



Estate Planning with Heart®
De Fonte Law PC

The Divorcing Client

CHECKLIST

What to Review and Update While Your Divorce Is Pending

Divorce is a time of transition. This checklist is designed to help you protect yourself quietly and thoughtfully while your divorce is in progress. You do not need to do everything at once. This is a guide to help you understand what matters and when.

1. Decision-Making and Incapacity Planning

These are often the most urgent updates during divorce.

- ☐ **Review your Health Care Directive**
Make sure the person who can make medical decisions for you is someone you trust now, not automatically your spouse.
- ☐ **Review your Durable Power of Attorney for Finances**
Confirm who can manage finances or communicate with professionals if you become incapacitated.
- ☐ **Confirm emergency contacts**
Hospitals and providers rely on these in real situations.

2. Will and Estate Planning Basics

Even during divorce, some planning can move forward.

- ☐ **Create or update a Will**
A new will can limit a spouse's inheritance to the extent permitted by court orders.

☐ Identify guardians and backup decision-makers

Especially important if you have minor children.

☐ Review existing trusts

Understand what exists, what can be changed now, and what must wait until the divorce is final.

3. Understand Court Restrictions (ATROs)

Not everything can be changed during divorce.

☐ Understand what Automatic Temporary Restraining Orders allow and restrict

Some planning is permitted, while asset transfers and certain beneficiary changes may require notice, consent, or court approval.

☐ Coordinate before making changes

Well-intentioned actions can create problems if done without guidance.

4. Insurance Review

Insurance is often outdated during divorce and creates hidden risk.

☐ Review homeowners or renters insurance

Some planning is permitted, while asset transfers and certain beneficiary changes may require notice, consent, or court approval.

☐ Confirm umbrella insurance

Many divorcing clients have none, despite increased risk.

☐ Review life insurance policies

Who owns them, who controls them, and who is named as beneficiary.

☐ Review disability insurance

Employer coverage is often insufficient for a newly single household.

- ☐ Consider long-term care planning

Especially important when you no longer have a spouse to rely on.

5. Build a New Team of Advisors

Divorce often means starting fresh with professionals.

- ☐ Estate planning attorney experienced with divorce
- ☐ Financial advisor aligned with your post-divorce reality
- ☐ CPA or tax advisor
- ☐ Insurance professional
- ☐ Mortgage broker and real estate professional if housing will change

6. Property and Titles

Ownership matters more than many people realize.

- ☐ Review how real estate is titled
Joint tenancy and survivorship rights can override your wishes if not addressed properly.
- ☐ Review beneficiary designations on accounts
Retirement accounts and payable-on-death accounts often fall outside wills.

7. Take Care of Yourself

This matters too.

- ☐ Identify emotional and practical support
Divorce is exhausting. Clear thinking is easier with support.
- ☐ Give yourself permission to move slowly
Good planning does not require rushing.



Estate Planning with Heart®
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Estate planning during divorce is not about creating
conflict or moving assets.

It is about protection, clarity, and peace of mind while
your life is changing.

You do not have to do this alone.