



Pre-Divorce Checklist



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A **pre-divorce checklist** is an essential tool for anyone preparing to navigate the complex divorce process. By gathering and organizing critical documents and information in advance, you can ensure a smoother and more efficient experience with your attorney, mediator, or financial advisor. This checklist helps create a comprehensive picture of your assets, liabilities, and family dynamics, laying the groundwork for fair negotiations on property division, child custody, and support. Whether you're facing an uncontested divorce or anticipating more complicated disputes, this checklist will help you stay organized and focused during this challenging time.

1. Identification Documents

- **Driver's License or State ID:** Proof of residency in New York State.
- **Birth Certificates:** For both spouses and any children.
- **Marriage Certificate:** Essential to prove the marriage's validity.
- **Social Security Cards:** For both spouses (and children if applicable).

2. Financial Documents

- **Tax Returns:** Personal and joint federal and state tax returns for the past 3-5 years.
- **W-2s, 1099s, and Pay Stubs:** Income documentation for both spouses for at least the last year.
- **Bank Statements:** Monthly statements for joint and individual accounts for the past 1-3 years.
- **Investment Account Statements:** Stocks, bonds, mutual funds, and other investment accounts.
- **Retirement Account Statements:** IRAs, 401(k)s, pensions, and any other retirement savings accounts.
- **Credit Card Statements:** For all individual and joint credit cards for the last year.
- **Business Documents (if applicable):** Business tax returns, financial statements, ownership documents, and partnership agreements.
- **Insurance Policies:** Health, life, home, auto, and any other insurance policies.
- **Trusts and Wills:** Copies of any estate planning documents.
- **Debts and Liabilities:** List of debts such as personal loans, credit card balances, medical bills, etc.

3. Property and Asset Documents

- **Real Estate Documents:** Deeds, mortgage statements, and property tax assessments for any owned properties.
- **Vehicle Titles:** Documentation for any cars, motorcycles, boats, etc.
- **Appraisals:** For valuable items such as jewelry, artwork, or antiques.
- **Personal Property Inventory:** A list of all valuable possessions (furniture, electronics, etc.).
- **Business Valuations:** For any jointly owned businesses.

4. Children and Custody Documents

- **Birth Certificates of Children:** As noted earlier.
- **Parenting Plan** (if applicable): Any agreements about custody or visitation arrangements.
- **Child Support Documents:** Existing child support agreements or payments (if any).
- **Health Insurance:** Documentation of coverage and costs for children.
- **Education Records:** Proof of tuition and school expenses for children (if applicable).

5. Legal Agreements and Documents

- **Prenuptial or Postnuptial Agreement:** If you have a prenup or postnup, this will significantly impact asset division.
- **Separation Agreement:** If you are already separated, have this on hand.
- **Court Orders:** Any orders related to child support, spousal support, or protection orders.

6. Employment and Income Information

- **Employment Contracts:** For both spouses (if applicable).
- **Benefits Statements:** For any employer-provided benefits, including health insurance, retirement, and bonuses.
- **Proof of Self-Employment Income:** Business ledgers, contracts, or 1099s for self-employed spouses.

7. Miscellaneous

- **Health Records:** Any relevant health records that might impact custody or support decisions.
- **Immigration Documents** (if applicable): Visa, Green Card, or citizenship documentation.
- **Correspondence:** Any important communication regarding financial or legal matters.

8. Optional (For Special Circumstances)

- **Police Reports:** If domestic violence or other criminal matters are relevant.
- **Restraining Orders:** Any orders of protection or restraining orders in place.
- **Communication Records:** Emails, texts, or letters relevant to the divorce (e.g., admissions of financial misconduct, threats, or infidelity).

Conclusion

Having this comprehensive list of documents ready before initiating your divorce will save you time, reduce stress, and help your attorney or mediator create an accurate financial picture. This can lead to better negotiation outcomes and a smoother process overall.