

DIVORCE SETTLEMENT CHECKLIST

INCOME

- COLA
Cost of living adjustment for alimony or child support
- Alimony
*Term/Recapture
Non-taxable v. taxable
Step down*
- Child support (emancipation)
- Income tax refunds
*Allocation
Payments due
Refunds*

EXPENSES

- Medical/dental insurance
*Spouse
Children*
- Un-reimbursed (medical/dental)
- Life insurance
(Alimony, child support)
- Tuition *(private school)*
- Child costs
*Child care, camp,
After school, lessons*
- College
- Special needs children
- Relocation

TAX CONSEQUENCES

- Business
- Real estate
- Stock/pension
- Marital residence
- Pendente lite support
- Basis of items transferred
- Filing status
- Deferred taxes
- Exemptions (children)
- Estimated tax payments
- Innocent spouse provision
- Indemnification

ASSETS

- Accrued interest/market changes to date of payment
*Pension/retirement accounts
Bank/investment accounts
Deferred compensation plans*
- Miscellaneous assets
*Personal property
Cars
Frequent flyer miles
Security deposits
Passive activity loss carry forward
Capital loss carry forward
Investment interest carry forward*
- Tangible property
*Appraisal v. in-kind swap
Jewelry/fine arts/collections*

LIABILITIES

- Counsel and expert fees
- Mortgage releases
- Miscellaneous liabilities
*Credit cards
Family loans
Leases*
- Indemnification

OTHER

- Lepis/anti-lepis provisions
- Parenting schedule
- Changed circumstances
(triggering events status)
- Will revisions
- Change of beneficiary
*Retirement accounts
Life insurance*
- Deed transfer on real estate
- Payment of arrearages
- Crews analysis *(lifestyle)*

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EQUITABLE DISTRIBUTION FACTORS

Pursuant to N.J.S.A. 2A:34-23, these are the factors to be considered by the Court in determining equitable distribution. They are similar to the factors to be considered for alimony and child support.

- The duration of the marriage
- The age and physical and emotional health of the parties
- The income or property brought to the marriage by each party
- The standard of living established during the marriage
- Any written agreement made by the parties before or during the marriage concerning an arrangement of property distribution
- The economic circumstances of each party at the time the division of property becomes effective
- The income and earning capacity of each party including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children, and the time and expense necessary to acquire sufficient education or training to enable the party to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage
- The contribution by each party to the education, training or earning power of the other
- The contribution of each party to the acquisition, dissipation, preservation, depreciation or appreciation in the amount or value of the marital property, as well as the contribution of a party as a homemaker
- The tax consequences of the proposed distribution to each party
- The present value of the property
- The need of a parent who has physical custody of a child to own or occupy the marital residence and to use or own the household effects
- The debts and liabilities of the parties
- The need for creation, now or in the future, of a trust fund to secure reasonably foreseeable medical or educational costs for a spouse or children
- Any other factors that the court may deem relevant