

# POST-DIVORCE CHECKLIST

Always consult with counsel if you have legal questions and follow the provisions of *your* own Order, which may well deviate from the “usual” provisions. This checklist presumes that you have a Final Order (resulting from a trial or final hearing) or you have a Court-Approved settlement agreement (meaning your agreement was turned into a Final Order of the Court).

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## Name and Address Changes

If you are resuming a former name and/or changing addresses, confirm changes in writing to: (See our Name Change Checklist for name changes).

- Local US Post Office.
- Social Security Administration and other government benefits programs.
- Internal Revenue Service, state and local tax authorities. See Treasury Form 8822.
- Department of Motor Vehicles.



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- Insurers, including medical, dental, disability, life, automobile, homeowners, tenants.
- Banks and other financial institutions.
- Credit and charge account issuers.

## Payroll and Benefits

If you are employed outside the home, notify your payroll and personnel department of this change in your marital status. Be sure to notify your benefits department of any changes or requirements relating to the divorce. Obtain written confirmation of current status or required changes to the following:

- Life insurance. If you are not the owner of the policy, find out whether there is a written procedure for notifying the insurer of any future claims applicable under the divorce judgment.
- Medical and dental insurance.
- Note deadlines for the election of COBRA if you are losing health insurance coverage.
- Obtain cards and claims forms.
- Retirement benefits. Follow up with QDRO or other appropriate domestic relations order. (Check with your attorney if a retirement plan/benefits are to be divided up as part of your Court Order).
- Other work-related benefits.



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## Property Transfers

Check with your attorney about how to transfer title to property in accordance with your Court Order. For example, real estate may need to be transferred via a Quitclaim Deed.

- Motor vehicles (cars, trucks, motorcycles, boats)
- Stocks, options, bonds, and mutual funds
- Retirement benefits
- Life insurance policies
- Real estate
- Bank accounts

## Debts and Liabilities

- Handle in accordance with your Court Order.
- Obtain an updated credit report from [www.annualcreditreport.com](http://www.annualcreditreport.com). Continue to do so every six months if your former spouse is responsible for paying down joint debt.
- Close joint credit and charge accounts in accordance with your Court Order.
- Mortgages: Generally, mortgage lenders do not remove a co-borrower's name unless the mortgage is refinanced. If your former spouse is responsible for



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making mortgage payments, get confirmation of timely compliance and review your credit report every six months.

- If your former spouse files a bankruptcy petition, consult your attorney immediately.

## Taxes

- Joint returns may be filed if you and your spouse are still married on December 31st of the tax year in question.
- Separate returns may be preferable in certain cases; consult your tax advisor on this.
- Dependency exemptions and tax credits may be transferred to the noncustodial parent. See Treasury Form 8322. Otherwise, the custodial parent claims the children.
- Keep copies of old tax returns for future reference. Also keep documents confirming the cost basis of your real estate, stocks, and other assets. Enlist the help of your stock broker or investment advisor.
- Maintain up-to-date records on capital improvements (installing a new furnace, adding on a back deck, etc.) to real estate for future reporting of capital gain or loss.
- Some or all of your legal fees may be deductible. Check with your tax advisor.
- Alimony is ordinarily deductible by the payor and taxable to the recipient- check your Court Order.
- Child support is nondeductible and nontaxable.



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## Custody and Visitation

- Do not use the children to retaliate or to spy on the other parent.
- Generally, child-related provisions of a Court Order may be changed to reflect a substantial change in circumstances that has affected or will affect a child adversely.
- Consult with counsel if you believe there have been substantial changes of circumstance.
- Consult with your attorney if you believe your children are in danger.
- Moving out of state with a minor child may require prior approval of the other parent or the Court. Consult with counsel as soon as there is talk about an out-of-state move. If you move to another state, consult with counsel in that state about registering alimony and child support orders to facilitate collection.

## Alimony

- In South Carolina, alimony generally terminates upon the death of either party, and possibly the remarriage or cohabitation by the recipient, depending on the Order. Consult with counsel for details.
- Alimony is usually deductible by the payor and taxable to the recipient. Keep accurate records of payments made/received for tax purposes. Never pay in cash. Consult with your tax advisor about the tax aspects of alimony.
- If a party's financial circumstances change, consult with counsel about a possible adjustment to alimony.



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## Child Support

- Unless your agreement or court order says otherwise, child support is payable until a child turns 18 or leaves high school (up to age 19), whichever comes later, or until the child is otherwise emancipated. Refer to your Order for other terms.
- If child support is late at least 20 days, consult with counsel to implement a wage garnishment, having the paying party pay through the Clerk of Court, and a possible contempt action.
- If the financial circumstances of a parent or child change for better or worse, consult with counsel about a possible adjustment to child support.
- Never deduct from or withhold child support from the other parent without a Court Order. Child support is never reduced for long periods of visitation (like summer) unless the Order says so. A parent cannot deduct from child support any sums that he or she has spent on gifts or clothes for the children, etc.

## Extraordinary Expenses, Uncovered Healthcare Expenses, College & Other Expenses

- Do not incur any nonemergency expense on behalf of a child without prior agreement if you expect a contribution from the other parent.
- Make sure to send copies of all of the child's uncovered, unreimbursed medical bills to the other parent if your Order provides that the other parent is to contribute. Keep copies for your files. Consider filing a contempt action if you do not receive reimbursement after 30 days or the time provided in your Order.



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- Cooperate with your former spouse in seeking financial aid for higher education if your child chooses to attend college.

## Updating Wills & Trusts

Now is the time to update your will and any trust agreements. Those documents should be reviewed every two years or upon remarriage, birth or adoption of a child, or material change in financial circumstances. Be sure you've changed the beneficiaries for your life insurance, retirement plans, IRA, financial accounts, and your will.

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