

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 complete copy of the dissolution judgment, with all exhibits.
- Inform the client the date that the divorce became final and the significance of that date.
- If there are children, provide a brief explanation of the client's responsibilities as either a joint or sole legal custodian.
- Explain the importance of reviewing and following the parenting plan.
- Explain that sole legal custody may be changed upon a showing of a substantial, unanticipated change of circumstances. Explain that a parenting plan can be modified as is in the best interests of a child. If the case was high conflict, provide specific advice for record keeping regarding adherence to the parenting plan as to decision making issues.
- Explain how child support is to be paid. Explain the necessity of keeping records of all support payments until all support is paid. Explain the necessity of regularly obtaining satisfactions to file with the court.
- Explain the procedures for seeking assistance from the District Attorney in collection of support payments if that becomes necessary.
- Explain how child support can be modified.
- Summarize the nature, amount, and duration of spousal support.
- If client is receiving taxable spousal support in a modification of support case that is under prior tax law. , advise of the need to pay quarterly tax estimates.
- Advise client about modification of support, including changes in income, cohabitation, and remarriage.
- Explain how support payments not made are reduced to judgment and the procedure for renewing them at the end of 25 years for child support and 10 years for spousal support.
- Summarize the process for allocating the children's uninsured health care expenses.
- Explain the life insurance provisions of the judgment. Provide a deadline for the client to confirm whether he or she wants you to follow up on sending letters of instructions and certified copies of the judgment to the applicable life insurance company.
- Summarize any pertinent parts of the non-retirement property division provisions.
- If real property is to be sold, explain the process and the allocation of the sale proceeds. Explain each party's obligations as to that property until it is sold.
- 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 in accordance with the time periods contained in the judgment.
- Summarize the allocation of retirement accounts. If a DRO is needed, explain who will be drafting that document and the allocation of its costs. Make sure that the client knows that he or she will have to timely provide information and all, part, or none of the retainer. Explain to the client that this process can take substantial time to complete.
- 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, and other insured assets awarded to former spouse and confirm coverage on such property awarded to client.
- Explain and summarize provisions in the judgment that address stock options and restricted stock units.
- 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 requires otherwise).
- Remind the client to change beneficiaries on life insurance, pensions, IRA, 401K plan, corporate and other assets, consistent with the terms of the judgment.
- Advise client regarding any requirements to refinance, or release loans. Notify creditors who will assume liability for payment.
- Explain any lump sum money awards and payment terms.
- Indicate you are recording deed(s) in another county if this needs to be done—and do it.
- 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.
- Ask the client whether he or she wants financial documents obtained in the proceeding to be returned or shredded. State that the remainder of the file will be destroyed in 10 years.
- Explain bankruptcy issues, if any, especially when there is a money judgment involved.
- Review the tax issues arising from the case.

- Advise client to change name on Social Security card, driver's license, credit cards, insurance policies, utilities, if appropriate, and the need for obtaining a certified copy of the judgment for Social Security and DMV.
- 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 changed marital status, as applicable.
- Inform client that he or she will need a new estate plan unless there is specific estate planning that survives the divorce.
- Have a closing conference with the client; this is the opportunity to return documents, photographs, original papers, review remaining fees, and any remaining tasks, such as monitoring the division of retirement accounts.
- Send letters of thanks to witnesses and others who helped with the case (to create goodwill and to possibly generate new clients).
- File a Notice of Termination when your follow up tasks are complete (retirement account division; life insurance issues).

IMPORTANT NOTICES

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