

Divorce Checklist

- **Get Help:** Oftentimes, the most difficult part of the divorce process is finding the time to take care of yourself and your needs. Divorce can be emotionally and mentally draining. Make sure you surround yourself with a support system. Consider the guidance and help of a therapist, counselor, or family member. You do not need to handle this alone.

- **Get Educated:** Sit down with an experienced attorney and debunk the myths and rumors that you have heard by getting real legal advice. Every divorce is unique so please do not rely on your great aunt's divorce story as legal advice. Many times, if we intervene early enough, we can
 - You may also want to take a look at the following Florida laws that may apply to your case¹:
 - [**61.071**](#) – **Temporary Alimony/ Suit Money**
 - [**61.075**](#) – **Division of Assets and Liabilities**
 - [**61.08**](#) - **Alimony and Spousal Support**
 - [**61.13**](#) – **Timesharing and Parenting Plans**
 - [**61.30**](#) - **Child Support**
 - [**12.902\(e\)**](#)- **Supreme Court Approved Child Support Guidelines Worksheet**

- **Financial Disclosures:** One of the most fundamental parts of a divorce case, or any family law case, are the financial disclosures. Everything from settlement to litigation is dependent on a full and frank disclosure of assets, liabilities and income.
 - While we give you homework when you retain our Firm, many people want to get a head start to see just how much information they are required to provide.
 - [**Financial Affidavit- Income Earners of \\$50,000.00 or more**](#)
 - [**Financial Affidavit – Income Earners of less than \\$50,000.00**](#)
 - [**Mandatory Disclosures**](#) – **Mandatory Disclosure Checklist**

 - Use this process as an opportunity to create a budget and plan for your future. Remember, our goal is to keep looking forward!

 - Figure out what expenses you are covering for your spouse/what expenses they are covering for you. Some common examples are: car insurance, health insurance,

¹ If you need help interpreting these statutes, please let us know at your initial consultation, we can give you the short version and focus on the factors directly relevant to your case.

dental insurance, cell phone plans, At some point in this process, (usually the end) you will need to remove your spouse from your accounts. Do not make any changes or adjustments to this spending without first speaking with your attorney as it can cause significant problems in your divorce case.

- Document Everything: When you are a couple, you accumulate lots of stuff. In a divorce, we are going to try to separate and distribute all of your assets and liabilities amongst you and your spouse. Anything of value (whether it is of sentimental value or holds a real monetary value) should be accounted for and valued. We suggest using a spreadsheet to organize, identify, and value all of your assets and liabilities.
 - Pictures are helpful as well! Take pictures and consider the perspective of a judge or valuation expert that may only be able to see this one picture to determine the value of that particular asset.
 - If there are any assets that are simply irreplaceable, store them in a safe place (like a safe or safety deposit box) and document their location. These assets still need to be disclosed, but it is important to protect and preserve them during this time of uncertainty.
- Get the Kids Ready: Your goal should be to shield and protect the children from the litigation and separation. Avoid elaborate or detailed explanations of the reasons for your marital discord (i.e.- affairs or money problems) and do not attack the other parent (even if you have good reason to do so). Instead, focus on keeping yourself calm and being honest with your children about expectations throughout this process. They may have questions about timelines, where they will be staying and other changes to their daily routine. Calm your children and let them know that it is not their fault.
 - You will be required to complete an approved Parenting Course. We recommend taking the course online or in person ASAP so we can file your Parenting Course Completion Certificate. Some judges will even require you to file your Parenting Course Completion Certificate within a certain number of days after the divorce is filed so do not delay!
- Get Legal Advice (it is so important we mention it twice): We understand that talking to an attorney is the last thing that most people want to do. We also understand that these are very difficult conversations to have with someone else. Talking to a lawyer makes it feel “real.” The best thing you can do to put your mind at ease and to help you prepare for this process is to get legal advice early and often. That is why we do our best to give you practical and accurate legal advice every step of the way. Even if you are just “getting your ducks in a row,” you need someone who you can count on for guidance.

Mandatory Disclosure Production Checklist

Time Frame For Completion: Florida law requires that you provide certain documents and disclosures (Mandatory Disclosure documents) within forty-five (45) days from the date of service of the initial pleading. A list of required documents is attached to this checklist for your convenience. Additionally, please find a copy of Florida Family Law Rule of Procedure 12.285 to reference and review. While forty-five (45) may seem like a long time to gather these required documents, we ask our clients to begin collecting your records immediately. Our office does not accept or retain original documents.

If you have any questions about when your documents are due with the Court, please do not hesitate to give the office a phone call.

Documents You Are Required To Disclose: Please review the attached copy of Florida Family Law Rule of Civil Procedure 12.285 and the itemized checklist of documents attached to this checklist as Table 1. For each item listed on Table 1, please indicate: (1) what documents you supplied for the time period specified; (2) whether such documents were not applicable (i.e., such documents have never existed); or, (3) why you have not supplied the documents requested.

Please keep in mind that your failure to provide the required Mandatory Disclosure documents may cause the Court to impose sanctions against you. Additionally, the failure to provide the required Mandatory Disclosure documents may severely prejudice your case.

Once you have collected all of the documents, please deliver them to our office along with this checklist, signed and completed. It is important that you understand that it is your responsibility to redact and remove all sensitive information from the documents that you provide to my office. Further, it will save you additional cost and attorney's fees if you attempt to organize the documents provided pursuant to the attached checklist.

Duty to Supplement: Please note that you have a continuing duty to supplement this information, including your Financial Affidavit, whenever a material change in your financial status occurs. If you amend your Financial Affidavit, you must also provide my office with the documents that support your amended Financial Affidavit (i.e., pay stubs, profit and loss statements, income statements, etc.). Lastly, please be advised that **any** documentation provided to the opposing party less than forty-eight (48) hours prior to a hearing **may not** be used or considered as evidence.

We understand that gathering all of the documents and information on this checklist may be confusing and time consuming, but remember, we are available to answer your questions.

Documents Required	Client's Response:
<p>1. Financial Affidavit. A Long-Form Financial Affidavit is included in your New Client Package, which you must complete and return to our office so we can file it with the Court.</p>	<input type="checkbox"/> N/A <input type="checkbox"/> Provided: _____ _____ _____ _____. <input type="checkbox"/> Not Provided. Why Not? _____ _____ _____ _____.
<p>2. Federal, State, and Local Income Tax Returns. <u>For the past 3 years.</u> Include all that were filed by you or on your behalf. If applicable, include any gift tax returns or foreign tax returns. Please includes any attachments, schedules and worksheets.</p>	<input type="checkbox"/> N/A <input type="checkbox"/> Provided: _____ _____ _____ _____. <input type="checkbox"/> Not Provided. Why Not? _____ _____ _____ _____.
<p>3. W-2, 1099 and K-1 Forms. <u>For the past 3 years,</u> if the income tax return for that year has not been prepared.</p>	<input type="checkbox"/> N/A <input type="checkbox"/> Provided: _____ _____ _____ _____. <input type="checkbox"/> Not Provided. Why Not? _____ _____ _____ _____.
<p>4. Pay Stubs or Other Documents Showing Income. <u>For the past 6 months.</u> If you don't have any pay stubs showing your income, but you do have some other document that does indicate income, please provide that document.</p>	<input type="checkbox"/> N/A <input type="checkbox"/> Provided: _____ _____ _____ _____. <input type="checkbox"/> Not Provided. Why Not? _____ _____ _____ _____.
<p>5. Identification of Income Not Reflected on Pay Stubs. <u>For the past 3 months,</u> if you have income that is not reflected on pay</p>	<input type="checkbox"/> N/A <input type="checkbox"/> Provided: _____ _____ _____

<p>stubs produced under paragraph 4, then please prepare a document that identifies the amount and source of such income.</p>	<p>_____</p> <p>_____.</p> <p><input type="checkbox"/> Not Provided. Why Not? _____</p> <p>_____</p> <p>_____.</p>
---	--

Documents Required	Client's Response:
<p>6. Loan Applications and Financial Statements. <u>For the past 24 months, preceding your financial affidavits. This includes any documents that detail your finances and that were used for any purpose (i.e. obtaining credit).</u></p>	<p><input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Provided: _____</p> <p>_____</p> <p>_____.</p> <p><input type="checkbox"/> Not Provided. Why Not? _____</p> <p>_____</p> <p>_____.</p>
<p>7. Deeds, Promissory Notes, and Leases (Real Property). Deeds or other document evidencing ownership interest: <u>During the last 3 years.</u> Promissory Notes: <u>For the last 12 months.</u> Leases: <u>Any presently in effect.</u> Include all in which you own or owned any interest, whether in your name individually, in your name jointly, with any other person or entity, in your name as trustee or guardian for any other person, or in someone else's name on your behalf.</p>	<p><input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Provided: _____</p> <p>_____</p> <p>_____.</p> <p><input type="checkbox"/> Not Provided. Why Not? _____</p> <p>_____</p> <p>_____.</p>
<p>8. Bank Account Statements. Checking Accounts and All Other Accounts (i.e., savings accounts, money market fund certificates of deposit, etc): <u>For the past 12 months.</u> Include all statements in which you own or owned any interest, whether in your name individually, in your name jointly with any other person or entity, in</p>	<p><input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Provided: _____</p> <p>_____</p> <p>_____.</p> <p><input type="checkbox"/> Not Provided. Why Not? _____</p> <p>_____</p> <p>_____.</p>

<p>your name as trustee or guardian for any other person, or in someone else's name on your behalf or that you have check-writing privileges.</p>	
<p>9. Brokerage Account Statements (stocks, bonds, etc.). <u>For the past 12 months</u>, if the income tax return for that year has not been prepared. Include all statements in which you own or owned any interest, whether in your name individually, in your name jointly with any other person or entity, in your name as trustee or guardian for any other person, or in someone else's name on your behalf or that you have check-writing privileges.</p>	<p><input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Provided: _____ _____ _____.</p> <p><input type="checkbox"/> Not Provided. Why Not? _____ _____ _____.</p>

Documents Required	Client's Response:
<p>10. Retirement, Deferred Compensation, Pension, and Profit Sharing Plans. <u>The most recent statement AND the summary plan description AND statements for the past 12 months. If any portion of your account was from before your marriage, please provide a statement showing the account balance as of the date of marriage.</u> Including, but not limited to an, IRA, 401(k), 403(b), SEP, KEOGH, or other similar accounts that you are a participant or alternate payee. Note that federal law requires that the plan administrator provide you with a summary plan description upon your request.</p>	<p><input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Provided: _____ _____</p> <p><input type="checkbox"/> Not Provided. Why Not? _____ _____</p>
<p>11. Virtual Currency. <u>For the past 12 months, please provide the most recent statement and statements for the past 12 months for any virtual currency transaction in which either party to this action participated within the last 12 months, or hold an interest, including those held in the party's name individually, jointly, as trustee or guardian, or on someone else's behalf.</u></p>	<p><input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Provided: _____ _____</p> <p><input type="checkbox"/> Not Provided. Why Not? _____ _____</p>
<p>12. Life and Health Insurance Plans. Life Insurance: <u>Any presently in effect.</u> Please provide declarations page, last periodic statement, and the certificate Health Insurance: <u>Any presently in effect.</u> Please provide any health insurance cards and policies for yourself, your spouse and/or your dependent children. If you have a</p>	<p><input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Provided: _____ _____</p> <p><input type="checkbox"/> Not Provided. Why Not? _____ _____</p>

<p>cash surrender value on any life insurance policy, please provide a copy of the statement showing same.</p>	
<p>13. Corporate, Partnership, and Trust Tax Returns. <u>For the past 3 tax years</u>, please indicate whether you have an ownership interest in any corporation, partnership, or trust.</p>	<p><input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Provided: _____ _____ _____.</p> <p><input type="checkbox"/> Not Provided. Why Not? _____ _____ _____.</p>

Documents Required	Client's Response:
<p>14. Promissory Notes, Credit Card and Charge Account Statements. <u>For the past 3 months</u>, please include records showing any credit cards or charge account statements, or other indebtedness. <u>For the past 12 months</u>, please provide all promissory notes. Include all in which you own or owned any interest, whether in your name individually, in your name jointly with any person or entity, in your name as trustee or guardian for any other person, or in someone else's name on your behalf.</p>	<p><input type="checkbox"/> N/A <input type="checkbox"/> Provided: _____ _____ _____. <input type="checkbox"/> Not Provided. Why Not? _____ _____ _____.</p>
<p>15. Premarital/Ante-nuptial and Marital Settlement Agreements. <u>Entered into at any time.</u> Further, if this is a modification proceeding, please include a copy of all written agreements entered into between you and the other party at any time.</p>	<p><input type="checkbox"/> N/A <input type="checkbox"/> Provided: _____ _____ _____. <input type="checkbox"/> Not Provided. Why Not? _____ _____ _____.</p>
<p>16. Claims of Special Equity or Non-Marital Status of Asset or Debt. <u>From the date of acquisition until present.</u> If you are claiming a special equity in the other party's non-marital asset, or if you are claiming that an asset is non-marital, please include all documents and evidence supporting your claim.</p>	<p><input type="checkbox"/> N/A <input type="checkbox"/> Provided: _____ _____ _____. <input type="checkbox"/> Not Provided. Why Not? _____ _____ _____.</p>
<p>17. Spousal Support/ Alimony and Child Support. <u>Any presently in effect.</u> Please include copies of any court order directing you to either pay or</p>	<p><input type="checkbox"/> N/A <input type="checkbox"/> Provided: _____ _____ _____.</p>

receive spousal support/ alimony or child support.	<input type="checkbox"/> Not Provided. Why Not? _____ _____ _____.
---	--