



## Property Division Questionnaire

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**The law requires the trial judge to consider fifteen factors when dividing marital property. The following questions are divided into those fifteen sections.**

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### **Section 1. Ages; Length of Marriage** (Included in Basic Information Sheets)

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### **Section 2. Marital Misconduct**

Examples of misconduct that contribute to the breakup of a marriage include adultery, physical cruelty, and habitual drunkenness. Is your spouse guilty of any misconduct that contributed to the breakup of the marriage?

Y      N

Misconduct would affect your economic circumstances if it caused the loss of money or property or an excessive expenditure of money. Is your spouse guilty of any misconduct that has affected your economic circumstances?

Y      N

Economic misconduct includes gambling, poor management of finances, incurring penalties for failure to file tax returns, irresponsible use of credit, or anything that adversely affects the economic circumstances of the marriage. Is your spouse guilty of any economic misconduct?

Y      N

Examples of squandered or wasted money include spending in excess of income, using savings or retirement for living expenses, giving lavish gifts to family or friends, or buying property that is not needed. Has your spouse squandered or wasted any money or assets?

Y      N

Have you engaged in misconduct that contributed to the breakup of the marriage?

Y      N

Have you engaged in misconduct that has affected your economic circumstances?

Y      N

Have you engaged in any economic misconduct?

Y      N

Have you squandered or wasted any money or assets?

Y      N

Additional Comments:

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### **Section 3. Property and Contributions**

What were your total earnings during the marriage?

What were your spouse's total earnings during the marriage?

What money or property did you contribute to the family unit besides your earnings?

What money or property did your spouse contribute to the family unit besides his or her earnings?

Did you receive any inheritance or substantial gift during the marriage?

Y      N

Did your spouse receive any inheritance or substantial gift during the marriage?

Y        N

Did you or your spouse borrow money from any member of your family during the marriage?

Y        N

Did you or your spouse borrow money from any member of your spouse's family during the marriage?

Y        N

What chores, tasks, and duties did you routinely do?

Cared for children

Cooked meals

Cleaned house, including vacuum cleaning, making beds, mopping floors, washing dishes, cleaning bathrooms, etc.

Washed or ironed clothes.

Yard work including cutting grass.

Home maintenance such as painting, wallpapering, or home repairs.

Other

If other, please describe:

What chores, tasks, and duties did your spouse routinely do?

Cared for children

Cooked meals

Cleaned house, including vacuum cleaning, making beds, mopping floors, washing dishes, cleaning bathrooms, etc.

Washed or ironed clothes.

Yard work including cutting grass.

Home maintenance such as painting, wallpapering, or home repairs.

Other

If other, please describe:

What did you do to preserve or increase the value of any marital property?

What did your spouse do to preserve or increase the value of any marital property?

Additional Comments:

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**Section 4. Income and Earning Potential** (Also see Basic Information Sheets)

Are you able to earn more income than you presently earn?

Y      N

Is your spouse able to earn more income than he or she presently earns?

Y      N

Who has the greater opportunity to acquire assets in the future?

Husband      Wife

Additional Comments:

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**Section 5. Health**

**Provide the following information regarding YOUR health:**

How would you describe your health?

Excellent      Good      Poor

List any major health problems that you have or have had:

List all conditions for which you are currently being treated:

Have you ever suffered from any mental or emotional problems or been treated for any mental or emotional problems?

Y      N

List the names and addresses of each doctor or health care provider who can testify concerning your health:

(1) Name

Street Address

City, State, Zip

Phone #

Diagnosis/  
Treatment

(2) Name

Street Address

City, State, Zip

Phone #

Diagnosis/  
Treatment

(3) Name

Street Address

City, State, Zip

Phone #

Diagnosis/  
Treatment

**Provide the following information regarding YOUR SPOUSE'S health:**

How would you describe your spouse's health?

Excellent      Good      Poor

List any major health problems that you your spouse has or has had:

List all conditions for which your spouse is currently being treated:

Has your spouse ever suffered from any mental or emotional problems or been treated for any mental or emotional problems?

Y      N

Additional Comments:

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## **Section 6. Education and Training**

List each school from which you have graduated and the date of graduation.

List each school from which your spouse graduated and the date of graduation.

List any professional license, degree, or certification that you hold.

List any professional license, degree, or certification that your spouse holds.

Do you plan to return to school for additional education or training?

Y      N

Does your spouse plan to return to school for additional education or training?

Y      N

Additional Comments:

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**Section 7. Non-Marital Property.** Nonmarital property includes property owned before marriage or property that was a gift or inheritance to one of you alone during the marriage. Marital property may become marital if it is shown that the owner intended it to be marital property or if it was used in support of the marriage.

What non-marital property do you own?

What non-marital property does your spouse own?

Additional Comments:

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### **Section 8. Retirement Benefits**

If you have retirement benefits, list the following information:

Name of Company

Mailing Address

City, State, Zip

Account or ID #

Value of Benefit

If your spouse has retirement benefits, list the following information:

Name of Company

Mailing Address

City, State, Zip

Account or ID #

Value of Benefit

Additional Comments:

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### **Section 9. Alimony**

Any award of alimony will affect the equitable distribution of marital property and debts.

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## **Section 10. Marital Home**

If the court awards you child custody, do you want the right to live in the marital home for a reasonable period?

Y      N

If the court awards your spouse child custody, should he or she have the right to live in the marital home for a reasonable period?

Y      N

Do you want the marital home as part of your share of the marital property?

Y      N

Additional Comments:

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## **Section 11. Tax Consequences**

Are you aware that alimony is generally deductible by the person paying alimony and taxable to the person receiving alimony?

Y      N

Are you aware that if marital property is sold at a profit, you or your spouse may be required to pay income taxes on the profits?

Y      N

Are you aware that if individual retirement accounts (IRAs), tax deferred savings, or pension and profit-sharing plans are withdrawn, there may be taxes and penalties due?

Y      N

What questions or concerns do you have about the tax consequences of divorce?

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## **Section 12. Prior Support Obligations**

Do you presently pay alimony to any previous spouse?

Y      N

At any time during the marriage have you paid alimony to any previous spouse?

Y      N



Do you presently pay child support as the result of any prior marriage or relationship?

Y      N

At any time during the marriage have you paid child support as the result of any prior marriage or relationship?

Y      N

Do you presently receive child support as the result of any prior marriage or relationship?

Y      N

At any time during the marriage have you received child support as the result of any prior marriage or relationship?

Y      N

Does your spouse pay alimony to any previous spouse?

Y      N

At any time during the marriage has your spouse paid alimony to any previous spouse?

Y      N

Does your spouse presently pay child support as the result of any prior marriage or relationship?

Y      N

At any time during the marriage has your spouse paid child support as the result of any prior marriage or relationship?

Y      N

Does your spouse presently receive child support as the result of any prior marriage or relationship?

Y      N

At any time during the marriage has your spouse received child support as the result of any prior marriage or relationship?

Y      N

Additional Comments:

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**Section 13. Marital Debts**

Marital debts are debts incurred by either you or your spouse during the marriage for a marital purpose. Listing all debts is important even if you think that they are non-marital debts. You will list all debts in the financial declaration workbook.

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#### **Section 14. Child Custody Arrangements**

Child custody arrangements may affect the division of marital property. For example, a custodial parent may have less opportunity to work and therefore may be entitled to a greater share of the property.

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#### **Section 15. Other Relevant Factors**

List any additional reasons that you should receive more than a 50% share of the marital property.

List any additional reasons that your spouse should receive less than a 50% share of the marital property.

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Date answers completed:

Type your name to serve as your electronic signature: