



DECISIONS TO BE MADE IN MEDIATION

PARENTING DECISIONS

RESIDENCY & LEGAL CUSTODY

- Joint or Sole
- Shared Residency by Both Parents or Primary Residency for One Parent
- Activities Needing Mutual Consent or Discussion

PARENTING PLAN

- Mediation
- Legal Separation or Divorce
- Legal Fees
- Expert Advice
- Timing of Divorce
- Arbitration
- Religious or Civil Marriage
- Wills, Health Care Proxy, Power of Attorney

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

- Addresses and Phone Numbers
- Illnesses and Accidents
- Children's Whereabouts

OTHER

- Grandparents, Extended Family Visitation
- Alcohol/other Drugs
- Firearms
- Religion
- Guardians – Wills
- Third Party Introductions
- Electronics
- Discipline

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EQUITABLE DISTRIBUTION DECISIONS

FACTORS

- Valuation Date (Date of Marriage to Current Date/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, Co-habitation
- Division of Proceeds
- Option to Buy
- Expenses of Sale
- Selling Price – How to Determine
- Tax Escrow & Tax Adjustments
- Net Equity Defined/Split
- Capital Gains Tax

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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

- Valuation
- Degrees – Student Loans
- Division of Value – Lump Sum, Pay-Out or Both



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



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- 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 - NYS Calculations
- Time of Payment
- Amount of Reduction on Emancipation or Attending College
- Child Care Expenses While Working
- Emancipation:
 - College
 - Marriage
 - Employment
 - Living Away
- Cost of Living Adjustments -Triggers for Re-Calculation
- Summer Camp/Activities
- College or Private School Tuition
- Extracurricular Activities

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?

SPOUSE

- Who Provides Insurance?
- Legal Separation vs. Divorce (for Insurance)
- Who Pays Uncovered Expenses?
- Dental, Prescriptions, Glasses, Psychotherapy etc. expenses?
- "Cobra" Rights and Cooperation



- Affordable Care Act
- Child Health Plus

LIFE INSURANCE

- Amount (to cover Child Support/Spousal Support?)
- Type – term vs. whole life
- Beneficiary
- Trustee for Children
- Duration

MAINTENANCE/SPOUSAL SUPPORT

- Amount – NYS guidelines
- Time of Payment
- Duration – Number of Years, Remarriage, Cohabitation
- Cost of Living Adjustment, Factors for Termination

OTHER DECISIONS to BE MADE

INCOME TAXES

- Exemptions for Children
- Joint or Separate Return and Division of Refunds
- Audits of Previous Returns and Payment of Deficiency

FUTURE CONFLICT

- Mediation
- Legal Separation or Divorce
- Legal Fees
- Expert Advice

MISCELLANEOUS

- Timing of Divorce
- Arbitration
- Religious or Civil Marriage
- Wills, Health Care Proxy, Power of Attorney

USUAL DOCUMENTATION

Depending on your circumstances:

- Most Current Income Tax Returns – Personal and Business, with W2s
- Bank Statements – All Accounts
- SONW Worksheets
- Mortgage/HELOC Statements
- (2) - Paystubs (Most Current) for Both Parties
- All Investment Statements
- All Loan Information
- All Investment Accounts
- Pension Statements



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