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**Issues to Decide During Mediation**

When you're going through a divorce – whether you do so using mediation, or the “traditional” way – there are a number of issues you and your spouse need to discuss and resolve. Here's a list of the main issues divorcing couples need to consider (of course, not every issue may apply to you).

**1. Parenting Decisions**

Residency and Legal Custody

- Sole custody and decision making by one parent
- Joint decision making but reside primarily with one parent
- Split residency and joint decision making
- Major decisions concerning the children - health, education, religious training, major activities, general welfare
- Day-to-day matters concerning the children and notice to other parent

Access/ Visitation

- Weekdays and weekends
- Holidays - (Thanksgiving, Christmas Eve and Day, New Year's Eve and Day, Easter, Memorial Day, July 4<sup>th</sup>, Labor Day, others)
- School vacations
- Summer vacations
- Birthdays - yours and theirs
- Other special occasions - Mother's Day, Father's Day, birthdays (children and parents)
- Notice of changes
- Telephone calls
- grandparent visitation
- Changeover times and places
- Transportation responsibility
- Provisions for special needs children

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### Geographic Restrictions

- Foreign travel
- Relocating with children

### Notifications

- Addresses and phone numbers
- Illnesses and accidents
- Children's whereabouts

### Other Issues

- Clause regarding introducing the children to significant others
- Decision-making and conflict resolution
- Any changes in parenting arrangements
- Periodic review/changes in schedules

## **2. Financial Support for Children**

### Child Support

- Review and application of Child Support Guidelines
- Amount
- Time of payment
- Future modification
- Cost of living adjustment

### Private School, College, Grad School Tuition and Expenses

### Medical Expenses

- Who provides insurance
- Payment of uncovered or unreimbursed expenses
- Payment of extraordinary and elective procedures
- Orthodontia
- Dental expenses
- Medicines

### Other Expenses

- Day Care/before and afterschool care
- Extracurricular activities, summer camp
- Special needs accommodations

### 3. Property and Liability Decisions

#### Real Estate (Marital Home or Other)

- Who occupies until sale
- Who pays expenses until sale - mortgage, taxes, utilities, insurance, repairs
- Sale of house
  - When - age or graduation of children, remarriage, cohabitation, other date?
  - Selling price - how to determine? Appraisal?
  - Division of proceeds
  - Option to buy
  - Expenses of sale
  - Capital gains tax

#### Retirement Funds

- Valuation
- Division of value

#### Business Interests

- Valuation
- Division of value
- Professional licenses

#### Division of All Other Property

- Bank accounts
- Stocks, bonds, investment portfolios, options
- Cars
- Jewelry
- Collections - art, coins, etc.
- Furniture and furnishings
- All other personal property

#### Debts and Liabilities

- Credit card bills
- Loans
- Who is to pay
- Addressing credit score issues

#### **4. Spousal Support (Alimony)**

- Amount
- Duration
- Future modification
- Cost of living adjustment
- Effect of remarriage/cohabitation

#### **5. Life Insurance**

- Amount
- Beneficiaries
- Duration
- Trustee for children
- Who owns the policy

#### **6. Health Insurance**

- Who will carry insurance for the children
- Payment of uncovered/unreimbursed/out-of-pocket costs
- Application of FSAs and HSAs to uncovered costs
- Possible COBRA coverage for uninsured spouse
- Possible gap in coverage between COBRA and eligibility for Medicare

#### **7. Taxes**

- File jointly or separately
- Exemptions for children
- Division of amounts owed or refund
- Liability for deficiencies, penalties
- Cost of audit

#### **8. Other Issues**

- Mechanism for resolving future disputes
- Possible legal separation
- Religious divorce
- Religion of children
- Possibly incorporating estate planning in divorce agreement