

Brief Legal Notes on Family Law and Divorce

- The law about divorce promotes the use of mediation:
 - No fault divorce means that the decision to end a marriage is now a matter of private choice.
 - Joint custody creates an emphasis on parents being able to work it out and develop co-parenting plans.
 - Child Support schedules are computerized and the amount is set by a formula.
 - The law now recognizes that divorce doesn't necessarily end relationships. Rather, it rearranges the continuing parenting and some financial aspects of the relationship.
 - Many states require mediation of child custody and visitation.
- There are differences between commercial or claim mediation and divorce mediation:
 - Divorce combines matters of the heart and the law
 - Attorneys usually are not present during a divorce mediation session
 - Less use of caucus—although this is changing from a staunch no-caucus policy to more of a case-by-case analysis
 - Multi-mediation process typically consisting of 3-5 sessions that are between 1.5 and 2 hours spread over a more extended period of time
 - Mediation generally begins with very broad questions, e.g. "Paint me a picture," and then funnels to more specific facts.
- The goal of the mediation is a Marital Settlement Agreement which includes all the elements of the divorce—not just a single dollar amount.
- Three sets of decisions have to be resolved to reach a comprehensive settlement:
 - Division of Property
 - Liquid assets
 - Marital items
 - Deferred income
 - Entitlements
 - Debt
 - Taxes and tax consequences

LYNN AND MIKE DIVORCE

- Custody and Visitation or “Parenting Plan”
 - Parents are forever and are divorcing one another—not the children
- Support (although there is no Support element to this exercise)
 - Child Support
 - Spousal Support (Alimony)