



DECISIONS TO BE MADE IN MEDIATION

PARENTING DECISIONS

RESIDENCY & LEGAL CUSTODY

Joint, Sole or divided legal custody
Shared Residency by both parents or Primary Residency for one parent
Activities needing mutual consent or discussion

PARENTING PLAN:

Weekends	Birthdays – yours and theirs
Weekdays	Other special occasions
Holidays and long weekends	Notices of changes in schedule
School recesses	Missed time with Children
Summer vacations	Access to other parent/alienation

GEOGRAPHIC RESTRICTIONS

Travel/Foreign travel
Time Away – with Children and without
Relocating with children/Parental moves - boundaries

ACCESS TO RECORDS

Medical - Doctors, dentists, etc.
Educational - Schools and teachers

NOTIFICATIONS OF

Addresses and phone numbers
Illnesses and accidents
Children's whereabouts

OTHER

Grandparents, extended family visitation	Alcohol/other drugs
Guardians – Wills	Firearms
Third party introductions	Electronics
Religion	Discipline

EQUITABLE DISTRIBUTION DECISIONS

FACTORS

Valuation Date (DOM to current/other) Marital Property and Separate Property

REAL ESTATE (House or other)

Who occupies until sale

Who pays expenses until sale:

Mortgage/HELOC Taxes Utilities Insurance Repairs

Sale of house:

When -- graduation of children, remarriage, cohabitation.

Selling price -- how to determine

Division of proceeds Tax Escrow & Tax Adjustments

Option to buy Net Equity defined/split

Expenses of sale

Capital Gains tax

Buy-out: Who

Price Payment terms

Mortgage

Refinance/ HELOC quit claim deed

RETIREMENT FUNDS

Valuation

Division of Value -- lump sum, pay-out or both

BUSINESS & PROFESSIONAL ASSETS, including licenses and degrees

Valuation

Division of Value -- lump sum, pay-out or both

Degrees – Student Loans

DIVISION OF ALL OTHER ASSETS/PERSONAL PROPERTY

Cars – titles/registration/insurance

Boats

Jewelry

Collectibles

Bank accounts

Stocks, bonds, tax shelters, etc.

Household items

Family photographs

DEBTS & LIABILITIES

Student loans
Credit cards
Car loans – name on loan/co-signed

Bank loans
Pension loans
Life insurance loans

CHILDRENS PROPERTY

529's
Bank accounts
Savings Bonds

SEPARATE PROPERTY

Pre-marital assets/liabilities
Gifts/Inheritances
Other

SUPPORT DECISIONS

CHILD SUPPORT

Amount
Time of payment

Cost of Living Adjustments –
triggers for re-calculation

Amount of reduction on emancipation
or attending college

Child Care expenses for working
College or private school tuition
Summer camp/activities
Extracurricular activities

Emancipation:
College
Marriage
Living away
Employment

HEALTH INSURANCE

CHILDREN

Who provides insurance?
Who pays uncovered expenses?
Decisions on elective procedures, including
orthodontia.
Who files for insurance?
Dental, prescriptions, glasses, psychotherapy
expenses?

Who provides insurance?
Legal Separation vs. Divorce (for insurance)
Who pays uncovered expenses?
Dental, prescriptions, glasses, psychotherapy
expenses?
"Cobra" rights and cooperation
Affordable Care Act

SPOUSE

LIFE INSURANCE

Amount (to cover child support/spousal support?)
Type – term vs. whole life
Beneficiary
Trustee for children
Duration

MAINTENANCE/SPOUSAL SUPPORT (Alimony):

Amount
Time of payment
Duration — number of years, remarriage, cohabitation
Cost of Living Adjustment, factors for termination

OTHER DECISIONS

INCOME TAXES

Exemptions for children
Joint or separate return and division of refunds
Audits of previous returns and payment of deficiency

FUTURE CONFLICT

Mediation
Expert Advice
Arbitration
Legal fees

MISCELLANEOUS

Legal Separation or Divorce
Timing of divorce
Religious or civil marriage
Wills, health care proxy, power of attorney

USUAL DOCUMENTATION

Depending on your circumstances:

Income Tax Returns -- personal and business
Paystubs
Bank statements
Pension statements
Budget worksheets

Mortgage/HELOC statements
All Investment statements
Credit Reports
All loan information