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Family Litigation, Mediation & Collaborative Law

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MEDIATION CHECKLIST

The following is a list of the basic issues to be addressed and resolved during the mediation process. Each case is unique and will have more or less topics for discussion and resolution.

I. ISSUES REGARDING CHILDREN

A. Parenting Issues

- a. Shared, joint and/or sole legal and physical custody;
- b. Primary residence of children
- c. Parenting time
 - i. Weeknight/weekends
 - ii. School v summer schedule
 - iii. School vacations
 - iv. No school/snow days
 - v. Care for sick children
 - vi. Transportation for parenting time
 - vii. Travel away from home
 - viii. Holidays schedule
 - ix. Changes to schedule and notification
- d. Decision making
 - i. Medical decisions
 - ii. Extracurricular activities/sports
 - iii. Religious upbringing
 - iv. Child care providers
 - v. Education
- e. Other
 - i. Access to/exchange of school and health information and schedules
 - ii. Relocation of parent
 - iii. Introduction of children to significant others
 - iv. Interaction with grandparents and other family members

B. Financial Issues

- a. Child support guidelines
- b. Modifications of child support
 - i. Income based modifications
 - ii. Modification when each child reaches age of majority
- c. Additional costs
 - i. Extracurricular activities
 - ii. Health insurance
 - iii. Unreimbursed Medical Expenses
 - iv. Post-secondary education
 - v. Child care
 - vi. Tax credits and exemptions

II. DIVISION OF PROPERTY

A. Marital Home

- a. Value of house
- b. Sell
- c. One spouse buy-out
- d. Co-ownership until children out of high school

B. Other real property

- a. In or out of state
- b. Valuation
- c. Sale or credit to one spouse
- d. Time shares

C. Liquid Assets

- a. Bank accounts
- b. Stocks Bonds & Mutual Funds
 - i. Tax basis/capital gains issues
- c. Life insurance
 - i. Term
 - ii. Whole life- cash value

D. Retirement Assets

- a. Defined benefit pensions
- b. IRAs & 401ks

E. Employee benefits

- a. Stock options
- b. Deferred compensation

F. Family owned businesses

- a. Valuation
- b. Income stream v asset
- c. Other family members involved

G. Personal Property

- a. Contents of Household
- b. Automobiles
- c. Jewelry
- d. Collections

H. Pets

I. Liabilities

- a. Secured (mortgages, car loans)
- b. Unsecured
 - i. Credit cards
 - ii. Student loans
 - iii. Personal loans
 - iv. Loans to/from family members

III. SPOUSAL SUPPORT

A. Income of parties

- a. Present income
- b. Income earning potential

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- B.** Proposed Budget
- C.** Taxability of alimony
- D.** Term of alimony
 - a.** Length of marriage
 - b.** Rehabilitative alimony
- E.** Amount of alimony
 - a.** Modifiability
 - i.** Income based
 - ii.** Remarriage
 - iii.** cohabitation
 - b.** Inclusion of bonus, overtime, additional income
 - c.** Cost of living adjustments