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DIVORCE ISSUE CHECKLIST

This is a checklist of issues which most frequently arise in divorce cases. These may not all apply to your situation, and you may have other issues not listed here.

Children Issues

- Legal custody
- Physical custody
- Parenting time
 - Schedule of Dates and Times
 - Restrictions
- Child support, child care expenses
- Pay direct or through Friend of the Court?
- 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
- Modifiable or not modifiable
- Pay direct or through Friend of the Court
- Other payments instead of alimony
 - Mortgage
 - Bills
 - Medical insurance (COBRA)
- Payments to even up property division

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DIVORCE ISSUE CHECKLIST (continued)

Property Division

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

Debt Division

- Who pays which
- Hold harmless or refinanced?
- Property secured
- Incurred before or after separation
 - or divorce filed
- Reason debt incurred - who benefitted
- Pay off or roll over from joint accounts?
- Offset unequal division with other property?

Attorney Fees

- Each pay own
- One party pays the other's

Name change by wife