



ISSUES TO CONSIDER BEFORE COMING TO MEDIATION

Before starting mediation, you and/or your spouse, should review the below lists and think about any of the items that are issues in your situation. While an issue that affects your specific situation can be discussed and addressed at mediation, the below list covers many of the areas that parties cover while divorcing. Sharing of information and discussing these issues before the mediation can be very helpful in making sure that all parties involved are informed and ready to figure out solutions by the time mediation begins.

Lists of Division of Property Addressed In This Document

- Your Home
- Financial Accounts
- Income
- Businesses
- Personal Property
- Tax Issues
- Debts and Expenses
- Custody and Child-Related Issues
- Support Issues
- Alimony
- Attorney's Fees



Your Home

1. _____ Is one party keeping the house or is it going to be sold?
2. _____ What is the current fair market value
3. _____ Where did the down payment come from when you purchased the home?
4. _____ Was the home owned by one of the parties before the marriage?
5. _____ How much is owed on the mortgage?
6. _____ Is there a second mortgage or a home equity line? If so, how much is owed?
7. _____ If the house is going to be sold, who will live in the house while it is on the market?
8. _____ If one party is going to be moving out, when will this happen?
9. _____ While the house is on the market, who will pay the mortgage? Who will pay for repairs?
10. _____ Who will choose the realtor?
11. _____ Will the parties work together or will one side be in charge of showing the house? Selling list price? Accepting offers and making counteroffers?
12. _____ How will the equity be divided once the house is sold?
13. _____ What happens if the house doesn't sell right away?
14. _____ If one party is going to keep the house, will they need to refinance? Can they qualify and afford the refinance?
15. _____ If one party will keep the house, how will they pay the other party their share of the equity? How much will they pay the other party?

Financial Accounts

16. _____ Were the assets gained during the marriage or before? Were assets inherited?
17. _____ How will the checking and savings accounts be divided?
18. _____ Will joint accounts be closed?
19. _____ How will investment accounts be divided?
20. _____ How will retirement accounts be divided? Were some portions of the assets gained before the marriage?
21. _____ What kind of retirement assets are there (401 (k), IRA, pensions, etc.)?
22. _____ Are there restricted stock units or stock options that need to be divided?
23. _____ Are there any other assets that one of the parties had before the date of marriage?



Income

24. _____ What is each parties' income?
25. _____ Does either party have deferred compensation?
26. _____ What are fair numbers to use for commissions and/or bonuses?
27. _____ What are all of the sources of income (side businesses, investments, etc.)?

Businesses

28. _____ Do either of the parties have an ownership interest in a business?
29. _____ Was the business started before the marriage or during?
30. _____ How do we assign a value to the business, and will the value be divided?
31. _____ Are both parties involved in the business?
32. _____ Will one party retain the business, or will the parties continue to work together?

Personal Property

33. _____ How will personal property be divided?
34. _____ Who gets the pets?
35. _____ Who gets the lawn equipment, tools, etc.
36. _____ How long does one party have to get their items?
37. _____ Does title to a vehicle need to be transferred and when will that happen?
38. _____ Does the loan on a vehicle need to be assumed or refinanced?

Tax Issues

39. _____ When was the last year you filed taxes?
40. _____ Were taxes filed jointly or separately during the marriage?
41. _____ What happens to the tax refund or debt?
42. _____ What about previous year tax debts that are outstanding?

Debts and Expenses

33. _____ How will debts be shared?
34. _____ Who pas the credit cards?
35. _____ Who pays the student loans?
36. _____ Were debts incurred during the marriage or did they exist before?
37. _____ Will each party pay for his/her own health insurance and/or is COBRA available?
38. _____ Who pays the cell phone?
39. _____ Will a cell phone number need to be transferred to a party?



Custody and Child-Related Issues

50. _____ Will the children live primarily with one parent, or will they share time equally between households?
51. _____ What will the parenting schedule look like? (What days and times will the children be with each parent)?
52. _____ What will the parenting schedule be during the summer?
53. _____ How will holidays be divided? What holidays should be included in the schedule?
54. _____ How will Winter/ Christmas Break be divided?
55. _____ Do the children attend summer camps? How will these expenses be paid?
56. _____ Where is pick up and drop off?
57. _____ Who will make major decisions about the children in the areas of (a) non-emergency health care, (b) education, (c) religion and (d) extracurricular activities if the parties cannot agree?

Support Issues

Child Support

39. _____ Who will pay child support and how much will they pay?
40. _____ When will child support be paid? (Once per month, bi-weekly?)
41. _____ Will either or both parents be required to maintain life insurance and, if so, how much? Who will be listed as the beneficiaries?
42. _____ Who will cover the children on health insurance (medical, dental and/or vision)?
43. _____ How will expenses not covered by insurance be paid?
44. _____ Are there any extraordinary expenses for your children including private school, tutoring, extraordinary medical expenses, automobile and cell phone expenses, or any other current or future expenses that should be considered?

Alimony

39. _____ Do either party need alimony/ spousal support after the marriage? If so, how much and for how long?
40. _____ When will alimony be paid (monthly, lump sum)?
41. _____ Will alimony be non-modifiable? Will alimony end upon remarriage and/or cohabitation?

Attorney Fees

39. _____ Will each party pay their own attorney's fees or will parties share expenses?