

# 5 Key Considerations When Representing Clients in Grey Divorce

*Grey divorce is a chance for your client to rewrite their financial story—with clarity, intention, and peace of mind.*



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As grey divorce rates continue to climb, divorce attorneys are encountering a growing number of cases involving clients in their 50s, 60s, and beyond. These clients bring a different set of priorities and vulnerabilities compared to younger couples—many of which require careful planning and expert guidance to navigate. Below are five key financial and legal considerations to keep in mind when representing clients in a grey divorce.

## 1. Social Security Differentials

For couples nearing or in retirement, Social Security benefits can be a critical source of income. Yet, many clients are unaware of how divorce impacts eligibility. Most attorneys are aware that a spouse who was married for 10 years or more may be eligible to claim benefits on their ex-spouse's record without reducing the ex-spouse's benefit. However, strategically timing the divorce or exploring benefit optimization options can have significant long-term effects—especially for the lower-earning spouse.

## 2. Retirement Account Division Issues

Dividing retirement assets isn't always straightforward. IRAs, 401(k)s, and pensions may each have different rules for division, taxation, and withdrawal. A Qualified Domestic Relations Order (QDRO) may be necessary for certain plans, and timing withdrawals with tax implications in mind is critical. In addition, some retirement plans may not be subject to division at all.

Bringing in an expert to perform this kind of analysis can be invaluable in helping attorneys and clients identify potential issues before irreversible agreements are made. Post-divorce, retirement timelines often shift, requiring careful adjustments to savings strategies and spending expectations. By collaborating with a divorce financial planner early in the process, both the client and attorney can make informed decisions—ensuring the client is prepared, not surprised, by the financial realities of their next chapter.

## 3. Accessing Cash from the Marital Home

In grey divorce, the marital home often holds significant equity—but limited liquidity. Selling the home may be emotionally difficult or financially impractical, yet refinancing or a buyout isn't always possible for older clients with limited income and cash flow. Attorneys should consider exploring creative solutions, such as reverse mortgages or structured buyouts, to help clients access the home equity they need while ensuring long-term financial stability. While reverse mortgages have often been misunderstood or stigmatized in the past, they are now strictly regulated and monitored, offering a viable option for clients looking to tap into their home's equity without risking their financial future.

## 4. Long-Term Care Planning

Unlike younger divorcees, older clients must seriously consider the likelihood of needing long-term care—and how divorce impacts access and affordability. A divorcing spouse may no longer qualify for care under a partner's long-term care insurance, or may find themselves solely responsible for future care expenses.

Proactive planning and coordination with financial professionals is essential to avoid costly gaps.

## 5. Rising Healthcare Costs Post-Divorce

Healthcare coverage can be one of the most significant concerns in a grey divorce, particularly for spouses not yet eligible for Medicare. Loss of coverage through a spouse's employer may leave clients facing high COBRA premiums or costly marketplace plans. Attorneys should help clients understand their healthcare options, factor these costs into settlement discussions, and, when possible, negotiate solutions that bridge the gap to Medicare eligibility.

## Final Thoughts

Grey divorce requires a holistic approach—balancing emotional support with financial foresight and legal insight. At Roessler Divorce Consulting, we partner with attorneys to provide personalized analysis, strategic insight, and compassionate support to clients navigating this complex transition.

