

# After Your Divorce Is Final: Tying Up Loose Ends

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**W**hile your divorce may be over, your obligations under the terms of your divorce may be just beginning. It is imperative that you have a clear and complete understanding of the judgment and agreement. Once your divorce is finalized, you should review it carefully, perhaps with your attorney, to make sure you understand any actions required of you, your spouse, or your attorney, as well as the deadlines for doing so. It is important to remember that even if your divorce was amicable and reached by agreement, your divorce judgment constitutes a court order, which is enforceable and consequential. This article aims to highlight important aspects of your judgment and provide helpful tips on tying up loose ends after your divorce is final.

## 1. Create a To-Do List of Follow-Up Items

The first step in tying up loose ends following your divorce is to create a to-do list of actions to complete and follow up on after your divorce judgment is “entered” with the court and considered final. To accomplish this, you should review the terms of your judgment and outline any important dates, deadlines, and action items. Not only will this practice ensure you do not miss any important follow-up items, it will also help you understand your obligations under the terms of your judgment. This is also a great opportunity to discuss any final questions you have about performing or tracking obligations of the judgment with your attorney.

## 2. Keep Track of Important Dates and Deadlines

Divorce judgments commonly require parties to take various actions and meet certain deadlines following entry of the final orders. For example, your judgment may include timeframes within which you must list or refinance the marital home, transfer deeds and titles, divide bank accounts and retirement assets, retrieve personal property, and so on. It is imperative that you keep track of these important dates. In certain circumstances, missing a deadline can mean losing out on legal remedies to which you are otherwise entitled.

Prior to ending the professional relationship with your attorney, it is also wise to discuss what options you have in the event your ex-spouse fails to adhere to the deadlines and terms of your judgment. Some remedies are automatic. For instance, in many divorce judgments, a spouse may have a specified period of time within which he or she may retrieve their personal property and belongings from the former marital home. The judgment may provide that in the event the spouse does not retrieve the items within the specified period, the other spouse may retain, dispose, sell, or discard these personal property items. Other situations may require court intervention, including those in which your spouse may be held in contempt for not complying with the terms of the judgment. In these circumstances, you will have to file a petition to request the court to enforce the judgment. In some jurisdictions, the party enforcing the judgment may be entitled to reimbursement of attorneys’ fees and expenses incurred in enforcing the judgment from your ex-spouse, if his or her noncompliance was without good cause or justification.



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### **3. Updating Your Estate Plan and Notifying Relevant Institutions of Your Divorce**

For many clients, divorce can mean the start of a new chapter in life. As you stand on the verge of a new beginning, your estate plan may be the last thing on your mind. However, once your divorce is finalized, it is important to update your will, trust, or other estate planning tools to remove your ex-spouse from your estate plan. Additionally, update your beneficiary designations with life insurance policies and retirement plan administrators, and make new powers of attorney and directives.

You should also notify relevant institutions of your divorce in order to update legal documents and related information. If you are going to resume the use of your maiden name or otherwise change your name as part of your divorce, take the actions necessary to update your Social Security card, driver's license, passport, employment records, insurance plans, and financial institutions. If you are moving at the end of your divorce, update your address and contact information if you haven't already done so, and complete a mail-forwarding application with the post office to ensure receipt of your mail. Notify your employer that you are officially divorced, and update tax information such as withholdings and exemptions. You should also let your employer know about any changes in medical insurance coverage by, for instance, dropping your ex-spouse or adding yourself to employer-sponsored health coverage.

Be aware that some institutions require a certified copy of your divorce judgment for verification purposes in order to complete these actions. Check with your attorney to see if this is something he or she will handle for you or obtain instructions on where and how to obtain a certified copy from the court.

### **4. Transferring Assets and Deeds**

The terms of your divorce judgment will specify the division and allocation of all marital and nonmarital property and will most often contain instructions and deadlines for the transfer and exchange of assets. Work with your attorney to ensure that you have a clear and complete understanding of what is required of both you and your former spouse so you can comply with and enforce your judgment as needed.

Division of certain retirement assets when your divorce judgment is final is typically accomplished through entry of a Qualified Domestic Relations Order (QDRO). QDROs are usually complex, and it is best to have your attorney or other qualified expert prepare it on your behalf. If your retirement assets require entry of a QDRO, you must follow up with the retirement plan administrator to ensure the QDRO is accepted and implemented. It is critical to make sure this is done.

If one of the spouses is transferring his or her interest in real estate to the other spouse, make sure the quitclaim deed is executed, delivered, and recorded at the same time that the divorce judgment is entered. As long as both spouses' names are listed on the deed, both remain vulnerable to related liabilities. Furthermore, the failure to timely transfer real property could turn a nontaxable transfer into a taxable transfer.

Transfer vehicle titles and update car insurance policies. Divide and close all joint bank accounts. If your judgment requires debts to be paid from certain accounts or assets, follow the judgment instructions to pay off these accounts and close anything jointly titled to avoid unauthorized purchases or encumbrances. Likewise, for all accounts, review the authorized users and remove any if necessary.

## 5. Understanding What Warrants Modification of Your Divorce Judgment

Where alimony, custody, and child support are involved, a divorce judgment will typically contain provisions addressing circumstances warranting review, modification, and termination of support obligations. Both parties—the person who pays support and the person who receives it—should understand what triggers modification and the steps required to obtain appropriate legal relief.

As discussed above, ensure that you diary any and all deadlines regarding review, modification, or termination of support. Upon your divorce, if not sooner, discuss the following questions with your attorney.

- Are there any obligations that the support recipient must meet during the support period?
- What circumstances can trigger changes in alimony, custody, and/or child support?
- If these circumstances occur, will the change in support be automatic or will it be necessary to file a petition with the court?
- Who must file the petition?
- Are there any deadlines within which a petition must be filed?
- Are there any consequences for late filing?
- What legal relief is obtainable?

Getting answers to these questions in advance will help keep expectations and obligations clear and protect your rights.

## 6. Be Aware of the Effects of Remarriage and Consider a Prenuptial Agreement

If your divorce involves alimony, it is critical to know and understand whether the recipient's future romantic relationships can affect his or her entitlement to support. In some jurisdictions, cohabitation and remarriage can end an alimony recipient's right to support, even if the support period has not yet expired. In addition to terminating the recipient's right to continued support, some states impose an affirmative obligation on a support recipient to notify the support payor of his or her intent to cohabit or remarry. Furthermore, a support recipient can be required to pay back any support paid after the date of cohabitation. Prior to cohabitating or remarrying, contact your attorney to discuss any ramifications the relationship may have for your entitlement to support.

Many divorced individuals will agree that they are hesitant, or even unwilling, to remarry as a result of the problems they experienced during their divorce proceedings. If you are contemplating remarriage following a divorce, you may want to consider a prenuptial agreement to limit your financial exposure and vulnerability and to help ease your concerns. A related option for remarried individuals is a postnuptial agreement, which can address topics such allocation of property, estate planning, alimony, and payment of attorneys' fees in the event of divorce from your new spouse.

## 7. Tying Up Loose Ends

Even if your divorce was finalized through an amicable settlement, do not trust or rely on your ex-spouse to look out for your interests. Be diligent in following through on the terms of your judgment. Additionally, parties should tie up all loose ends at the end of their divorce, including:

- changing your passwords and passcodes to protect your privacy;
- monitoring your credit report and understanding that your ex-spouse's actions

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- can continue to affect your credit score if joint accounts or debts remain open;
- closing all joint accounts and removing authorized users from individual accounts;
  - dealing with bills you cannot pay by trying to consolidate or negotiate the balances down, if possible;
  - keeping records, receipts, and copies of important communications and payments;
  - completing, executing, and submitting all necessary paperwork; and
  - working with a financial advisor or other qualified professional to responsibly and advantageously manage your financial future after divorce.

Discuss all questions with your divorce attorney. Get specifics and clarity on issues or items you do not fully understand. The more organized and educated you are about the terms of your divorce, the better off you will be. **FA**

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