

## HOW TO PREPARE FOR MEDIATION

This is a private worksheet that will help you organize your thoughts and get the information you need to make good decisions.

1. **If you are afraid to be with your partner or won't be able to speak up or disagree with him/her in mediation, tell your attorney and your mediator. Mediation may not be appropriate in your case.**
2. **Make a list of all the issues you would like to discuss or decide in mediation.**
  - A. Include any concerns, large and small. Leave an inch between each item, where you will answer the following questions:
    - 1) **What is important about this (from your point of view)?**
    - 2) **What do you want the other person to understand about this (from your point of view)?**
    - 3) **What are your concerns about this? What are you worried about?**
  - B. **Making this list and answering these questions can be useful:**
    - 1) It can help you clarify what's important to you and why.
    - 2) In mediation, it is helpful to start by focusing on what's important to you – not the final decision you think you want. Answering these questions will help you do that.
    - 3) If you tell the other party your answers to these questions, it is easier for them to listen to you than if you say "I want this because you are ..." (so irresponsible, such a jerk, etc.)
3. **Consult with your attorney about your list.**
  - A. **Ask your attorney what additional issues you need to discuss and add those to your list.**

(Your attorney can tell you if there are additional issues you need to consider based on what the law says needs to be decided in cases like yours.)
  - B. **Then for each issue on your list, ask your attorney:**
    - 1) **Are there any legal, financial, tax, or other long-term ramifications of this issue?** For example, the parenting schedule affects how the child support is calculated. Legally, some issues are related to others, and you need to know about them.
    - 2) **What is the range of what the court might decide and why?** If you can't decide on the issues, the court will. It is useful to know the range of what might happen if you two can't make the decisions.
  - C. **Also ask your attorney:**
    - 1) **If we go to court, how soon will we be able to go to court and about how much will it cost?** This helps you understand your options.
    - 2) **Can you suggest a range of possible solutions?** Add these to your own list.
4. **Make a record of your monthly budget (your income and expenses.) Gather information on your assets, debts, personal property, etc. Bring this to mediation.**
5. **Be sure you understand and have copies of any other information you may want to discuss in mediation.** You can bring your notes and any work sheets, correspondence, or any documents you think might be useful.

6. **You already understand the personal aspects of your situation. It can be very useful to understand the legal aspects of your case as well. To use your time and money effectively in mediation, it's best to talk with your attorney before and in between mediation sessions, so you are fully informed as you talk and make decisions in mediation. Your attorney can be an important resource.**
7. **If you reach a tentative agreement in mediation, you will not sign it there. Take a copy home, think it over, discuss it with family, friends, and your attorney. It is common for people to have new ideas and return to mediation to continue to talk things out. Mediation usually teaks more than one session.**

**Most people doubt that they will be able to make decisions in mediation.  
Yet over 70% of them reach agreement on some or all issues.**

**It is important to know as much as possible about your options so you can make the best informed decisions about your future.**

## **LIST OF POSSIBLE MEDIATION ISSUES**

Here is a list of issues which many people address in mediation. It is certainly not a complete list. Further, some of these will not apply to your situation. The list may help remind you of issues you may want to discuss in mediation.

### **I. PARENTING ISSUES**

1. Time Sharing
  - A. Day-to-day schedule: during school and summer
  - B. Vacations
  - C. Holidays
  - D. Birthdays
  - E. Transportation between parents
  - F. Time with extended family members
  - G. Making changes in the time sharing schedule
  - H. How specific does a schedule need to be
2. Decision Making
  - A. Health
  - B. Education
  - C. Religion
  - D. Extra-curricular activities
3. Education
  - A. Parent/teacher conferences, school activities, etc.
  - B. School related expenses – who pays
  - C. What about college
4. Child Support
  - A. Child support guidelines: who pays and how much
  - B. How long will child support last
  - C. Specific plan for child support payment
  - D. When to review and modify child support
5. Medical and Dental
  - A. Who provides insurance coverage
  - B. Payment of non-covered medical expenses
  - C. Notification of major medical emergencies
  - D. Decision making during emergencies
6. Communication Between Parents
  - A. Decision making process between parents
  - B. What to do when parents disagree
  - C. Updating the parenting agreement

### **II. FINANCIAL ISSUES**

1. Real Estate: family home and other real property
  - A. To sell or not to sell
  - B. How to value

- C. When to sell
- D. Sharing selling expense
- E. Division of Equity
- F. Tax implications
- 2. Division of other assets
  - A. Furniture, household, and personal property
  - B. Motor vehicles
  - C. Checking and savings accounts
  - D. Stocks and bonds
  - E. Retirement accounts
  - F. Profit sharing plans
  - G. Life insurance
  - H. Business and other miscellaneous property
- 3. Division of Liabilities and Debts
  - A. Credit cards
  - B. Personal loans
- 4. Spousal Support
  - A. Ongoing or time limited
  - B. Method of payment
  - C. Tax implications
- 5. Taxes
  - A. Current year filing and refunds
  - B. Who will take deductions
    - 1) Dependent
    - 2) Child care
  - C. Overall tax implications of your agreement

### III. **OTHER ISSUES**

- 1. Resolving future disputes
- 2. Updating your agreement
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_