2026 · WHAT ISSUES SHOULD I CONSIDER DURING MY DIVORCE?

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CASH FLOW ISSUES	YES	NO
Do you need to agree to a spending plan, and monitor income and expenses, while your divorce is pending?	☐	☐
Will your cash flow needs change after the divorce? If so, consider developing a new income and expense plan.	☐	☐
Do you need to adjust how much you are saving?	☐	☐
Do you need assistance in managing day-to-day personal finances?	☐	☐
Do you expect to receive or to pay alimony, child support, or property settlement payments? If so, consider how much will be paid or received, for how long, and how the payments are structured and taxed.	☐	☐

ASSET & DEBT ISSUES	YES	NO
Was there a prenuptial or postnuptial agreement? If so, check to ensure that all terms are addressed in your divorce proceedings, and that all assets and debts are properly allocated.	☐	☐
Is a plan needed to divide assets and liabilities? If so, consider the following: ■ The division of assets should factor in the tax character of each asset, recognizing future tax consequences (e.g., if assets are tax-deferred or carry embedded gains). ■ Some property may be classified as separate property, owned by one spouse, rather than marital property. ■ All assets and debts should be fully disclosed and properly valued.	☐	☐
Do you or your spouse receive variable compensation (such as from gig work, or a bonus)? If so, consider how to factor that into your settlement.	☐	☐
Could there be debts that you will be responsible for that you are not aware of? If so, monitor your credit report. (continue on next column)	☐	☐

ASSET & DEBT ISSUES (CONTINUED)	YES	NO
Do you need an emergency fund (or liquid assets to pay for legal fees and other costs associated with the divorce)? If so, consider setting aside three to six months of non-discretionary living expenses.	☐	☐
Is a plan needed for your housing? If so, consider the following: ■ If you will receive the marital home, evaluate the merits of selling, keeping, or renting it. ■ If selling, consider the impact of potential capital gains tax and changing gain exclusion limits. ■ If you need housing, evaluate the merits of renting or buying.	☐	☐
Are there retirement accounts that must be transferred to you or to your spouse? If so, consider the following: ■ A QDRO will be required to transfer retirement accounts and it should stipulate how the assets are to be transferred (trustee-to-trustee or directly). ■ If you need cash, distributions from a 401(k) as a result of QDRO transfer are subject to ordinary income tax but no 10% penalty.	☐	☐
Do you own a business? If so, consider the following: ■ An appraisal may be needed if you can't agree to a valuation. ■ If you have business partners, look to your relevant agreements to understand any restrictions on transfer and other conditions triggered by your divorce. ■ If there were personally guaranteed debts, they may need to be handled separately.	☐	☐
Have your investment goals or risk tolerance changed?	☐	☐

INSURANCE PLANNING ISSUES	YES	NO
Are you insured under your spouse's health plan? If so, consider the following: ■ If your spouse's employer has at least 20 employees, you can elect COBRA continuation coverage and stay on the plan for 36 months after the divorce (or legal separation). (continue on next page)	☐	☐

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INSURANCE PLANNING ISSUES (CONTINUED)	YES	NO
■ If you are employed, you may be able to enroll in your employer's health plan during a special enrollment period as a result of the divorce (or legal separation). ■ If you lost (or will lose) coverage due to your divorce, for the Health Insurance Marketplace, you have 60 days after your divorce to enroll according to the special enrollment period rules.		
Has there been a change to the amount of life/disability coverage you need?	☐	☐
Do you need to update homeowners or renters insurance? If so, consider removing your spouse from the policy and adjusting the amount of coverage needed, after the divorce.	☐	☐
Do you or your spouse own life insurance? If so, consider the following: ■ The beneficiaries may need to be updated. ■ If you own a survivorship policy, contact the insurance company to see if the policy can be split.	☐	☐
Will life insurance be used in your divorce settlement to secure payment obligations? If so, ensure that proper maintenance and monitoring methods are in place.	☐	☐
Do you and your spouse own long-term care insurance with a shared benefit rider? If so, consider dropping the shared rider or incorporating it in the division of assets.	☐	☐

TAX PLANNING ISSUES	YES	NO
Do you expect there to be any tax impact in the year of the divorce (due to the sale of an asset or changes in tax filing status)? If so, consider strategies to minimize or defer taxes.	☐	☐
Do you expect to receive or pay alimony (or child support)? If so, alimony is not tax deductible for the person who pays it. It is not treated as taxable income for the person who receives it.	☐	☐
Do you have dependent children? If so, consider the following: ■ Review the tax impact and rules that must be followed to file as head-of-household. (continue on next column)	☐	☐

TAX PLANNING ISSUES (CONTINUED)	YES	NO
■ If you are the custodial parent, you may be able to claim the Child Tax Credit and/or education credits (or waive your rights to those credits).		

LONG-TERM PLANNING ISSUES	YES	NO
Did the marriage last at least 10 years? If so, you may be eligible for Social Security benefits under your spouse's record, after the divorce. See "Am I Eligible For Social Security Benefits If I Have Been Divorced?" flowchart.	☐	☐
Do you need to update your estate planning documents and beneficiary designations (e.g., life insurance, retirement accounts, etc.)?	☐	☐

OTHER ISSUES	YES	NO
Do you have dependent children who will likely go to college? If so, consider the following: ■ If the student is applying to schools that require FAFSA, information from the custodial parent may be required. ■ If the student is applying to schools that require CSS Profile, information from both biological parents may be required.	☐	☐
Do steps need to be taken to protect yourself from identity theft? If so, consider the following: ■ Update passwords and opt for dual factor sign-in. Use a password manager to ensure you are not duplicating your passwords. ■ Freeze your credit files.	☐	☐
Are there state-specific issues that should be considered? If so, consider the following: ■ Community property states (LA, AZ, CA, TX, WA, ID, NV, NM, and WI) consider all income, assets, and debts earned or acquired during marriage to be jointly owned. ■ If you or your spouse will be retained as a beneficiary, after the divorce, on a life insurance policy owned by the other, ensure that the state rules are followed.	☐	☐

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