
PREPARING FOR MEDIATION

During your mediation we will be discussing many complex issues concerning the restructuring of your family. These include parenting plans for your children, support for your children's needs and expenses, the division of marital assets, the payment of debts, and the paying and receiving of support for one another. The questions below are designed to help you think through these topics. The questions are based on common concerns faced by couples who are separating. There may be other matters that are unique to your situation, and we will certainly discuss those. You may not be able to answer all of the questions now, but thinking about them will at least expose you to the decisions that must be made and form the basis for future consideration. Remember that mediation is a process by which you and your spouse make your own decisions about these matters with the assistance of the mediator. That always involves some trade-offs and compromises. At the end of this document is a question about issues that you feel are non-negotiable. The list of those issues should be very short. You will do better if you begin the mediation with an open mind, a desire to do what is best for your children and is in your overall best interest, and a determination to listen to and understand your spouse's point of view. If you are a person of faith, pray that God will guide you and give you wisdom as you ponder these questions and enter into the mediation. My experience makes me optimistic that we will be able to arrive at an agreement that will serve you well as you enter a new phase in the life of your family.—Boyd Lyons

Parenting Issues

- What should a regular weekly schedule for the children look like—during school and out of school?
- What time should the children spend with each parent during their Christmas vacation?
 - Thanksgiving
 - Easter
 - Spring break
 - Memorial Day
 - Labor Day
 - Other
- How much time should each parent spend with the children during their summer vacation? How much notice should be given for extended time with a parent?
- Who will be responsible for delivering or retrieving to/from their time with each parent? Where will the transfer point be?
- Are you willing to cooperate with the other parent in exchanging information from the children's schools, medical information, extracurricular activity schedules, etc.?
- Can you be flexible in deviating from the exact terms of a parenting plan as the children grow and their needs change, or when circumstances make strictly abiding by the parenting plan temporarily difficult or impractical?
- Parenting plans typically provide that the parent who is physically with a child will make day-to-day decisions and emergency decisions. Will you be able to cooperate with the other parent in making major decisions concerning the children (e.g. what school they will attend, whether they should have certain medical procedures, what religious teaching they should receive, etc.)?

- Will you have any problem allowing the children to have telephone access to the other parent at least once a day when the children are physically with you? Do you think there should be limits on telephone access?
- If either you or the other parent moves, do you think you can cooperate with the other parent in revising the parenting time schedule to accommodate the new circumstances?
- Are you willing to keep the other parent informed of your residence address, telephone numbers, e-mail address, etc.?
- Do you think there will be any problem in both you and the other parent maintaining a healthy environment for the children while they are in that parent's primary care, free of illegal substances? Can you and the other parent insure that no adult will consume alcohol to excess in their presence or allow the children to ride in a vehicle driven by someone who has consumed alcohol beyond the legal limit?
- Can you exercise caution and discretion in introducing the children to transitional dating partners? Do you think the other parent can?
- How do you feel about having dating partners spend the night when the children are in your primary care? How do you think the other parent will feel about that?
- If you need to have someone stay with the children for a few hours while they are in your primary care, are you willing to give the other parent the first right of refusal to do that?
- Can you and the other parent cooperate concerning plans for the children's activities so that you are not making commitments during the other parent's parenting time without his or her consent and so that you will both have input in choosing and attending school-related and extracurricular events?
- How do you think any disagreements concerning decisions for the children should be resolved?

Child Support

Under Georgia law the amount of child support is determined by applying guidelines established by the state. The guidelines are based on the respective gross income of each parent. Deviations from the guidelines are allowed for such things as day care, extraordinary medical and educational expenses, and insurance for the children. You may read more about the Georgia child support guidelines and download sample calculators at <http://www.georgiacourts.org/csc/>. We will be discussing the various factors that go into calculating child support and preparing calculations for your children during the mediation. The following questions will help you prepare for that discussion.

- What is your total gross yearly income, including salary, commissions, bonuses, dividend income and other income?
- Have any children from previous relationships been living in your home? If so, have you or your spouse been receiving any child support for those children?
- Will it be necessary to provide day care for your children while you and your spouse work? If so, what will that cost?
- Who will provide health insurance for the children? How much will that cost?
- Who will pay the uninsured medical expenses of the children?
- Will any of the children be attending private school? If so, how much will it cost for tuition, fees, books, uniforms, etc.?
- Do any of the children have special medical, counseling or other needs that require the expenditure of extra money? If so, how much?

- What extracurricular activities such as sports, music lessons, summer camp, etc. would you like the children to experience? How much will that cost for each child?
- Do either you or your spouse pay alimony or child support to any third party?
- Do you expect any third party (e.g. grandparents) to help support the children?

Issues Concerning the Marital Residence

- Do you and/or your spouse own the home in which you have been living? If so:
- In whose name is the property titled?
- What do you think the property could be sold for now?
- What is the approximate balance of the first mortgage on the property? Other mortgages?
- Do you want to keep the home as your primary residence for now? If not are you willing to let your spouse keep it as their primary residence?
- Would it be best for the children to keep living in the home the majority of the time?
- If you decided to sell the house, what repairs and improvements would be needed to get it ready to sell?
- If you and your spouse agree that you will stay in the house, will you be able to carry the mortgage, taxes and expenses without help from your spouse?
- Would you be willing to consider an arrangement by which either you or your spouse live in the house for a certain period of time and then sell the house and split the net proceeds in some fashion? If you are, what do you think would be fair terms for such an arrangement?

Other Real Estate

- Do you and/or your spouse own other real estate beside your marital residence? If so, was it purchased before or after your marriage?
- How do you think any such real estate should be divided between you?

Separate Property

- What real or personal property did you own before you were married? What did your spouse own?
- Have either of you inherited property or been given a financial gift or a gift of property with substantial value since you have been married.
- While you were married did you and your spouse commingle your separate financial assets?

Vehicles

- What personal vehicle do you drive? Your spouse?
- Are you content to keep the vehicle you drive?
- Are you willing to make the payments and keep the insurance on the vehicle that you drive?
- Do you and/or your spouse own any other vehicles or boats? If so, how do you think they should be divided?

Financial Assets

- What financial assets (*i.e.* bank accounts, stocks, bonds, investment accounts, etc.) do you and your spouse own? It is helpful to make a list showing the name of the institution that holds the account, the last 4 digits of the account number, who owns the account or whether it held jointly, and the current approximate value of each asset
- Do you think that these assets should be divided equally, or some other way? Is there any particular asset that you think you should have? Your spouse should have?
- Do you or your spouse have any retirement accounts, such as a pension fund, IRA or 401(k) plan? If so, what is their value?
- Do you feel that you should receive a portion of any such plan that your spouse has?

Debts

- What credit card debts do you and your spouse have?
- How do you think those debts should be paid?
- Do you and your spouse have any joint credit card accounts?
- Do you or your spouse have any personal loans from family members or friends? If so, how should they be paid?
- Do you or your spouse have any consumer loans or bank loans (other than real estate mortgages and loans on the personal vehicles you will keep)? If so, how will they be paid?
- Do you or your spouse owe any other debts?

Other Personal Property

- Have you and your spouse agreed on a division of furniture, jewelry, clothing, computers, video and audio systems, and other personal property?
- If not, are there any such items that you particularly want to keep? That you think your spouse will want to keep?

Life Insurance

- What life insurance policies do you and your spouse have in effect?
- Should they stay in effect to protect your children in the event of either one of your deaths?
- Who should continue to pay the premiums for such policies?

Income Taxes

- Have you or your spouse filed joint income tax returns during your marriage?
- As far as you know are any income taxes owed for previous years? If so, how do you think that should be paid?

- Have you and/or your spouse filed an income tax return for the current year?
- How do you think any tax refunds should be divided?

Budget

It is very important that you establish a budget showing living expenses for you and your children, based on the amount of time you think the children are living with you. A separate budget form is available on my Website. In addition to living expenses, you should list the monthly amount you think you will need to pay for debts such as car loans, credit cards, etc.

- Based on your budget and respective incomes, how much support do you think you will need to receive from or pay to your spouse after you are separated?

Summary of Issues

- As you have considered these questions are there places where you think there will be no conflict between you and your spouse?
- What are the two or three issues that are most important to you?
- Are there any matters that you feel are not negotiable?

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