



# THE ULTIMATE DIVORCE TOOLKIT

Everything you need to know to stay organized  
and one step ahead of the divorce process.



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## PREPARING FOR THE DIVORCE PROCESS

Going through a divorce can be an overwhelming experience. That's why it's so important to get organized from the start. This toolkit is designed to help you get on top of things and take charge of your divorce.

### 1. KNOW WHAT YOU REALLY WANT

Deciding to get a divorce is one of the biggest choices you will ever make. Therefore, it's essential that you are absolutely sure you're making the right decision before you proceed. In some cases, the decision to get a divorce is very clear-cut, but in many instances, it's far from an easy choice. **Here are three common situations where it is not so clear:**

#### **YOU WANT TO GET DIVORCED, BUT AREN'T SURE IT'S A SMART DECISION**

You know emotionally that a divorce is what you want, but because of the impact it will have on your children, financial situation, or lifestyle, you're not sure that it wouldn't be better to stay married.

#### **YOU ONLY WANT TO GET DIVORCED BECAUSE THE MARRIAGE ISN'T WORKING**

In this situation, you may feel like you shouldn't get a divorce but want to because things aren't working. Whether you blame yourself or your spouse, this scenario is likely to be full of anger or guilt which can get in the way of making a clear decision.

#### **ONLY ONE PARTNER WANTS A DIVORCE**

If you're the partner that wants a divorce, but your spouse doesn't, you may feel pressure to give in and try to make the marriage work even though you'd prefer not to. Conversely, if your spouse is the one who wants the divorce, you may feel devastated and not be sure how to proceed.



If you find yourself in one of these situations—or if you're simply unsure about whether to proceed with a divorce—here are a few important questions to ask yourself:

1. WHAT IS YOUR INTENTION IN OPTING FOR A DIVORCE?
2. DO YOU STILL LOVE YOUR SPOUSE?
3. IF YOU GOT DIVORCED, WOULD IT BE A FULLY THOUGHT-THROUGH DECISION OR SIMPLY AN IN-THE MOMENT REACTION?
4. ARE YOU EMOTIONALLY PREPARED TO GO THROUGH THE DIVORCE PROCESS?
5. ARE YOU PREPARED FOR THE ECONOMIC CONSEQUENCES OF DIVORCE?

## 2. CHOOSE THE RIGHT TIME

Once you've decided to go ahead with your divorce, the next step is talking to your spouse. This can be a very difficult and emotionally wrenching process, especially if your spouse doesn't suspect your intentions or if they feel differently than you do. Picking the right time to talk to them is essential to protecting both partners' emotional well-being. **Here are a few tips for choosing the right time and for talking with your spouse:**

### DON'T AMBUSH YOUR SPOUSE

The worst thing you can do is to catch your spouse off guard. This can lead to hurt feelings and anger on their part and will make the process much messier than it needs to be. Instead, tell your partner that you need to talk to them and schedule a time to speak.

### PICK THE RIGHT SETTING

You're about to have one of the most important conversations of your life and the last thing you want to do is to be interrupted. Pick a private, quiet place for your meeting where you can talk at length without anyone else around.

### PLAN WHAT TO SAY

Don't go into the conversation without a plan! Organize your thoughts before you talk with your spouse and be sure about what you want to say.

### BE DIRECT

The worst thing you can do when you talk to your spouse is to ramble or beat around the bush. For your sake and for that of your partner, it is best to come right to the point and state clearly how you feel and what your intentions are. Similarly, it's important to focus on your own feelings and not shift the blame to your spouse.

### PREPARE FOR YOUR SPOUSE'S RESPONSE

Chances are, even if your spouse has been thinking about divorce as well, they will be in an emotional state after you talk to them. Be prepared for whatever their response may be, whether it's anger, shock, or denial. Allow them to feel what they feel and express themselves, but remain firm in your demands.



### 3. FIRST, LISTEN

After you tell your spouse that you want a divorce and throughout the entire divorce process, it's important to listen to what they have to say. While some divorces are nasty and direct communication is not possible, if you want to have an amicable divorce, then listening actively to your spouse is essential. **Here are a few tips for active listening:**

#### LISTEN FULLY AND NON-JUDGMENTALLY

It can be tempting to dismiss what your partner is saying, especially if you disagree. Instead, try to be actively present when they speak, giving them your full attention. If you think what they are saying is wrong, don't dismiss it but take it seriously. You will have your chance to explain your point of view.

#### TAKE NOTES

Taking notes when your partner is speaking is a good way to ensure that you will remain focused on what they're saying. In addition, you'll be able to refer to your notes when you need them later.

#### PAY ATTENTION TO BODY LANGUAGE

To really understand what your partner is trying to say, you'll need to look beyond the words they're speaking. In fact, up to 65 percent of what a person communicates may be nonverbal. Looking at your partner's facial expressions and body language, as well as the way in which they're speaking can help give you the full picture.

#### REFLECT WHAT THE OTHER PERSON SAYS

Once your partner has finished speaking, summarize what they've said back to them. This ensures that you've correctly understood what they said and it also helps your partner feel like you've really been listening to them.

#### DON'T FOCUS ON YOUR RESPONSE

In any discussion, it may be tempting to begin formulating your response before the person you're talking to has finished speaking. While this is an understandable tendency, it can take the focus away from what your partner is saying and get in the way of good communication. Listen fully first; then come up with your response.



The single **BIGGEST PROBLEM** with communication  
is **THE ILLUSION** that it has taken place.

—George Bernard Shaw



## 4. THE IMPORTANCE OF STAYING POSITIVE

Even if you're committed to communicating productively with your spouse as you go through the divorce process, it can sometimes be challenging to remain positive. After all, divorce is not only an emotionally fraught process, but you and your spouse's interests may very well be at cross purposes.

Nonetheless, whether you're having your initial conversation informing your partner that you want a divorce or you're attempting to work amicably through the divorce process, it's important to maintain a positive approach throughout. **Here are a few reasons why:**

### A POSITIVE ATTITUDE INCREASES UNDERSTANDING

Going into your conversation thinking positively is an important part of active listening. If you approach the talk with a negative attitude, you are more likely to dismiss what the other person has to say before they even say it. This can lead not only to you misunderstanding their position—since you haven't given them the proper opportunity to explain themselves—but it can put your partner in a defensive position. This, in turn, may prevent them from fully understanding your position.

### A POSITIVE ATTITUDE LEADS TO POSITIVE RESULTS

Without getting too new age-y about it, thinking positively does typically yield better results. If you go into a conversation expecting it to go badly, it is far more likely that that will indeed happen. With a negative attitude, you will be less likely to be fully invested in the conversation and more likely to strike a despairing tone which will not inspire your partner to fully engage.

### THINKING POSITIVELY LEADS TO AN OPENNESS TO DIFFERENT SOLUTIONS

If you go into a conversation with a pessimistic attitude, chances are your primary focus is trying to end the talk as quickly as possible. After all, if nothing good can come from it, why prolong the inevitable? But when you approach a conversation with a positive attitude, you are much more likely to consider a wide range of possible solutions to the problem. Optimism breeds creativity and often gets you thinking outside of the box.



## 5. NOW, IT'S YOUR TURN TO TALK...

Once you've told your spouse you want a divorce and listened to what they had to say, now it's your chance to really say what you think. Without being disrespectful and while always taking your spouse's feelings into consideration, here are a few tips for laying out your feelings:

### BE GENTLE, BUT FIRM

Striking a balance between asserting your priorities and respecting your spouse's position can be a delicate proposition. Nonetheless, while remaining cognizant of the difficult—and perhaps unexpected—situation your spouse is in, it is important that you do not back off from asserting your needs.

### STAY CALM

While you're speaking, it's possible that your spouse may get angry or even nasty and try to interrupt you. Although it's certainly natural to want to rise to meet the situation, it is a far better idea to try and remain as calm as possible. If both you and your spouse are too worked up, the conversation has no chance to be productive.

### DON'T PUT THE BLAME ON YOUR SPOUSE

It is important that you frame your desire for divorce in neutral terms. Regardless of whether or not you feel that your spouse is to blame, nothing is to be gained by telling them so. Emotions will already be at a high enough pitch and there is no need to further enflame them.

### MAKE SURE YOU SAY EVERYTHING YOU NEED TO SAY

It's easy to get caught up in an emotional moment or to feel bad for your spouse and to back away before you fully express yourself. Nonetheless, this is your moment. You've prepared for it, agonized over it, run it over and over in your mind, and it's finally here. Don't cheat yourself by not saying everything you need to say.

Now that you've made the hard decision to move ahead with your divorce, and you've talked with your spouse, it's time to take the next steps. Getting organized as soon as possible will make the process run much more smoothly and ensure that you're prepared for any unexpected wrinkles that may come your way.



We must be willing to **LET GO OF THE LIFE** we've planned, so as to **HAVE THE LIFE** that is waiting for us.

—Joseph Campbell





## DOCUMENTS TO GATHER

Ideally, you'll want to collect all of the documents listed below before meeting with your professionals. Of course, not all of these documents will be applicable or accessible. If you are unable to collect any of these documents, don't worry. Your attorney will be able to collect them when the time is right.

- Prenuptial/postnuptial agreement
- 3-5 years of personal and business income tax returns
- Pay stubs
- Bank statements: checking, savings, money market accounts, and CDs
- Savings bonds, and cash in safety deposit boxes or safes
- Credit card statements
- Loan documents
- Retirement plan statements: 401(K), 403(B), 457, pension plans, etc.
- IRAs
- Employment agreement
- Stock option statement & stock grants
- Deferred compensation: corporate bonus plans, incentive comps, etc.
- Insurance policies: term, universal, and life
- Brokerage, investment statements, and Real Estate Investment Trusts (REITs)
- Annuities
- Balance sheet/net worth statement
- Credit, loan, or bank applications
- Real estate titles for residences, investments and timeshares
- Business interests, including LLCs, LLPs, and sole proprietorships, or partnerships
- Art collections, gold coins, and stamp collections
- Loans to family members/friends
- Social security statement for you and your spouse
- Wills, trusts, and Power of Attorney forms
- Your most recent tax return in its entirety





## FIRST THINGS FIRST: GET ORGANIZED

The divorce process can feel like a whirlwind. It's important to get organized as soon as you make the decision to file for divorce.

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Start by gathering important financial information, and making sure it's easily accessible for when you need it:

- Implement a good filing system for both paper and electronic documents. Set up a new email address that you'll use only for your divorce, and create electronic folders for a variety of categories where you can save important information for quick reference when you need it later.
- Set up your own checking account and credit card account.
- Order a full, free credit report
- Start to gather tax returns and financial statements including bank, brokerage and retirement accounts; hotel and airline points; and your mortgage, credit cards or any other debt. If you can only get one financial record for your professionals, take your most recent tax return.
- Make a list of all your assets and liabilities.
- Make a list of sources of income in your marriage (compensation, bonuses, stock sales, retirement accounts, etc.).
- Create a list of memberships and perks that are assets that will need to be addressed during the divorce.
- Start to track what you have been spending as a married couple. Think about what will change as you split into two households.



It's important to understand what the road ahead will look like, and taking the following steps will help you prepare for the many changes that you'll soon face:

- Talk to others who have been through divorce to get ideas on building your empowerment team.
- Spend some quiet time figuring out what led to contemplating divorce. Would you change it if you could? What do you want going forward? What will be hot buttons for you, your children and your spouse as you move forward?
- Get a handle on the physical transitions you will have to make:
  - New living arrangements
  - New daily schedules
  - New responsibilities
  - Child care arrangements
- Confront the questions that will likely keep you awake at night. Write down your biggest fears and put them in perspective. You will not be able to answer all of them yet, but make sure you have a basic understanding of the way forward.
- Don't sign any new agreements or make any significant changes in your life, like moving out, moving significant money or closing joint accounts without consulting an attorney.
- Breathe, and remind yourself: it will be okay.



Before **EVERYTHING ELSE**, getting ready is the **SECRET OF SUCCESS.**

—Henry Ford

Finally, taking stock of your emotions is an important step. Gauge where you are on the feelings spectrum:

- Shock
- Anger
- Resentment
- Acceptance

There is no right or wrong way to feel. Simply recognize and accept whatever you're feeling right now, and reassess your emotions as you move through the divorce process.



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## BEFORE YOU SIGN YOUR MARITAL SETTLEMENT

Before you sign your marital settlement agreement, make sure you know how any retirement plans will be split, and have a plan for health insurance coverage.

### ■ Qualified Domestic Relations Order (QRDO)

- Certain retirement plans (for example, employer sponsored 401(K) plans and pensions) that are required to be split per your settlement agreement must be processed through what is known as a Qualified Domestic Relations Order (QRDO). Work with an attorney or consultant to ensure that the plan administrator will accept the order, and that it has been filed properly with the court.
- Note: a QRDO is not typically necessary for Individual Retirement Accounts (IRAs)
- Make sure you know which party is responsible for completing the QRDO to prevent important details from slipping through the cracks. Set deadlines to help keep the process on track.

### ■ Health Insurance

- Talk to your or your ex-spouse's Human Resources department about health insurance coverage options. If health insurance is not available through an employer, there are other options: COBRA coverage, State Sponsored Spousal Continuation, or you can open a new individual policy. Not all states provide a "spousal continuation" option and many companies will only have COBRA or state continuation, not both.
- Once your divorce is finalized, your attorney will provide a certified copy of your judgement, which will serve as your "life change" status. This allows you to begin health insurance coverage during non-enrollment periods.

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Change is **INEVITABLE**. Growth is **OPTIONAL**.

—John Maxwell



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## 8 QUESTIONS TO ASK YOURSELF

**THINGS YOU  
ARE LEGALLY  
ENTITLED TO**

**THINGS YOU  
NEED**

**THINGS YOU  
WANT**

**THINGS TO  
LET GO OF**

Ask yourself these questions, and file each of your answers into one of the above categories. This will not only help you prioritize your own needs, but will also help you understand your ex-spouse's priorities.

- ❓ What do you want, and why?
- ❓ What do you need?
- ❓ What doesn't your spouse want, and why?
- ❓ What do your children need?
- ❓ What don't you want, and why?
- ❓ What does your spouse want, and why?
- ❓ What does your spouse need?
- ❓ What's in your children's best interest?



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# MEETING PLAN

FOR: \_\_\_\_\_ DATE: \_\_\_\_\_

GOALS FOR THIS MEETING: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

QUESTIONS/CONCERNS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOCUMENTS TO BRING: \_\_\_\_\_  
\_\_\_\_\_

UPCOMING DEADLINES/DUE DATES: \_\_\_\_\_  
\_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<p><b>NEXT STEPS:</b></p> <hr/> <p>MINE:</p> <hr/> <p><input type="checkbox"/></p> <hr/>	<p>MY PROFESSIONAL:</p> <hr/> <p><input type="checkbox"/></p> <hr/>
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# MARITAL BALANCE SHEET

Providing your attorney with a list of assets and recent statements will save you time and money. Don't worry if you can't—your attorney will be able to.

ASSET TYPE	NAMES ON ACCOUNT	AMOUNT
<b>Cash Reserves</b>		
Checking		
Savings		
Money Market		
<b>Taxable Investments</b>		
Certificates of Deposit		
Mutual Funds		
Stocks		
Bonds		
Other		
<b>Tax-Deferred Investments</b>		
IRAs		
Retirement: 401(K), Pension, 403(B)		
Annuity		
Deferred Compensation		
SEP, Keogh, Simple		
Other		
<b>Other Investments</b>		
Business Equity		
Rental Real Estate		
Stock Options		
Other		
<b>Personal Assets</b>		
Residence (FMV)		
Vacation Residence		
Auto		
Personal Property		
Art, Jewelry, Etc.		
Other		
<b>Total</b>		

<b>LIABILITIES</b>					
Cash Reserves	Rate	Term	Years Remaining	Payments	Payoff Amount
Mortgage					
Home Equity					
Auto Loan					
Credit & Personal Loans					
Other					
<b>Total</b>					



# DIVORCE EXPENSE WORKSHEET

Pre-Divorce

Post-Divorce

HOME EXPENSES	Monthly	Annual
Rent/mortgage	\$ _____	\$ _____
Homeowners/assoc. fees	_____	_____
Home equity loan	_____	_____
Property tax	_____	_____
Telephone	_____	_____
Smartphone	_____	_____
Internet	_____	_____
Security system	_____	_____
Cable/satellite	_____	_____
Electricity	_____	_____
Gas	_____	_____
Water/garbage	_____	_____
Landscaping/lawn	_____	_____
Snow removal	_____	_____
Exterminator	_____	_____
General home repair	_____	_____
Home improvement	_____	_____
Housecleaning	_____	_____
Misc. household	_____	_____
<b>TOTAL HOME EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

FOOD	Monthly	Annual
Groceries	\$ _____	\$ _____
Dining out	_____	_____
<b>TOTAL FOOD EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

CLOTHING	Monthly	Annual
Clothing	\$ _____	\$ _____
Laundry/dry cleaning	_____	_____
<b>TOTAL CLOTHING EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

ENTERTAINMENT/RECREATION	Monthly	Annual
Entertainment	\$ _____	\$ _____
iTunes/Netflix	_____	_____
Hobbies	_____	_____
Movies & theater	_____	_____
Vacations/travel	_____	_____
Classes/lessons	_____	_____
<b>TOTAL EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

MEDICAL EXPENSES NOT COVERED BY INSURANCE	Monthly	Annual
Physicians	\$ _____	\$ _____
Dentist/orthodontist	_____	_____
Optometry/glasses/contacts	_____	_____
Prescriptions	_____	_____
<b>TOTAL MEDICAL EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

INSURANCE	Monthly	Annual
Life insurance	\$ _____	\$ _____
Health	_____	_____
Disability	_____	_____
Long-term care	_____	_____
Auto	_____	_____
Home	_____	_____
Other	_____	_____
<b>TOTAL INS. EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

TRANSPORTATION	Monthly	Annual
Auto payment	\$ _____	\$ _____
Fuel	_____	_____
Maintenance/repair	_____	_____
License	_____	_____
Taxis/Uber/public transport	_____	_____
<b>TOTAL MEDICAL EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

MISCELLANEOUS EXPENSES	Monthly	Annual
Postage	\$ _____	\$ _____
Gifts/holiday	_____	_____
Vitamins/non-Rx	_____	_____
Toiletries	_____	_____
Beauty/spa	_____	_____
Pet care (food, vet, etc.)	_____	_____
Books, magazines, news	_____	_____
Donations	_____	_____
Memberships/clubs	_____	_____
Credit cards	_____	_____
Misc.	_____	_____
<b>TOTAL MISC. EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

OTHER PAYMENTS	Monthly	Annual
Quarterly tax/addt'l payments	\$ _____	\$ _____
Spousal support payments	_____	_____
Child support payments	_____	_____
Elder care expenses	_____	_____
Professional fees	_____	_____
Service fees (banks, etc.)	_____	_____
<b>TOTAL OTHER EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

<b>TOTAL EXPENSES</b>	<b>\$ _____</b>	<b>\$ _____</b>
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*Excluding children*

CHILD-RELATED EXPENSES	Monthly	Annual
Education/tuition	\$ _____	\$ _____
School lunches	_____	_____
Counselor	_____	_____
Sports/camp/lessons	_____	_____
Hobbies	_____	_____
School activities/trips	_____	_____
Toys/games	_____	_____
Smartphone/iTunes	_____	_____
Clothing	_____	_____
Medical	_____	_____
Dental/orthodontics*	_____	_____
Optometry/glasses/contacts*	_____	_____
Prescriptions	_____	_____
Allowances	_____	_____
Haircuts	_____	_____
Misc.	_____	_____
<b>TOTAL CHILD EXPENSE</b>	<b>\$ _____</b>	<b>\$ _____</b>

*\*Not covered by insurance*

<b>TOTAL EXPENSES</b>	<b>\$ _____</b>	<b>\$ _____</b>
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*Including children*