

CHECKLIST: What to Include in Your Divorce Agreement

Your settlement agreement (aka marital settlement agreement or divorce judgment) is a big deal. But it feels a bit elusive, right? Not if you have the same checklist of terms that top divorce lawyers use. This checklist can help ensure that you address everything you and your spouse need to include in your agreement so you can move on to the next chapter of your life with peace of mind.



Your Stuff

- **Real Property.** Real property consists of land and any improvements on it (buildings, roads, wells, etc.). If either you or your spouse owns (or has an interest in) a house, rental property, or a vacation home, consider the following:
 - Will one of you remain living in or keeping the property?
 - If yes, will the property need to be refinanced?
 - How will you determine what the 'buyout' amount will be? How will it be paid?
 - Will the property be sold? What will the timeline be?
How will the equity in the property be divided?
 - Do you need a professional to help appraise the value of the property or determine the marital interest?

Property Address	Terms of agreement

- Vehicles.** If you or your spouse own any vehicles (cars, trucks, RVs, 4-wheelers, boats, trailers, etc.), consider the following:
 - Will the vehicle(s) be sold?
 - Will either spouse keep the vehicle(s)? If so,
 - Is there a loan that will need to be refinanced?
 - Are there any documents that need to be completed to transfer the title from one spouse to the other?
 - Will there be an equalization payment (buyout amount)?

Vehicle	Terms of agreement

- Business Interests.** If either you or your spouse owns a business (sole proprietorship, partnership, LLC, corporation, etc.), you should address the following:
 - Will the business be sold?
 - Will one spouse keep the business? If so,
 - How will the value of the business be divided?
 - What paperwork is needed to transfer ownership of the business?

Business Name	Terms of agreement

- **Personal Property.** Aside from the household items you and your spouse have (clothing, cookware, furniture, etc.) if you own any personal property items of high value (collectibles, artwork, firearms, etc.), consider the following:
 - Who will keep the item?

Your Money

Retirement Assets. Do either you or your spouse own any of the following retirement accounts:

401(k)

Pension

Traditional IRA

Roth IRA

ESPP (Employee Stock Purchase Plan)

If you checked any of the boxes above, think about the following:

Will either spouse receive a portion of the other's retirement account?

Will a QDRO (Qualified Domestic Relations Order) be required to transfer retirement assets from one spouse to the other without a tax penalty?

Are there any loans against retirement accounts to consider?

Plan Name	Terms of agreement

■ **Investments.** If you or your spouse have joint or individual investment accounts (vested and invested stock, brokerage, bonds, mutual funds, etc.), consider the following:

■ If you and your spouse have joint investment accounts, who will keep the account?

■ Is there any paperwork that needs to be completed to remove one spouse from the account?

■ Do the funds in the account need to be divided?

Will the accounts be closed?

■ If you and your spouse have separate investment accounts, will the funds in the account(s) need to be divided, or will one spouse receive a portion of the funds in the other spouse's account?

Investment	Terms of agreement

■ **Life Insurance.** If you or your spouse have life insurance policies, the following should be decided:

- If the policy is a term life policy (no cash surrender value) do the beneficiaries need to be updated?
- If the policy is a whole life policy (cash surrender value) does the value need to be divided?
- Does a new life insurance policy need to be purchased to secure child support or spousal support?

■ **Debts.** If you or your spouse have any unsecured debt (credit cards, student loans, personal loans, etc.), consider the following:

- Who will retain the debt and continue paying for it?
Will the debt need to be refinanced?
- Will the debt be paid off by selling an asset?

Debt	Terms of agreement

- Spousal Support.** If your spouse or you will pay spousal support (also known as alimony or maintenance) to the other, consider:
 - How much will the monthly spousal support payment be?
When will spousal support begin?
 - How long will the term (length) of spousal support be?
 - When will spousal support end (certain length of time, death of a party, remarriage of the spouse receiving support)?
 - Will spousal support be modifiable and, if so, under what circumstances can it be modified?
 - Will there be a lump sum payout of spousal support?

Spousal Support	Terms of agreement

- Child Support.** If either you or your spouse will pay child support to the other, contemplate the following:
 - How much will the monthly child support payment be?
When will child support begin?
 - Should there be any credits/adjustments for health insurance premiums paid for the child(ren), child care expenses or extracurricular costs?
 - How will child support be paid (check, direct transfer, income assignment, etc.)?
Who will receive the tax dependency exemption for the child(ren) each year?

All the Rest

- **Miscellaneous Assets.** Consider who will retain any miscellaneous assets you and your spouse have, and if there is any paperwork that needs to be completed to transfer the title of the asset(s). Examples of miscellaneous assets included the following:
 - Frequent flyer miles
 - Hotel or vacation
 - points
 - Credit card
 - rewards
 - Crypto-currency
 - Tax refunds not yet received\
 - Trusts
 - Children's assets (college savings plans, etc.)
 - Other: _____