Before You File

A preparation checklist for high-asset divorce in Fairfax, Loudoun, Prince William, Arlington, and Alexandria

The decisions made in the first weeks of a divorce often shape its outcome. This checklist identifies the records to gather and the steps to take, and avoid, when the marital estate includes a business, executive compensation, real estate, or substantial investments. Gather what you can. Incomplete records are common and are not a reason to delay a consultation.

RECORDS

1. ☐ **Tax returns**
   Personal returns for the last three years with all schedules, plus any K-1s and business returns.

2. ☐ **Pay and equity compensation**
   Recent pay stubs, W-2s, and bonus letters. For executives, the equity grant agreements, vesting schedules, and deferred compensation plan statements. Unvested awards can be marital property in part.

3. ☐ **Bank, brokerage, and digital asset accounts**
   Current statements and statements from the date of separation, plus date-of-marriage statements for anything you claim as premarital. Account statements also give your attorney what is needed to subpoena records if that becomes necessary.

4. ☐ **Retirement accounts and pensions**
   401(k), IRA, TSP, and pension statements (including FERS, military, and VRS), ideally as of the date of marriage, the date of separation, and today.

5. ☐ **Business records**
   Three to five years of financial statements and tax returns, operating or shareholder agreements, buy-sell agreements, and any loan applications or personal financial statements submitted to lenders.

6. ☐ **Real estate**
   Deeds, closing statements, mortgage and home equity statements, and leases for any rental property.

7. ☐ **Separate property trail**
   Records showing assets owned before the marriage, inheritances, and gifts, and how those funds moved afterward. Separate property can lose its character when it is mixed with marital funds.

8. ☐ **Debts, insurance, and personal documents**
   Credit card and loan statements, personal guarantees of business debt, life, health, and disability policies with beneficiary designations, and passports, vehicle titles, and health records.

MONEY

9 ☐ **An account in your own name**

Open a checking account in your name alone for living expenses and legal fees. Know the balances of joint accounts and joint credit cards, which either spouse can typically drain or run up. Any draw on joint funds should be reasonable and documented.

10 ☐ **Hold major financial decisions**

Avoid changing beneficiaries, selling assets, or taking on new debt before you have advice. Spending in anticipation of divorce can be considered when the estate is divided.

COMMUNICATIONS

11 ☐ **Keep a journal**

Record divorce-related events, dates, and exchanges as they happen. It will refresh your recollection later, and many clients find it helps them keep perspective.

12 ☐ **Secure your own accounts, not your spouse's**

Change the passwords on your phone, email, banking, and social media, and set up a separate email address used only with your attorney. Do not access your spouse's email, phone, or accounts. Doing so can create civil and criminal exposure.

13 ☐ **Write as if a judge will read it**

Move divorce-related communication with your spouse to email or text, and keep it Brief, Informative, Friendly, and Firm. Avoid admonishments and apologies. When in doubt, do not send it.

14 ☐ **Pull back from social media, but delete nothing**

Limit posting, and review what is already on your accounts and your spouse's for anything inconsistent with your goals. Do not delete content; destroying potential evidence can do more damage than the evidence itself.

HOME AND FAMILY

15 ☐ **Protect what cannot be replaced**

Quietly move small heirlooms, photographs, and letters of sentimental value to safekeeping, for preservation only. If furnishings will be an issue, photograph each room.

16 ☐ **Keep the children out of it**

Do not discuss the details of the case with your children or involve them in it. Keep school, medical, and activity records, and a plain calendar of your day-to-day involvement.

17 ☐ **Have a plan for short notice**

Keep an overnight bag packed and know where you could stay on short notice. In contested cases, circumstances can require you to be out of the home overnight with little warning.

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