



## PREPARATION IS KEY: *A Legal Guide to Preparing for Divorce in Florida*

One thing I tell all of my clients considering divorce is to be prepared as much as possible prior to filing for divorce. It drastically cuts costs in legal fees and takes away some of the stress of divorce when you have planned beforehand.

FOUR topics to consider before filing your divorce case in Florida are listed below. Crucial questions to consider when planning for the best possible outcome for you in your divorce are also spelled out below. Thinking about these items now ensures you keep a clear and rational head to come up with a solid plan on how to move forward with your life after divorce.

Most importantly, you will have access to all documents needed during a divorce case in Florida before you file. I have provided a handy list of these documents that may be needed for each topic so that you can prepare in advance.



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## A. PARENTING PLAN

Divorces with children involved primarily focus on the parenting plan first. The parenting plan determines numerous factors in raising your children and will be the document most referred to after the divorce is finalized. It is important that the plan is tailored to you and your children and accounts for the best interest of the children. Before filing for divorce, you should consider whether you would like to request one of the following:

- **Shared Parental Responsibility:** Both parents confer and jointly make all major decisions affecting the welfare of the children, such as education, healthcare, etc.
- **Shared Parental Responsibility with Decision Making Authority:** Both parents attempt to agree on major decisions, but one parent will have the ultimate decision-making authority.
- **Sole Parental Responsibility:** One parent has the sole authority to make major decisions for the children and it is proven detrimental to the children to have shared parental responsibility.

Other details to consider when formulating a parenting plan:

- **Weekday and Weekend Schedule**
- **Holiday schedule**
- **Winter/Spring/Summer Breaks**
- **Extracurricular activities**
- **Transportation and Exchange of the Children**
- **Foreign and Out-of-State Travel**
- **Education**
- **Child Care**
- **Communication between the parents and between the parent and children**
- **Future relocation**
- **Substance abuse/domestic violence history by a parent**

**Documents Needed:** Copies of children's birth certificates, social security cards, school calendar, extracurricular activity information, school information and costs, child care information and costs, prior injunctions





## B. EQUITABLE DISTRIBUTION

Divorces in Florida typically split the parties' assets and liabilities down the middle as much as possible. Determining what is a marital asset or liability or a non-marital asset or liability can be key to whether an asset or liability will be considered in the calculations. Before filing for divorce, you should consider the following items when thinking about equitable distribution:

- **Previous Inheritance**
- **Marital Home**
- **Other real estate owned**
- **Businesses**
- **Personal Property such as jewelry, furniture, etc.**
- **Vehicles**
- **401Ks**
- **IRAs**
- **Pensions**
- **Boats**
- **Life Insurance**
- **Health Insurance**
- **Bank Accounts**
- **Stocks and Bonds**
- **Mortgages**
- **Loans**
- **Credit card debt**
- **Business Debts**
- **Taxes**
- **Premarital or Postnuptial agreement**
- **If military, years of active duty service**

**Documents Needed:** Paystubs or evidence of income, Federal and State income tax returns, IRS form W-2, IRS form 1099, and IRS form K-1, loan applications, deeds, leases, checking account and savings account statements, money market statements, certificates of deposit statements, brokerage account statements, IRA statements, 401K statements, pension statements, declarations pages for life insurance policies, current health and dental insurance cards, corporate/partnership/trust tax returns, promissory notes, credit card and charge account statements, premarital or postnuptial agreements, court orders of spousal or child support, home appraisals, receipts, military survivor benefit plan information, VA Disability or DoD disability information.





## C. ALIMONY

That dreaded word in a divorce: Alimony. Alimony is determined by the court after looking at one party's actual need versus one party's ability to pay. After equitable distribution is determined, the court reviews what money is left over, if anything, and considers the parties' circumstances to come up with a fair award. Some questions to answer:

- **Length of the marriage**
- **Standard of living the parties are accustomed to**
- **Whether one spouse quit their job/school after marriage**
- **Whether one spouse was the primary caretaker of the children**
- **The contribution each party made to the marriage**
- **Whether an unemployed spouse is qualified to work**
- **Whether an unemployed spouse is able to take classes or learn a skill to assist in finding employment to become self-sufficient**
- **Whether one spouse is ill or disabled and needs additional funds for support**
- **Tax consequences of paying or receiving alimony**

**Documents Needed:** diplomas, proof of school classes taken, proof of illness, paystubs or proof of income, tax documents

## D. CHILD SUPPORT

Child support is calculated according to the Florida statutory guidelines. However, there are factors the court considers that can raise or lower child support. To calculate child support, the court looks at the total gross income of the parties and subtract any deductions to come up with the net income used in calculations. Important factors that the Court will consider:

- **Income of both parties**
- **Whether a spouse is employed or underemployed**
- **Work history of both parties**
- **Earnings levels in the community of both parties**
- **Prior child support payments made for other children**
- **Child care costs**
- **Which party will pay for health/dental insurance for the children**
- **Whether a party or child is receiving Social Security payments**
- **Cost of monthly uncovered health/dental/prescription expenses for the children**
- **Which parent will claim the children as dependents for tax purposes**

**Documents Needed:** Proof of income, salary information, prior court orders of support, health and dental insurance cost verification, child care statements of cost, Social Security income verification



# CHECKLIST OF DIVORCE DOCUMENTS

## A. PARENTING PLAN

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- ☐ Copies of children's birth certificates
- ☐ Social security cards
- ☐ School calendar
- ☐ Extracurricular activity information
- ☐ School information and costs
- ☐ Child care information and costs
- ☐ Prior injunctions

## B. EQUITABLE DISTRIBUTION

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- ☐ Paystubs or evidence of income
- ☐ Federal and State income tax returns
- ☐ IRS form W-2, IRS form 1099, and IRS form K-1
- ☐ Loan applications
- ☐ Deeds
- ☐ Leases
- ☐ Checking account and savings account statements
- ☐ Money market statements
- ☐ Certificates of deposit statements
- ☐ Brokerage account statements
- ☐ IRA statements
- ☐ 401K statements
- ☐ Pension statements
- ☐ Declarations pages for life insurance policies
- ☐ Current health and dental insurance cards

- ☐ Corporate/partnership/trust tax returns
- ☐ Promissory notes
- ☐ Credit card and charge account statements
- ☐ Premarital or postnuptial agreements
- ☐ Court orders of spousal or child support
- ☐ Home appraisals
- ☐ Receipts
- ☐ Military survivor benefit plan information
- ☐ VA Disability or DoD disability information

## C. ALIMONY

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- ☐ Diplomas
- ☐ Proof of school classes taken
- ☐ Proof of illness
- ☐ Paystubs or proof of income
- ☐ Tax documents

## D. CHILD SUPPORT

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- ☐ Proof of income
- ☐ Salary information
- ☐ Prior court orders of support
- ☐ Health and dental insurance cost verification
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- ☐ Social Security income verification