

ISSUES IN COLLABORATIVE DIVORCE

You may want to begin thinking about the course of issues to be negotiated in your divorce. This list should help you get an overview of the sorts of matters that may come up.

1. **PROCESS.**

- *Collaboration?* What process will you use to divorce? Will your spouse consent to a collaborative process? Will your spouse consent to any process other than litigation?
- *Team Members.* With which collaborative attorney may you want to work? With which collaborative attorney may your spouse want to work? What allied professionals may you need to complete your divorce in a respectful manner? Divorce coach? Child Specialist? Certified Divorce Financial Analyst? Vocational consultant? Mortgage specialist?
- *Finances.* How will collaborative professionals be paid?

2. **CONDUCT OUTSIDE COLLABORATIVE MEETINGS.**

- *Calls to Partner.* When is it appropriate for one partner to telephone the other? How long is appropriate for such calls? How long is acceptable before a missed call is returned?
- *Calls to Children.* When shall partners speak with children by telephone? How long is appropriate for calls to children? When should these calls occur?
- *Travel.* When should the partners apprise one another of their travel plans?

3. **SEPARATION OF THE PARTNERS.**

- *Separation.* On what date and in what manner shall the partners cease living together? How will you pay the costs of separating (renting another unit, buying another garbage can, etc.)?
- *Telling Children.* How and when will children be told of the partners' separation? What are appropriate topics for partners to discuss with children, and what topics are inappropriate?
- *Residences.* When, if ever, shall a partner enter the residence of the other? What form and length of notice would you prefer before visits by the other partner? Are any areas of either partner's residence off limits to the other partner? Are there any areas that are always open to the other partner (home office, garage workshop, for example)?

4. **TEMPORARY ISSUES.**

- *Decision-making Regarding Children.* How will the partners make parenting decisions? What process will be used to resolve disputes about parenting issues in the short term?
- *Time with Children.* When will the parents reside with children during the school week? When will parents reside with children in the summer, during school vacations, and on special days (such as birthdays)? Are there any short term restrictions on parents traveling with children during that parent's residential time? How will changes to the temporary residential schedule be negotiated?
- *Dating and Romantic Overnights.* What rules will govern the involvement of new romantic interests of one partner with the partners' children?
- *Finances.* How will income of the partners be treated after separation? How will partners' bills be paid after separation?
- *Supporting Partners and Children.* How will partners' and children's expenses be paid in the short term? How will the partners decide and, if necessary, renegotiate an appropriate sum of money to be transferred from the higher earning spouse to the lower earning spouse in the short term? Who will be providing health insurance for the partners and children in the short term?
- *Business Decisions.* If the partners have a business together, who will manage that business? How will new business opportunities be handled?
- *Mental Health Support.* How will the partners deal with the stress of separation, change, and divorce? Does each partner have supportive friends? Does each partner have a professional therapeutic relationship?

- *Special Needs.* Do one or both partners have special problems they face that may require professional intervention? Anger management? Alcohol or drug abuse? Post-traumatic stress? Mental illness? Personality problems? Medical challenges? Unemployability or reduced-employability?
5. **PERMANENT PARENTING PLAN.**
- *Long Term Parenting Goals.* What are the parents' long term goals for their children and their individual relationships with their children?
 - *Residential Schedule.* What residential schedule may conform to the children's needs and assist the parents in meeting their parenting goals?
 - *Holidays/Special Occasions.* How shall the parents divide time with respect to mutually-valued holidays and special occasions?
 - *Summer Vacations.* How shall summer vacations time with children be allocated?
 - *Parental Decision-Making.* How shall parental decision-making be allocated between the partners? What decisions present special challenges to the family?
 - *Other Family Members.* What role will grandparents, aunts and uncles, cousins, family friends, and others play in the children's futures?
 - *Dispute Resolution.* If the parents cannot agree regarding parenting issues, how shall the disputes be resolved?
6. **PERMANENT PROPERTY DIVISION.**
- *Long Term Financial Goals.* What are the partners' long term financial goals?
 - *Information Gathering.* How will the partners provide their financial asset and liability information to collaborative attorneys and the CDFA?
 - *Budgets.* Are the partners' projected budgets reasonable?
 - *Valuation.* How will the value of assets be determined? Who will arrange for valuations of assets by third parties, if necessary? Is the list of assets and liabilities accurate and complete?
 - *Sales.* Who will arrange for sale of the family residence, if necessary? Under what conditions shall the residence be sold?
 - *Pensions and Retirement Monies.* How will pensions and retirement funds be divided? How will they be valued, if their value is indeterminate?
 - *Evaluating Division Proposals.* How does each proposed division of assets and liabilities support the partners' long term financial goals?
 - *Fairness.* What is a fair division of assets and liabilities? For how long shall the parties' finances be linked by spousal maintenance or other asset transfers?
7. **PERMANENT CHILD SUPPORT.**
- *Standard Calculation.* What is the standard calculation of child support for these parents on their Washington Child Support Worksheet?
 - *Deviations.* What reasons may exist that the child support transfer should deviate from the standard calculation?
 - *Children's Needs.* Are there any special needs of the children?
 - *Uninsured Medical and Extracurricular Costs.* How shall the parents divide uninsured medical or dental costs, and extracurricular activity costs?
 - *Children's Health Insurance.* Which parent shall be responsible to provide health insurance for the children?
 - *Post-Secondary Educational Support.* What responsibility shall each parent have for the children's undergraduate college educations or other post-high school training?
8. **SPOUSAL MAINTENANCE.**
- *Spousal Maintenance.* Is a spousal maintenance transfer indicated by the partners' long term financial goals?
 - *Education.* What education or training does either partner require to fully enter the work force?

- *Solvency and Duration.* Under the partner's projected budgets, will either partner have insufficient funds to support himself or herself in the time frame selected by the partners?
- *Reasonableness.* What is a reasonable spousal maintenance transfer that keeps the partners solvent in the near future, but ultimately separates their financial worlds?

9. **NEGOTIATING FUTURE DISPUTES.**

- How shall the parties negotiate future disputes regarding parenting or changes to spousal maintenance transfers or child support transfers?

10. **FINAL PLEADINGS.**

- *Division of Costs.* How shall the cost of drafting and entering the final divorce pleadings be divided?
- *Other Instruments.* What other documents need to be executed to complete division of the partners' financial matters?
- *Closure.* What sort of signing of final pleadings do the partners prefer?