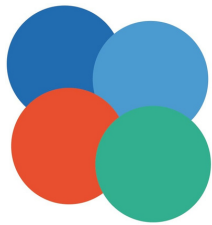


PREPARING FOR MEDIATION



**DIVORCE
SUPPORT
ANONYMOUS**



Checklists, directions and
guidance for your first attorney
meeting and/or preparation
for mediation

www.DivorceSupportAnonymous.com



Preparing for Mediation

Kathey Batey Domestic Mediator

kathey.batey.3@gmail.com

810 730 6679

www.DivorceSupportAnonymous.com

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This book is a general guide to assist you in preparation for mediation or preparation to meet your attorney for the first time. This workbook is excellent for the divorce of most people, however, each divorce situation is different, and some very complex (multiple businesses, properties, co-ownerships, etc.) in which, you may require additional resources.

I highly recommend getting your network of experts for these 4 areas in which you are vulnerable; legal, financial, emotional, spiritual. They don't always require a professional in every area, but someone who is looking out for your best interest and has the necessary knowledge to help you. Don't go through divorce alone. It is too difficult and has too many moving parts.

Use your energy wisely during this time and learn what you need to know to take care for yourself and your children. The most successful are those who deal with their emotions in the appropriate setting and don't bring their emotions to their attorney or to the mediation table. As emotional as these times are, it is too costly and rarely helpful to deal with the depth of emotions in the legal or mediation setting. You will need your best business sense going through divorce and mediation. The decisions you make now will affect you and your children for the rest of your lives. Find those experts to guide you. Focus straight ahead, you will get through this difficult journey.

This workbook should not be considered legal advice. It is a tool to prepare you for going to your attorney and mediation.

Kathey Batey has been working in the divorce world since 2005 guiding and coaching **hundreds of men and women** going through divorce. She is a court appointed **domestic mediator** and also a restorative practices leader. She holds **local support groups** in her hometown of Grand Rapids, Michigan and **virtual support groups** for access to anyone in the world with internet connection. She is the creator of ***Divorce Support Anonymous*** and the author of the books series ***Suddenly Single***.





How To Use This Workbook

Use this workbook as a tool to prepare going to your attorney for the first time or preparing for mediation. Gather all your information and enter into this efficient workbook. Get a folder to keep all the documents, titles, deeds, bank accounts, credit card bills, utility bills, etc. you may need relevant to your case. Having them organized in one place will help you when you need to share and verify them with the other party or attorneys.

What To Expect In Mediation

Although each mediation is unique to the parties, there are some general principles to know to help your mediation be as painless and less damaging as possible for yourself and your children.

Domestic Violence Screening

Prior to mediation you should be going through a domestic violence screening. The purpose of this is to insure you can speak for yourself and you are not intimidated by the other party. Unless you are on equally empowered, the mediation cannot be successful. Tell your mediator if you are feeling fearful, intimidated or threatened by your spouse.

Initial Individual Meeting

The mediator will typically speak with you individually prior to the mediation. The mediator will want clarity on all the issues of this mediation and precisely what you want to have settled today. Get to know your mediator, ask all the questions you need. Then the mediator will go to the other party and listen to their case and what they wish to settle in the mediation. This individual meeting is confidential and nothing stated will be shared with the other side. Your mediator is a neutral party, wanting the best outcome for both of you.

The Mediation Room

The mediator will eventually bring you into one main room. You will sit across from your spouse and the attorneys will sit beside each of you.

Opening Statement - The mediator will begin by giving an opening statement, explaining the mediation process. This will include the confidentiality, their role as mediator, civility, breaks when needed and more. Even though this is the initial part of the mediation and stressful to you, listen to the guidelines so you feel security within the structure of the mediation.

Confidentiality - Notes will be destroyed and no conversation or determination will be admissible to the courts. This gives you the ability to be creative in ideas, negotiations and solutions. Nothing will be final and contractual until you both sign the Agreement, then it is a legally binding contract.

Breaks (Caucus) - Whenever you feel the need for a break from the mediation let it be known. Even if it is just to clear your head, phone a friend or professional, think clearly, do some math, pray.

The Mediator Role- The mediator is not there to offer solutions, advice, options, but is there in charge of the process. That means she/he must maintain structure, keep communication going, clarify numbers, rephrase what has been said to aid in communication. They may offer some creative options perhaps not yet suggested. This does not mean they are offering a solution, but something to add perspective to the issue that perhaps has not been stated.



The Agenda -Typically, after the opening statement, they will build an agenda of what issues are going to be discussed. They will clarify and get agreement on any needed information such as values, facts, accounts, etc.

The Mediation

The mediator will now begin laying the issues out one by one asking one of you to state how you would like to see the issue resolved. Then the other party will express their views and will begin to work toward a resolution. You will hear things you disagree with. Use your paper and pen provided to you to write down your thoughts. The mediator will allow you to state your views. Some things will need to be tabled for a time, if an impasse happens and you cannot agree on a solution. But each issue that is agreed keeps you further out of the court's determination.

Full Agreement

When all items of the divorce are resolved and agreed upon, this will be a full agreement. This means you have made the determination for your future instead of a judge. This signed Agreement has settled it all. One of the attorneys, typically the person who filed will attach the Agreement to the Judgement Of Divorce and submit to the court and only the Plaintiff will be required to appear in court. Then the divorce will be final. The courts will require a certain amount of time to pass to have the divorce final. In Michigan, it is 6 months with minor children and 90 days if there are no children involved.

Partial Agreement

It is possible to reach a partial agreement, which is an agreement to some, but not all of the disputes. Whatever you get settled during mediation does not need to be further discussed or settled within the courts. Whatever was not settled has a few optional methods for resolution; a second mediation, a settlement conference, going before a judge for determination. A word of caution, is it worth the fight? If it is the children, it may be well worth the fight. But make sure those issues yet to be resolved are not going to cost more in legal fees than the value of the item you are disputing.

Your Rights

You have rights going through divorce. The mediation process is a voluntary process, although a court may order you to mediation, in which case you are required to show and attempt to resolve your conflicts. You are not forced to resolve your conflict. You have the right to mediate without an attorney or with an attorney. *SUGGESTED: If you are mediating without an attorney, I suggest you do not sign anything until you have had an attorney review for you. It is well worth the hour investment to get their legal opinion.* You have the right to change or release your attorney at any time. (There may be costs if you have paid a retainer). You have the right to stop mediation at any time you do not feel you can speak for yourself, badgered or the mediation it is not productive. However, don't give up too early, many mediations find creative answers well into the process. And it is not a fast process. If your mediation is court ordered you may have deadlines to settle prior to court. Your mediation should not be high pressure. You should have access to taking a break or consulting with another person or professional when needed. If not, you can stop the mediation at any time in the process. But consider the alternative, going to court? Setting up another attempt to mediate?



Your Support System

You will need a support system. I hope you have friends, family and co-workers who support you in some way.

If you are on this journey alone due to location, alienation or their withdrawal, do not despair. Join us on FB page **Divorce Support Anonymous** for support.

Virtual groups are held weekly to assist you through this difficult journey.

Family coach _____

Phone Number _____

Email address: _____

Legal coach _____

Phone Number _____

Email address _____

Financial coach _____

Phone number _____

Email address _____

Parenting coach _____

Phone number _____

Email Address _____

Other contact information you may need during this process:

Name _____ Email _____ Phone _____

Name _____ Email _____ Phone _____

Name _____ Email _____ Phone _____

Name _____ Email _____ Phone _____

Name _____ Email _____ Phone _____



Preparing for Mediation

In preparation for your upcoming mediation prepare and provide all financial information and ownership documentation to be mediated. **Full disclosure is required for mediation.** If this information is not complete and accurate it will make the Agreement null and void with detrimental consequences of expense and possible litigation. You may use this as a worksheet as well as a checklist. Use the note section to add your thoughts and what you would like to see happen with these assets and debts.

General Information

Name of Plaintiff(who filed): _____

Name of Defendant: _____

Years married _____

Date of filing: _____

Plaintiff	Defendant
Workplace _____	Workplace _____
Additional income _____	Additional income _____
Projected current year \$ _____	Projected current year \$ _____
Last year income _____	Last Year Income \$ _____
2 Years ago \$ _____	2 Years ago \$ _____
Average \$ _____	Average \$ _____

Notes:



Document checklist:

Please bring to mediation the following documents and provide a copy to the other party.

1. **W-2's** for the past two years
2. Itemized bank statements for the past 18 months
3. All charge card statements for the past 18 months
4. Retirement account statements for the past 18 months
5. Vehicle titles to sign off if needed
6. Property deeds or mortgage statements
7. Appraisal of the marital home



1) REAL PROPERTY

Marital Home address _____

Appraised Value _____

Mortgage _____

Debt to others on home _____ (example: family loans)

Property liens or co-ownership of properties? _____ With whom? _____

Equity _____

Second Home _____

Appraised Value _____

Mortgage _____

Debt to others on home _____ (example: family loans)

Property liens or co-ownership of properties? _____ With whom? _____

Equity _____

Notes:





2) PERSONAL PROPERTY

Make and bring to mediation lists of those items you wish to keep (Substantial items). Note estimated value with each of them. Incidentals will be left with the ownership of the home.

Notes:

My Most Valuables:

Other Parties Most Valuables:





3) CHECKING AND SAVINGS INFORMATION

Bank name_____

Bank Account #_____ (last 4 digits)

Balance as of divorce file date_____

Notes of unusual withdrawals, closing account or misuse:

Bank name_____

Bank Account #_____ (last 4 digits)

Balance as of divorce file date_____

Notes of unusual withdrawals, closing account or misuse:

Bank name_____

Bank Account #_____ (last 4 digits)

Balance as of divorce file date_____

Notes of unusual withdrawals, closing account or misuse:

NOTES:





4) CREDIT CARDS

Itemized statements in question. (Beginning 18 months prior to date of separation or filing)

List Credit Cards of marital debt (during the marriage)

1) _____ Amount of debt \$ _____

2) _____ Amount of debt \$ _____

3) _____ Amount of debt \$ _____

BUYING/SELLING/HIDING-

Have there been any buying or selling of items, stocks, bonds, CDs valued over \$200 value in the past 18 months the other party does not know about? Have there been funds withdrawn and hidden from the other party?

Any other miscellaneous marital debt:

Notes:





5) RETIREMENT ACCOUNT INFORMATION

Retirement account name _____

Account # _____ (last four digits)

Value* _____

Notes of withdrawals, closing, misuse:

Retirement account name _____

Account # _____ (last four digits)

Value* _____

Notes of withdrawals, closing, misuse:

Retirement account name _____

Account # _____ (last four digits)

Value* _____

Notes of withdrawals, closing, misuse:

* Value evaluation to be determined at time of mediation.

Notes:





6) CARS, MOTORIZED VEHICLES, BOATS, ETC.

(Bring title paperwork to sign off to other party)

Vehicle 1 _____

Value _____

How value was determined _____

Vehicle 2 _____

Value _____

How value was determined _____

Vehicle 3 _____

Value _____

How value was determined _____

Vehicle 4 _____

Value _____

How value was determined _____

Vehicle 5 _____

Value _____

How value was determined _____

Notes:





7) CHILDREN: yes, no

(Do not add stepchildren)

Child full name	Birthdate	Gender
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	

Has parenting and custody been settled? yes or no

_____ Legal custody

_____ Physical custody

Have you applied to Friend of the Court for any determination of child support or custody? _____

Child Support Calculation

Calculation for child support can be determined by using the Michigan Legal Help calculator found at this link. <https://michiganlegalhelp.org/>

Overnights Mother _____ Father _____

Please keep in mind what is in the best interest of your children, trying to keep as much normalcy and stability for them as possible during this difficult time. In mediation we will discuss further detail on the raising of the children. Media guidelines, bedtimes, homework, correspondence with schools etc. Please be prepared to discuss and work together for the best of your children

(Please bring documentation to mediation)

Notes:



Who will be responsible for health insurance for children? _____

Length of time of coverage _____

Who will cover deductibles not paid by health insurance? _____

Who will claim tax deductions? _____ (alternate years, parent with physical custody, sole parent, etc?)

How will extra curricular activities be paid? _____

Other child raising disciplines, beliefs or programs which need to be discussed:

Notes:



School year schedule

MO for Mother

FA for Father

Mark * for activities & parent responsible.

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
AM	AM	AM	AM	AM	AM	AM
PM	PM	PM	PM	PM	PM	PM
Overnight	Overnight	Overnight	Overnight	Overnight	Overnight	Overnight
AM	AM	AM	AM	AM	AM	AM
PM	PM	PM	PM	PM	PM	PM
Overnight	Overnight	Overnight	Overnight	Overnight	Overnight	Overnight
AM	AM	AM	AM	AM	AM	AM
PM	PM	PM	PM	PM	PM	PM
Overnight	Overnight	Overnight	Overnight	Overnight	Overnight	Overnight
AM	AM	AM	AM	AM	AM	AM
PM	PM	PM	PM	PM	PM	PM
Overnight	Overnight	Overnight	Overnight	Overnight	Overnight	Overnight
AM	AM	AM	AM	AM	AM	AM
PM	PM	PM	PM	PM	PM	PM
Overnight	Overnight	Overnight	Overnight	Overnight	Overnight	Overnight

Notes:



SCHEDULE FOR HOLIDAYS

The residential schedule for the child(ren) for other holidays is:

Beginning date _____

Circle how you would like to see it.

New Year's Eve	Mother Odd years	Father Even Years	Every Year
New Year's Day	Mother Odd years	Father Even Years	Every Year
Easter	Mother Odd years	Father Even Years	Every Year
Passover	Mother Odd years	Father Even Years	Every Year
Labor day	Mother Odd years	Father Even Years	Every Year
Thanksgiving Day	Mother Odd years	Father Even Years	Every Year
Christmas Eve	Mother Odd years	Father Even Years	Every Year
Christmas Day	Mother Odd years	Father Even Years	Every Year
Hanukkah	Mother Odd years	Father Even Years	Every Year
Independence Day	Mother Odd years	Father Even Years	Every Year
Memorial day	Mother Odd years	Father Even Years	Every Year
Halloween	Mother Odd years	Father Even Years	Every Year
Mother's Day	Every Year		
Father's Day	Every Year		
Other _____	[] Mother [] Father [] Odd Years [] Even Years [] Every		
Other _____	[] Mother [] Father [] Odd Years [] Even Years [] Every		

For purposes of this parenting plan, holiday times will begin and end as follows:

SCHEDULE FOR WINTER/CHRISTMAS VACATION

The child(ren) will reside with [] Mother [] Father during the winter vacation or

The child(ren) will reside with [] Mother [] Father for the first week of winter vacation in [] even [] odd years and the other parent for the second week.

SCHEDULE FOR SPRING VACATION

The child(ren) will reside with [] Mother [] Father during the spring vacation in [] even [] odd years.



SUMMER SCHEDULE

Upon completion of the school year, the child(ren) will reside with parents as follows:

- ☐ same as school year schedule
- ☐ one week every month
- ☐ Two weeks every month
- ☐ One month with each parent

Notes:

Miscellaneous child issues:

Any miscellaneous issues for the children not yet stated:



8) Spousal Support

Applied for Friend of the Court determination?

(Not typically granted when married less than 10 years).

Monthly amount being requested? _____

For how many years? _____

Notes:





9) TAXES

How will you file your upcoming taxes? Will you file single, joint or head of house ? Ask your tax professional which will work best for you.

What are your options?

Who will claim the children?



Your Proposed Division of Assets and Debts Divided Version #1



What is most important to you



What you are ambivalent about



What you do not want

 Asset or Debt	3rd party owned or minus debt	Liability or equity	Plaintiff + or -	Defendant + or -
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Values				



Your Proposed Division of Assets and Debts Divided Version #2



What is most important to you



What you are ambivalent about



What you do not want

Asset or Debt	3rd party owned or minus debt	Liability or equity	Plaintiff + or -	Defendant + or -
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Value				
Total Values				



Final notes or 3rd choice (BATNA - Best alternative to a negotiated agreement):

Be prepared to offer a third choice if needed.

Highlight those items agreed upon in proposals above.

Agreed List:

Not yet agreed and what still to working on:





Thank you for completing this *Preparing For Mediation* form.
By doing this pre-mediation work it will be a more productive, time-efficient mediation. If you have any questions do not hesitate to contact me.

Kathey Batey
Kathey.batey.3@gmail.com
www.DivorceSupportAnonymous.com
810 730 6679



TERMS:

Arrearages: The amount of money that is past due for child support.

Conciliation: Like mediation conciliation is voluntary, parties are free to agree and attempt to resolve their dispute. They are usually private but can be held in the court. A conciliator may recommend solutions.

Child Support: Money a non-custodial parent pays the other parent to cover child(ren)'s food, clothing and shelter.

Child Support Guidelines: Guidelines to determine child support amount is calculated, based on the income of the parents and the needs of the child.

Custody: Parenting authority.

Defendant/Respondent: The person to whom the divorce papers were filed against.

Deposition: The taking of an oral statement of a witness. The intent is to allow the parties to learn all of the facts it is usually done under oath and can be submitted to court.

Discovery: When each party shares all asset, debt information with the other party. Usually completed by attorneys.

QDRO: (Qualified Domestic Relations Order) A court order to divide retirement assets. It is a specialized document done by some attorneys or financial experts.

Settlement Conference: A meeting with parties and attorneys to try to settle the case. This is decided by the parties to try as many times as they wish to settle the case. (Keep in mind legal fees).

Spousal support/Alimony/spousal maintenance: Financial support made to the other spouse for a set amount of years or a lifetime. Typically only considered 10+ years of marriage.

Legal Custody: Legal authority over the children for all medical, legal, educational decisions.

Physical Custody: Where the child(ren) reside. It is either shared, joint, or primary.

Parent Ad Litem: An individual who acts as a court appointed guardian for the children in decision making.

Plaintiff/Petitioner: The person who initiates the divorce and files the complaint of divorce.

Prenuptial Agreement: A legal agreement entered into prior to marriage determining the rights, responsibilities, and asset ownership if there were a divorce or death.

Personal Protection Order: An order of the court usually due to domestic violence or custody disputes. The order is to keep the alleged offender away from the alleged victim.

