

Divorce Checklist

Checklist · 69 items · 11 sections

Most of divorce is paperwork. This checklist covers what to gather, the order to do it in, the accounts to separate before filing, and the post-decree admin (QDRO, beneficiaries, will rewrite) people often forget until it bites them years later.

Open the editable version online:

<https://genechecklist.com/checklist/divorce-checklist>

BEFORE YOU FILE

- Decide your path: lawyer-led, mediation, collaborative divorce, or uncontested DIY
HIGH
Each spouse needs separate counsel. You cannot legally share an attorney.
- Check residency and waiting-period rules in your state
HIGH
Ranges from no waiting period (NV) to 6+ months residency (CA, TX). Filing in the wrong state delays everything.
- Decide on no-fault vs. fault grounds (where fault is an option)
Fault grounds (adultery, cruelty, abandonment) can affect alimony in some states but lengthen the process.
- Have one private conversation with a family-law attorney before telling your spouse you want a divorce
HIGH
Initial consultations are often free or low-cost. Knowing your rights changes what you say and do next.
- Sketch a proposed parenting schedule with weekdays, weekends, holidays, and school breaks
HIGH
Skip if no children. Common splits: 50/50 week-on/week-off, 2-2-5-5, every-other-weekend.

GATHER PERSONAL RECORDS

- Marriage certificate (original, not the keepsake): stored where your spouse can't reach it
HIGH
- Prenuptial or postnuptial agreement
HIGH
- Children's birth certificates and Social Security cards
HIGH
- Both spouses' Social Security numbers, employers, salaries, and benefits summaries
HIGH
- Existing court orders: restraining orders, custody orders, prior separation agreements

- Names and dates of any marriage counselors or therapists you saw together

Sometimes relevant if reconciliation efforts come up in court.

GATHER FINANCIAL DOCUMENTS

- Last 3–5 years of joint tax returns

HIGH

Get full returns plus all schedules and W-2/1099 attachments, not just the 1040.

- Three years of W-2s or 1099s for both spouses

HIGH

- Bank statements (12+ months) for every checking and savings account, joint and individual

HIGH

- Brokerage and investment account statements

HIGH

- Retirement account statements: 401(k), 403(b), IRA, Roth, pension, HSA

HIGH

Pensions and 401(k) funds accumulated during marriage are typically marital property.

- Recent paystubs for both spouses (last 3 months minimum)

HIGH

- Mortgage statements: current and from the date you began considering separation

HIGH

- Credit card statements, joint and individual

HIGH

- Auto loan, student loan, personal loan, and medical debt statements

- Inventory of cash held at home and contents of any safe-deposit box

Photograph the safe-deposit box contents with date metadata visible.

- Free credit reports from Equifax, Experian, and TransUnion via annualcreditreport.com

HIGH

Check for joint accounts you didn't know existed or debts opened in your name.

INVENTORY PROPERTY

- Photograph every room, closet, and storage area before items start moving

HIGH

Time-stamped photos are evidence if items disappear later.

- List all real estate: primary home, vacation properties, rentals, land, mineral rights

HIGH

- Document vehicles: VIN, title, loan balance, current value for cars, motorcycles, RVs, boats, trailers

HIGH

List valuables and get appraisals for items over \$5,000: jewelry, art, antiques, collections, firearms

Document business interests, partnerships, patents, royalties, intellectual property

HIGH

Business valuation may be required; a forensic accountant is usually needed.

Note any inheritances or gifts received during marriage (these may be separate property)

Commingling inheritance money with joint accounts can convert it to marital property.

PROTECT YOUR FINANCES

Open a new checking account at a different bank from any joint account

HIGH

Open a credit card in your name only

HIGH

Do this before filing if your state allows. Establishes independent credit before joint accounts are flagged.

Set up a new email address your spouse doesn't know about

HIGH

Change passwords on every individual account: email, banking, retirement, social media, cloud storage

HIGH

Set up a P.O. Box or use a trusted relative's address for divorce mail

Build an emergency fund of 3 months expenses if possible

HIGH

Do NOT move large sums between joint accounts before talking to a lawyer

HIGH

Courts call this dissipation. You can be ordered to return it plus penalties.

BUILD YOUR TEAM

Family-law attorney licensed in your state

HIGH

Therapist or counselor (separate from any couples counselor you saw together)

HIGH

CPA or tax professional familiar with divorce tax implications

Filing status, alimony tax treatment, and dependent claims all change.

Certified Divorce Financial Analyst (CDFA) for asset-division modeling

Insurance broker to rebuild policies after the decree

CUSTODY AND CHILDREN

- Document each child's medical providers, prescriptions, allergies, and special education plans

HIGH

- List monthly child-related expenses: school, sports, activities, medical, clothing, daycare

HIGH

- Save children's school progress reports and attendance records

- Plan how and when to tell the kids (age-appropriate, no blame, ideally both parents present)

HIGH

Therapists generally recommend telling kids together, framing it as the parents' decision, never asking them to choose.

- Do NOT discuss the divorce in front of children or use them as messengers

HIGH

HEALTH INSURANCE

- Research COBRA continuation if you're on your spouse's health plan (up to 36 months, full premium)

HIGH

COBRA is often expensive. Compare to ACA marketplace and your employer's plan.

- Get quotes for ACA marketplace and your employer's plan

HIGH

- Verify ongoing medications and treatments won't lapse during coverage transition

HIGH

FILING AND LEGAL PROCESS

- File the divorce petition in the correct county based on residency rules

HIGH

- Serve your spouse according to state rules (process server, sheriff, or certified mail)

HIGH

- Request temporary orders for spousal support, child support, custody, or exclusive home use if needed

- Respond truthfully to all discovery requests and financial disclosures

HIGH

Hiding assets is fraud. Courts can award the entire hidden amount to the other spouse.

- Attend mediation if your state requires it (most do for contested cases)

- Read every line of the final decree before signing

HIGH

Errors and missed clauses are expensive to fix after entry.

SAFETY

- If domestic violence is a factor: contact National Domestic Violence Hotline 1-800-799-7233

HIGH

24/7 and confidential. They help with safety planning before you leave.

- Document abuse: dates, descriptions, photos, texts, voicemails, police reports

HIGH

- File for an emergency protective order if you fear immediate harm

HIGH

- Pack a hidden go-bag: documents, cash, medications, keys, kids' essentials

HIGH

Store at a trusted friend's or family member's home, not in your house.

POST-DECREE ADMIN

- Update your will and revoke any power of attorney naming your ex-spouse

HIGH

- Change beneficiaries on life insurance, 401(k), IRA, pension, HSA, and TOD bank accounts

HIGH

Federal law (ERISA) controls some retirement accounts: an ex-spouse stays as beneficiary until you formally change the form.

- File a QDRO (Qualified Domestic Relations Order) to divide retirement accounts

HIGH

Without the QDRO, you can't legally access the share the decree awarded you.

- Close joint credit cards and bank accounts after final balances settle

HIGH

- Refinance the mortgage if the home was awarded to you (removes ex from the loan)

HIGH

Until the loan is refinanced, your ex's credit is still tied to your payments.

- Retitle vehicles, real estate, and other assets per the decree

HIGH

- Update name (if reverting) on driver's license, SSA, passport, voter registration, professional licenses

- Switch health, auto, and home insurance to individual policies

HIGH

- Update your W-4 with your employer and tax withholding records with the IRS

HIGH

- Notify children's school of custody change and update the authorized pickup list

HIGH

- Store the certified divorce decree in three places: home safe, encrypted cloud, attorney's file