

# CHECKLIST

---

## OF HELPFUL DOCUMENTS FOR THE PREPARATION OF THE DIVORCE



Image source: © wavebreakmediamicro / 123RF.com

Separation or divorce from your spouse requires thorough preparation, gathering of information, compilation of various documents, and subsequent settlement of various issues. The number of documents required depend on regulatory needs and specific circumstances.

Regardless of whether you work out a solution yourself or whether you leave it to the judge, you need to know the basics in advance.

1

### Details of the persons involved

Create a list with the following information:



To the wife and husband:

Name, maiden name, first name, date of birth, hometown, nationality, AHV number, telephone number

Date and place of marriage (civil marriage)



Details of their representatives

Name, first name, address, phone number



For children: Name, first name, date of birth

## 2

### Personal documents

- Swiss citizens: family identity card (usually not older than three months)
- If both spouses are foreign nationals: certificate or confirmation from the municipality of residence on the place of residence, the date of marriage and joint children (not older than three months).

## 3

### Documents on the matrimonial regime

Since you are splitting up financially, it is important to clarify who owns what and what is to be divided. In the case of real estate, ownership can be seen from the land register entry; in the case of vehicles, the owner is the keeper; and in the case of bank accounts, the owner is the person in whose name they are held. You must fully inform each other.

Make a list of personal and joint assets, accounts and debts. Note what you already owned before the marriage and what you acquired by inheritance or gift. Then determine what you acquired jointly during your marriage and need to divide (e.g., real estate, household items, vehicle, boat, company) and their value.

- Prenuptial agreement
- Evidence of personal property
  - ✓ Assets acquired during marriage
  - ✓ In addition, gifts, accrued inheritances, inheritance division agreements
- Current, complete deposit and account statements
- Life insurance policies (details of current surrender value, including profit share)
- Documents on the value of tied pension assets with banks and insurance companies (pillar 3a)
- Eurotax values of vehicles
- Works of art, antiques, household goods, furniture
- Contents of bank safe deposit boxes
- Documents about loans and donations
- In the case of shareholdings in companies: Excerpt from the commercial register, articles of association, shareholders' agreements, annual financial statements (balance sheets and income statements)

**4****Documents concerning debts or financial liabilities**

- Outstanding taxes or existing tax liabilities
- Loan liabilities including leasing agreements, loan debts
- Credit card liabilities
- List of joint debts to banks and third parties
- List of sole debts to banks and third parties
- Other documents on existing repayments
- For self-employed persons: any additional AHV claims

**5****Documents relating to real estate, if it is part of the marital property**

- Contract of sale
- Current, complete excerpt from the land registry
- Evidence of maintenance and ancillary costs
- Evidence of the current mortgage burden as well as the mortgage interest to be paid
- Evidence of the origin of the funds invested in the purchase, mortgage amortization and renovations and alterations (mortgage and other loans, personal property, inheritance, pension fund withdrawals)

**6****Documents and receipts of financial transactions between the spouses**

- Loan receipts
- Donation receipts
- Wage credits (e.g., for the wife working in the husband's business)

## Documents about the pension plan

A divorce requires an equalization of pension benefits. The entitlements from the occupational pension plan acquired during the marriage up to the initiation of the divorce proceedings are divided in half.

- Current insurance certificates from the pension fund and
- Evidence of vested benefits
- Current pension fund documents on the occupational pension assets saved during the marriage, or Pension fund documents on the current withdrawal credit balances as well as documents on the amount of credit balances from occupational pension plans existing at the time of the marriage
- Pension fund regulations
- Evidence of advance withdrawals for owner-occupied residential property and cash payments

Any post-marital support is calculated only after the division of assets and pension assets has been determined.

## Documents on income:

To calculate any maintenance claims, it is important to know and document your income and your family expenses. Living expenses are deducted from the joint income. Ideally, this results in a surplus.

- Tax return with all auxiliary or supplementary sheets (for the last two tax years)
- Current annual salary statement, or current pay slips for the last six months
- For self-employed persons: Annual financial statements (balance sheet, income statement) for the last two years, as well as a complete list of private payments
- Proof of income from sideline activities
- Proof of pension income (AHV, IV, pension fund pensions, SUVA daily allowances, etc.)
- Tax bills (canton, federal) for the last two years
- Last definitive assessment ruling of the tax authorities

## Documents on expenses or cost of living:

9

### Housing costs

It is necessary to gather the evidence of your income and family expenses. This includes the current salary statements and monthly pay slips as well as the last tax return. Furthermore, the receipts for your living expenses, i.e., housing costs, telephone, radio and TV charges, insurance, health insurance, medical costs, dental costs, opticians, school fees, childcare costs, travel costs, taxes, etc.

Whether fewer or additional documents are required depends on income, regulatory needs, and specific circumstances.

- Rental agreement or last rent adjustment (rent, ancillary costs, garage/parking space)
- Heating cost statements
- Receipts for house costs (mortgage interest, maintenance and operating costs, building insurance)

10

### Insurances

- Receipts for health insurance premiums, if applicable, ruling regarding individual premium reduction
- Premiums for household contents and liability insurance
- Premium for legal expenses insurance
- Premium for life insurance
- Possible additional insurances

11

### Regularly incurred uninsured health care costs

- Statement from the health insurance company to be submitted to the tax authorities at the end of the year
- Medical expenses (franchise, deductible)
- Dental costs
- Opticians

**12****More**

- Telephone bills
- Radio and TV fees (Billag or Serafe invoices)
- Professional expenses (travel costs to work, leasing rates for a car with a competence character, catering costs, necessary contributions to professional associations)
- Receipts for interest payments on debts
- Supporting documents for tax invoices
- Account statements (incl. 3rd pillar)
- In the case of self-employment: payment into the 3rd pillar
- Receipts for childcare costs (crèche, after-school care, family day care, school lunch, etc.)
- School fees
- Receipts for maintenance obligations

**13****Other documents**

- Separation agreements, which have already been concluded earlier
- Rulings of matrimonial judges
- Any medical certificates
- Any reports from the child and adult protection authorities
- Any reports from school and youth psychologists about the children

# TAMARA FREHNER

Attorney at Law, Mediator SBA / SCCM

---



- Thank you for your interest in working with me. I look forward to actively shaping your future together with you.
- As an independent attorney-at-law since 2007 and as a SBA / SCCM mediator, I help private individuals and entrepreneurs to find pragmatic, creative solutions to legal challenges.
- Furthermore, I prefer business contexts, which is why I worked as a lecturer teaching business law at the HWZ University of Applied Sciences for Business Administration Zurich and as the chairwoman of the board of directors of an SME. During my international postgraduate studies (LL.M.) in Boston, I focused on "international business practice". I am also admitted to the New York State Bar (Esq.).
- I look forward to hearing from you to discuss how I may support you.

Image source portrait: © RnD photography

Tamara Frehner, LL.M.  
Attorney at Law, Mediator SBA / SCCM

Frehner Law Office, Im Zentrum 9, CH-8604 Volketswil (Zurich), Switzerland

Phone +41 43 810 11 40  
frehnerlaw.ch  
tamara.frehner@frehnerlaw.ch

Conference rooms are available at a convenient location in downtown Zurich.

Copyright © Tamara Frehner (Frehner Law Office)

Disclaimer: This publication is intended to provide general information to the reader without claiming to be complete, up-to-date or legally binding. It is not intended as legal advice or as a legal opinion to be relied upon concerning any particular circumstances. Please seek professional advice for particular application of the law to specific situations.