



# TYING UP LOOSE ENDS AFTER YOUR DIVORCE

**E**ven though your divorce is final, you may still need to take care of some matters to completely separate your property and finances from those of your ex-spouse. You don't want to delay completing the transfers and obligations required by your settlement agreement and divorce judgment.

You also want to make sure that all ownership documents, loans, and accounts reflect the end of your marriage. Finally, you want to update your estate plan and beneficiary designations on insurance policies and retirement accounts.

Sometimes couples, exhausted by the divorce process, don't follow through with these post divorce tasks. This is a big mistake. If you neglect your beneficiary designations and estate plan, your assets could be distributed in ways you don't want or expect. As long as your names appear together on deeds, loans, and credit accounts, your ex-spouse's financial problems will be yours as well.

In one case, a woman who was awarded the family home never bothered to get a deed from her ex-husband transferring his interest to her. Later, when she wanted to sell the home, she discovered it was encumbered with a lien because someone had sued him and obtained a judgment against him. The home was virtually worthless.

In another case, a husband's name remained on the mortgage of a home awarded to his wife. She didn't make the mortgage payments. The home went into foreclosure and his credit was seriously damaged.

To ensure that nothing falls through the cracks, below is a Post-Divorce Action Checklist to remind you of the tasks that you may need to complete. Not every item will apply to you. Read your settlement agreement and divorce decree very carefully to determine which do and whether you have any other obligations that ought to be added to the list. Failure to fulfill your obligations could result in a contempt order, which could mean fines or even jail time in addition to financial disasters.

As you can see, some remaining tasks may require a lawyer's help. If you need to accomplish any of these, and we are not already helping you with them, please call our offices. If the task is something our office does not handle, we will be happy to refer you to an excellent lawyer who can help you with it.

## POST-DIVORCE ACTION CHECKLIST

### FOR YOU TO DO:

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#### YOUR NAME

- If you have changed your name, notify institutions like your bank, credit-card companies, Social Security, the IRS, and the DMV. You may need your marriage certificate showing your maiden name and a copy of your divorce decree to accomplish the name change.

#### YOUR HOME AND OTHER REAL ESTATE

- Apply for refinancing in your name for real estate to which you are taking title.
- Contact bank to confirm that you have been removed from mortgage on property to which your ex-spouse is taking title and obtain copy of mortgage discharge.
- Contact agent for homeowner's insurance to change name on policy.
- Close/ transfer the name on accounts for utility bills, cable, satellite providers, etc.
- Notify landlord regarding the termination of tenancies, or transfer of rights.
- Notify property/homeowner's associations of change in membership.
- Notify cemeteries/memorial park management of transfer of ownership.
- Contact time share management regarding transfer of ownership, division and assignment of accumulated points or rights, and responsibility for future assessments.
- Notify home equity line of credit lenders of change in authorized users of line.

#### VEHICLES

- Change driver's license information (name, address) as needed.
- Sign over vehicle titles and registration as provided by your settlement agreement or divorce judgment and register with DMV.
- Apply for refinancing in your name for vehicle to which you are taking title if it is encumbered by a loan.
- Contact auto insurance agent to make sure your vehicle is insured and you own policy.

*Notify banks or investment institutions of restrictions on transfers, withdrawals, or distributions contained in judgment or agreement.*

### **BANK AND INVESTMENT ACCOUNTS**

- Contact bank to close and divide accounts as needed.
- Prepare new signature cards on retained or transferred accounts.
- Contact investment account agents to determine documents needed to divide and transfer accounts.
- Contact account agents for non-qualified retirement accounts to arrange for transfers.
- Notify state or private college fund investment account providers of restrictions, transfers and limitations.
- Notify banks or investment institutions of restrictions on transfers, withdrawals, or distributions contained in judgment or agreement.

### **BENEFICIARY DESIGNATIONS**

- Contact life insurance agent to change beneficiary designations as necessitated by judgment or agreement. You should fill out a new designation even if you want your ex to continue as the beneficiary for the benefit of your children.
- Contact Human Resources at place of employment to change beneficiaries on retirement accounts and employer provided life insurance; remove spouse from health insurance; and update W-4 for income tax withholding.
- Contact bank to change names on pay-on-death accounts.
- Contact account agent to change name on transfer-on-death brokerage accounts and IRAs.

### **DEBTS AND CREDIT ACCOUNTS**

- Pull your credit report, review it for errors, and dispute any you find. Review annually thereafter.
- Contact credit card companies to close or transfer accounts.
- Contact local vendors providing credit (i.e., grocery stores, medical/dental providers, local pharmacies, farm service accounts, etc.) of change in authorizations to incur debt or charge goods and services.

## TAXES

- If your former spouse has the originals of past income tax returns, get copies for your files. Keep at least the last six years of joint returns.

## CHILDREN

- Notify school authorities, medical/health providers, and sponsors of extracurricular activities of who is to be notified in case of emergencies, who has or doesn't have decision-making authority, and who has or doesn't have access to information.
- Provide these authorities with a copy of your parenting plan if the other parent's time with the children is supervised or curtailed or the other parent's decision making authority is limited. Providing a copy of the order lets the staff know if the other parent can pick up the child or have decision-making authority.
- Obtain executed IRS form 8332 for claiming of the child tax credit by non-custodial parent.
- Purchase life insurance to serve as security for child support payments as required by agreement or judgment.

## TASKS THAT MAY REQUIRE A LAWYER'S HELP

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- Prepare and execute deeds to transfer real estate between you and your former spouse, or titleholders, to the individual assigned the real estate pursuant to your agreement, or the court's order.
- Prepare a new will, trust, and other estate planning documents.
- Prepare new powers of attorney for financial matters and health care.
- Amend existing trust documents, and particularly, trustee and beneficiary designations as required by agreement or judgment.
- Prepare QDRO to divide defined benefit plans or review QDRO prepared by former spouse's lawyer.
- Prepare life insurance trust for child support or alimony as required by agreement or court order.
- Prepare Qualified Medical Child Support Order (QMCSO) to submit to health insurance provider with copy to employer of providing party.
- Prepare notice of withholding of child support/alimony to payor's employer.
- Prepare and file final joint tax returns.
- Enforce provisions of settlement or judgment requiring removal, transfer, or other disposition of personal property from former marital residence, storage facilities, etc.