

# Divorce Checklist: Do's

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Here are some of the crucial steps you should take when you are ending your marriage. Cross these off your divorce checklist to protect your rights and make the dissolution of your marriage as smooth as possible.

## 1. Learn Your State's Requirements for Filing for Divorce

Most states have residency requirements, which means you need to file for divorce where you or your spouse can show legal residence, usually satisfied by a valid driver's license. You may need to have lived in the state for a set period of time before filing for divorce, such as six months or one year.

Many states also have other requirements to meet before you divorce, such as being separated for a certain length of time. You should learn these rules early on so if you must live separately for a period of time, you can get started on that process.

## 2. Understand State Laws Governing Property Division and Support

States have default rules that apply if you and your spouse cannot agree on the issues raised by ending your marriage.

For example, community property states divide marital property (and marital debt) 50/50 while equitable distribution states divide marital property and debt fairly but not necessarily equally, though usually equally absent a prenuptial agreement.

All states make custody decisions based on what is in the best interests of the child(ren). All states determine child support based on set standards.

You should know these rules because they help you understand what to expect as far as property, custody and support after a divorce. They can also guide you in the right direction when you are trying to negotiate on these issues outside of court so you can pursue an uncontested divorce.

## 3. Consult With Lawyer ASAP

If your issues are complicated, you should at least consult with an attorney. You and your spouse should each have your own family law attorney advising you. Your lawyer protects

your rights during divorce and helps ensure you make decisions based on what is best for you over the long term and which optimize your rights.

However, family law is one of the areas where you are not required to take on the expense of hiring a lawyer.

#### **4. Decide What Kind of Divorce Process You Want**

You can opt for an uncontested or a contested divorce when you end your marriage. With a contested divorce, issues are decided by the court. With an uncontested divorce, you and your spouse agree on grounds for divorce and draft your own settlement addressing all key issues.

An uncontested divorce is cheaper, easier and less stressful and can result in a settlement agreement that makes everyone happier. When possible, aim for this. If your spouse is not cooperative, you have extensive assets in multiple jurisdictions, or if there was abuse in the marriage and you don't feel comfortable negotiating, then a contested divorce may be your only option.

#### **5. Evaluate Your Financial Situation**

Sit with your bank statements and credit card statements and identify your actual, monthly expenses so you can adjust where necessary and create a realistic budget. You may need to make major lifestyle changes when you no longer have two incomes in one household. The sooner you start to make these lifestyle changes, the better.

You also want to be sure you aren't trying to cling to property you can no longer afford. Keeping an expensive house or expensive car (that comes with big monthly payments) could end up being a bad thing, not a good thing.

#### **6. Aim To Refinance Debts**

Marital debts should be divided during divorce proceedings. Unfortunately, if the court orders your spouse to pay a joint debt and your spouse doesn't follow through, creditors could still come after you if you are the coborrower.

As a result, whenever possible you should try to ensure the spouse who is given responsibility for a particular debt refinances it into their name alone or try to pay off the debt with any available funds prior to distribution to the other party

## **7. Think Long Term**

Don't just consider legal issues that are relevant right now. You should think about what will arise in the future.

For example, you want to get your fair share of retirement accounts or pension money. If your spouse is amenable, address who will pay for college for the kids, even if that's many years away, although a court will not typically award college funds for a child who is no longer subject to the proceedings upon graduating high school or satisfying other elements of emancipation.

## **8. Take Care of Your Mental Health**

Divorce can be stressful. Make sure you practice self-care and grieve properly for the end of your marriage. Talk to a therapist or join support groups if you need to in order to be able to move forward towards your new life with a positive attitude.

There are also some things you do not want to do during the divorce process. Here are some don'ts.

## **Divorce Checklist: Don'ts**

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### **1. Don't Use the Divorce To Try To Punish Your Spouse**

If you are angry about the divorce, it may be tempting to try to make the proceedings as miserable as possible for your spouse. Avoid this. If you refuse to compromise or make the process difficult, it will be more expensive and stressful for both of you and you're likely to end up less happy with the divorce settlement in the end.

### **2. Don't Sign Anything Without Knowing Your Rights**

You don't want to be bullied or pushed into negotiating a divorce settlement that isn't favorable for you. You don't have to give up support, custody of your kids or property that you are entitled to just to make the divorce process work. The decisions you make affect your future, and you want to make the right ones, so consult with a lawyer before agreeing to anything.

### **3. Don't Put Your Kids in the Middle**

Try to avoid blaming your spouse, badmouthing your spouse in front of the kids or forcing your kids to choose between you during the divorce process. This can make life harder for

your children, and it could backfire because the court could decide you're engaging in parental alienation and opt to give primary custody to the other parent because of this misbehavior.

#### **4. Don't Hide Assets**

There are laws requiring you to disclose financial assets. And forensic accountants can find hidden assets. You should not try to hide money or property, as there are legal consequences for being dishonest during divorce proceedings.

#### **5. Don't Drain Shared Bank Accounts**

The court will decide how to divide your assets if you and your spouse cannot agree. If you have misappropriated marital property leading up to or during the divorce, you could end up losing other property to your spouse in order to make things fair or to ensure a 50/50 split of assets in community property states.

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#### **6. Don't Miss Meetings or Court Hearings**

You cannot ignore a divorce. You need to show up to all required appointments and court hearings on time. If you fail to come to court as required, the court may order a default divorce and grant your spouse their desired settlement.

#### **7. Don't Ignore Court Orders**

If the court requires you to turn over documents, provide temporary support or adhere to a particular custody arrangement, be sure you follow these requirements carefully. If you fail to do so, it could have legal consequences, and if you have hired lawyers, significant costs.