

## **POSSIBLE MEDIATION TOPICS (Children of Marriage)**

### **I. Parenting Plan**

#### **A. Decision-Making**

1. Responsibility for Making “Major Upbringing” Decisions
  - a) Religious/Spiritual
  - b) Health/Medical
  - c) Educational (public v. private; school / day care choice & locations; approach to teacher/activity communications)
2. Responsibility for Day-to-Day (Routine) Matters
3. “Hybrid”-type Decisions
  - a) Restrictions & Discipline Across Timesharing?
  - b) Major Appearance Changes
  - c) Special Issues (third parties, parent behaviors, etc.)
4. Other Decision-Related
  - a) Access to Professionals & Records
  - b) Emergency Authority
  - c) Alternative Dispute Resolution Commitments
  - d) Relocation (process, distance triggering, etc.)

#### **B. Sharing Time with Children**

1. Ordinary Schedule During School Year

(see our Website materials regarding some possible Parenting Time Plan **Options** for Children of School Age)
2. Approach to Sharing Holidays & Special Occasions
  - a) Major Holidays
  - b) School Breaks (for children of school age) including Summer Vacation
  - c) Children’s & Parent’s Birthdays
  - d) “Reverse” Vacations (special time assigned solely to other parent)

- e) Transportation Responsibilities
- C. Child Support
- D. Monthly Obligation
  1. Amount for Basic Support Needs
  2. When Paid (installments, due dates, commencing date)
  3. How Paid (direct by check, electronic funds transfer, income assignment, through support registry)
  4. Scope of Payment (agreements re sharing of special activity expenses)
  5. Modification (approach re exchange of information)
- E. Health Insurance
  1. Responsibility
  2. Sharing of Extraordinary Expenses
- F. Life Insurance
- G. Higher Education (*if agreed*)
  1. Approach (Saving Plan, Responsibility on Matriculation)
  2. Schooling Covered (includes vocational, artistic as well as traditional undergraduate? length of commitment)
  3. Sharing Method
  4. Costs Limitation (designated School benchmark, absolute amount)

## II. **Property Division (apart from “Separate” Property – property acquired before marriage, inherited or gifted)**

- A. Real Estate (family residence, vacation including timeshares, parcels, business & investment holdings)
  1. Award & Division
  2. Assignment of Responsibilities
  3. Approach to Co-Obligations
- B. Personal Property
  1. Household Furnishings
  2. Exotica (livestock, club memberships, season ticket rights, frequent flyer miles, collectibles and collections — art, stamps, coins, sports, firearms — & unique tools)
- C. Motor Vehicles

1. Titling
2. Co-obligation of loan?

#### D. Bank-Related Assets & Cash

1. Checking & Savings (personal & business)
2. Certificates of Deposit

#### E. Stocks & Bonds

1. Certificate Shares Equities/Stocks
2. Commercial & Treasury Bonds, Notes
3. Mutual Funds Holdings
4. Brokerage Account Holdings (with all of the above)
5. Employer-provided Stock Accounts (ESOP, ESPP)
6. Stock Options (Incentive & Non-qualified)

#### F. Life Insurance (with cash value, not Term)

1. Whole Life
2. Universal Life
3. Annuity contracts & related

#### G. Retirement-Related

1. Individual Retirement Accounts (Traditional, Roth, SEP)
2. Defined Contribution style plans
  - a) 401(k) style private savings
  - b) 403(b) style public savings
3. Defined Benefit style plans
  - a) Traditional private company “pensions”
  - b) Cash balance pension
  - c) Deferred Compensation plans (private & nonqualified & 457 style public)
  - d) Government pensions (CSRS, FERS, PERA, military, railroad)

#### H. Business & Related

1. Asset values
2. Market value, as going concern

#### I. Miscellaneous Other

1. Claims and Lawsuits (pending or anticipated)
2. Royalties, Publishing or Other Intellectual Property Rights

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3. Trusts Interests (of any nature)

#### J. Debt

1. Outstanding loans (other than liens previously addressed)
2. Revolving credit and bank credit card obligations
3. Potential other liabilities, including lawsuits

### III. Spousal Support (Maintenance)

#### A. Whether Appropriate

#### B. Tax Issues

#### C. Approach (indefinite v. contractual or hybrids)

#### D. Amount & Duration (terms of review or termination)

1. How Paid (direct by check, electronic funds transfer, income assignment, through support registry)
2. When Paid (installments, due dates, commencing date)

#### E. Modification (approach re exchange of information)

#### F. Continuation (COBRA) Health Insurance Coverage

#### G. Life Insurance (to safeguard benefit)

### IV. Taxes

#### A. Past Years (taxes owed or refunds due)

#### B. Current Year

1. filing status
2. assignment of deductions, including dependent exemptions
3. responsibility for reporting Colorado refund in following year
4. taxes owed or refunds due

#### C. Future Years Audits

### V. Restoration of Name

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## Comments

This is a broad but not comprehensive outline of topics you may discuss and resolve in mediation of your divorce.

We can understand better whether any particular subject is important or necessary to your discussions as we meet, and we can often help you understand easier ways to obtain information you need, but that is not readily available. (Sometimes this may mean you will choose to use specialized or expert assistance for your confidential consideration in mediation.)

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