage.
- **Pay information:** If you have access to your spouse's W-2s or other paycheck information, make copies to provide that information to your attorney.
- **Tax returns:** Find copies of your joint tax returns for the last five to ten years.
- **Remember security deposit boxes:** Create a list of any contents secured in security deposit boxes, including the value and ownership and the box's location.



Other Essential Documents

Add these additional important documents to your file.

- **Credit report:** Pull your credit report so you have a complete view of your finances before the divorce.
- **Log-in credentials:** Write down and access log-in information for your joint accounts. It's not uncommon for one spouse to have control over the family's finances, so if you're the "out spouse," make sure to get access to your joint accounts before you tell your spouse you want a divorce.
- **Deeds:** Locate any documents showing the property you own together or separately.
- **Vehicle titles:** Make copies of the pink slips to jointly and separately owned cars and trucks.



4. Determine If You Can Settle Your Divorce Outside of Court

Big-ticket items often contemplated in divorce include:

- alimony (also called "spousal support" or "spousal maintenance")
- property and debt division, and
- child support and custody (if you and your spouse share minor children).

If you and your spouse agree on ALL of the issues listed above, and any that may not be listed here, you may be able to proceed without a lawyer and represent yourselves pro se. A judge will need to sign your final divorce decree and if you have minor children the court will have to approve the child support amount.

However, if you can't agree on all the issues but are close to an agreement, a private mediator might be able to help you across the finish line. Bear in mind that uncontested divorces are less expensive and less litigious than contested divorces.



5. Consider Whether You Need to Hire a Lawyer

Often it makes sense for married couples to consult separate lawyers before beginning the divorce process, or negotiating a potential settlement agreement. Keep in mind that hiring an attorney will increase the cost of your divorce, but it can also save you stress and protect your rights.

6. Get a P.O. Box

Acquiring a P.O. box should be an essential part of your divorce paperwork checklist. If you are going to change your address after your divorce, you should open a post office box so that your important paperwork is not lost.

You may want to have your mail redirected to your P.O. box when your divorce starts. If you have a lawyer or expect to get other mail related to your divorce, get a P.O. box in your name so that you can receive important documents without your spouse gaining access to them.

7. If You Have Minor Children, Prepare for the New Parenting Arrangement

Divorcing parents have a lot to think about, but here's a good way to start. If you have children, it is essential to figure out all the issues related to them. Explaining the situation to your kids is crucial. They need to know what their parents have decided. So, you need to figure out how you will tell them about what is happening.

- Sketch out a plan: Begin creating a proposed custody plan, including each parent's visitation with the children, holiday and school break schedules, and other special occasions.
- Create a calendar: Create a calendar where you can keep track of the children's time with each parent. Include issues with communication, transportation (if applicable), canceled visits, or expenses you've paid.
- Learn about child support: Begin considering whether you will need to pay or receive child support after the divorce. If you need child support while the divorce is pending, and your spouse won't agree to pay it, the solution may be to ask the court for a temporary support order when your petition or response is filed.

8. Take Steps to Separate Your Life

Starting a life of your own comes with a bunch of to-dos. Here are some of the most important.

- Protect your information: Get a secure email address and change any passwords you've used in the past. It would be best to change passwords to any social media accounts in your name, especially if you think your spouse might access this information to use against you in the divorce.
- Find health insurance: Begin exploring your options for health care if you depend on your spouse's employer for insurance.
- Itemize your belongings: Create a list of personal items that belong only to you, like family heirlooms or gifts. If necessary, secure these items with a family member, but be sure to disclose them in the financial or other disclosures when the court or opposing attorney asks. Make sure you include any inheritances from before and during the marriage.
- Update insurance documents: You should update your documents as soon as allowed by the court. Additionally, if you have powers of attorney that grant your spouse the right to make medical or financial decisions for you if you're incapacitated, but you no longer want your spouse to have that authority, you will need to update your paperwork. Speak with your legal counsel if you're unsure how to change these important legal documents.





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9. Pack Beforehand

Divorce preparation isn't easy but it is advisable to pack your things beforehand. If the divorce becomes heated, you may not be able to access your things for a while.

10. Decide Your Living Arrangements

Many divorcing couples can't afford to pay two mortgages or double rent and instead decide to stay in the same home throughout the divorce. If living together isn't an option, you will need to decide which spouse will remain in the marital home while the divorce is pending in court.

In many cases, if there are minor children, the primary caretaker of the children will remain in the home to ensure stability for the children. If you believe your spouse will stay in the marital home throughout the divorce process, you should begin looking for a place to stay as quickly as possible.



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