

## CHECKLIST FOR FINAL LETTER AT CLOSE OF DISSOLUTION

When sending the final letter to the client at the end of a dissolution of marriage, be sure to set out the following information:

- Enclose a copy of the dissolution judgment and property settlement agreement.
- Call client's attention to the date the dissolution judgment becomes final and the significance of that date.
- Inform client that he or she may need a new estate plan.
- Remind the client to change beneficiaries on life insurance, pensions, IRA, 401K plan, corporate assets, etc.
- Remind the client to transfer ownership of savings accounts, certificates of deposit, treasury bills, Individual Retirement Accounts, money market accounts, stocks, and bonds in accordance with the Judgment of Dissolution.
- Remind the client to sign off on titles and obtain sole titles as appropriate.
- Remind the client to delete insurance coverage for automobiles, boats, etc. awarded to former spouse and confirm coverage on vehicles awarded to client.
- Advise client to surrender or destroy charge cards, close accounts, change billing address, advise creditors of non-liability for former spouse's future debts, furnish statements for accounts to be paid by former spouse, and obtain statements for accounts that are client's responsibility (unless the Judgment of Dissolution requires otherwise).
- Advise client to obtain release from loans former spouse is required to pay, if possible. Notify creditors who will assume liability for payment.
- Advise client to close joint checking and/or savings accounts and obtain separate accounts unless the Judgment of Dissolution requires otherwise.
- Advise client to deliver or obtain personal property, household furnishings, etc. in accordance with the time periods contained in the Judgment of Dissolution.
- Explain the procedures for seeking assistance from the District Attorney in collection of support payments.
- Explain modifying the dissolution judgment and when or if this can be done.
- Explain how support payments not made are reduced to judgment and the procedure for renewing them at the end of ten years. (Distinguish between money awards, spousal support awards, and child support awards.)
- Explain any lump sum judgments or judgment on the sale of real property at some future date.
- Indicate you are recording deed(s) in another county if this needs to be done—and do it.

- Explain the effect of sending a certified copy of the dissolution judgment to the life insurance company if the spouse is to maintain a policy in effect for the benefit of the client or minor children [ORS 107.820(6)]. Set out whose responsibility it is to send the certified copy.
- Advise client of right to continue group health insurance coverage and/or conversion under ORS 743.610.
- Explain that either spouse may set aside a dissolution judgment if an asset is missed through mistake or fraud. Re-explain the importance of failing to disclose assets or liabilities.
- Obtain written permission from the client to destroy the file after a certain date.
- Re-explain bankruptcy issues, if any, especially when there is a money judgment involved.
- Review the tax issues arising from the case.
- If client is receiving spousal support, advise of need to pay quarterly tax estimates, and advise client on effect of cohabiting while receiving spousal support.
- Advise client to change name on Social Security card, driver's license, credit cards, insurance policies, utilities, etc., if appropriate.
- Advise client to file Internal Revenue Service Form 8822 with the IRS informing them of the client's change of address, restoration of maiden name, and/or changed marital status, as applicable.
- Review custody and parenting time issues, including substantial change in circumstance necessary to effect change of custody or parenting time.
- Explain support and how it could be modified.
- Discuss non-modifiable support orders.
- Have a closing conference with the client—return documents, photographs, original papers, and review remaining fees.
- Send letters of thanks to witnesses and others who helped with the case (to create goodwill and to possibly generate new clients).
- Withdraw from case (to avoid future service of process).

#### IMPORTANT NOTICES

This material is provided for informational purposes only and does not establish, report, or create the standard of care for attorneys in Oregon, nor does it represent a complete analysis of the topics presented. Readers should conduct their own appropriate legal research. The information presented does not represent legal advice. This information may not be republished, sold, or used in any other form without the written consent of the Oregon State Bar Professional Liability Fund except that permission is granted for Oregon lawyers to use and modify these materials for use in their own practices. © 2016 OSB Professional Liability Fund.