

The Post-Divorce Checklist: Check These Boxes!

For many people, once they resolve their divorce, they are so ready to be done, they put off or forget to wrap up the final loose ends.

This can be a costly mistake because many post-divorce action items need to be addressed. Some actions are time-sensitive, so parties may find themselves in breach or missing opportunities if not addressed in a timely manner.

If you recently divorced, execute this checklist of post-divorce action items.

- ☐ **Review your divorce decree.** As a first step, carefully review your divorce decree to make sure it's correct and complete. Judges are human and can make mistakes. You don't want to learn of a mistake in your divorce decree down the road.
- ☐ **Check off your agreement and/or divorce decree.** Most marital settlement agreements and divorce decrees require parties to do certain things within a specific timeframe. If they miss those deadlines, they are in breach. Go through your agreement and divorce decree, and check off each action you are required to do, and make sure your former spouse completes his or her required actions.

Your agreement may provide for many obligations with future due dates. In these circumstances, calendar those deadlines so they are not missed. You want to make sure that you timely get what you are entitled and also do not face the repercussions of breach or contempt for missing an obligation.

- ☐ **Cell Phone.** If you and your former spouse still share a cell phone account, separate your phones into separate accounts. Having your own account ensures that you cannot cancel each other's phone plans and numbers, are not paying for each other's cell phone bills, and cannot view each other's calls.
- ☐ **Utilities.** Remove your name from any utilities associated with your former spouse's residence.
- ☐ **Home and Other Real Property.** There is likely a precise protocol on how to handle real property and related bills. If you are keeping the house, then the house should be transferred to you by executing a new deed and recording it. Also, if you are keeping the house, you want to have copies of all documents related to improvements related to the house for capital gains purposes in the event you ever sell the house.

If your former spouse is keeping the house, you want to be removed from all debt instruments, and, until then, make sure that all of the debt instruments are being timely and fully paid. It is prudent to stay on the title until you are removed from the debt instruments.

- ☐ **Accounts.** If you and your former spouse have any joint bank accounts, divide them as soon as possible. Also, remove your former spouse's access to your accounts.

- **Retirement and Pension Transfers.** If retirement or pensions are to be transferred, this often cannot be done until after the divorce and must be done pursuant to court orders or specific plan forms, which need to be filled in and submitted. It is important to follow up to make sure the forms and orders have been submitted, accepted and processed by the plans and the transfers complete.
- **Credit Cards.** If you and your former spouse have joint credit cards, close or transfer them to one of you as soon as possible. Also, make sure your former spouse is no longer an authorized user on any of your credit cards and cannot charge in your name. It is prudent to run a credit report to ensure you are aware of the debts in your name.
- **Car Transfers.** If you and your former spouse are transferring a car, make sure that you both sign the title and that it is registered with the Department of Motor Vehicles.
- **Car Insurance.** If you and your former spouse are still on the same car insurance policy, separate your car insurance to your own plan to ensure continuing coverage.
- **Health Insurance.** Frequently in a marriage, one spouse is often covered on the other spouse's health insurance plan. Once divorced, a former spouse is no longer deemed a dependent and cannot continue to be covered on their former spouse's health insurance plan. If your health insurance coverage was on your former spouse's plan, you should immediately make plans to find your own health, vision, and dental insurance.

Continuing coverage on your plan through your former spouse through COBRA may be available provided you timely apply (no later than 60 days after the final divorce), however, you will need to pay for the coverage at your own expense.

- **Estate Planning and Beneficiary Designations.** Review your estate planning and beneficiary designations. If you previously designated your former spouse as a beneficiary and no longer wish for him or her to receive benefits, you must change your beneficiary designations and estate plans. If you fail to do so, then your spouse may still be able to receive the benefits rather than the person you now intend to receive them.
- **Power of Attorney.** If you previously executed a power of attorney naming your former spouse as your power of attorney and no longer want them to have your power of attorney, you should take steps to revoke your current power of attorney.
- **Maintain Records.** It is important to retain indefinitely all the documents that provided the foundation for your final agreement.

If you believe your former spouse has not followed the agreement, you should promptly consult a family law attorney. Failure to act promptly may result in waiving your rights to any recourse.

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