

MEMORANDUM OF UNDERSTANDING ISSUES CHECKLIST DOMESTIC

- Name of Document: “Memorandum of Understanding – Property/Debt Issues” and/or “Memorandum of Understanding – Allocation of Parenting Responsibilities – Parenting Plan”
 - Names (court information and party designation)
 - Attorneys, if represented
 - Demographic Information (date and place of marriage, separation)
 - Addresses
 - Children (date of birth)
 - Others (affected by the agreement)
 - Mediator - Rule 11(b) / statement mediator acting only as scrivener
 - Suggestion each side obtain legal advice regarding agreement before signing
 - Statement signed agreement may be submitted to court and approved as permanent order.
 - Signature lines for parties, and if represented, attorneys

PARENTING PLAN ISSUES

- Residence - Primary / address for school
- Removal from State or a move that substantially changes the geographic ties between a parent and the child(ren)

Decision-Making

- Mutual or Sole Decision-Making? (History of DV?)
 - Education/choice of schools
 - Non-emergency medical care
 - Religious up-bringing
 - Extracurricular activities (including payment of same)

Parenting Time

- Regular weekly Schedule (overnights)
- Exchange Details (communication, location, weather, waiting, unforeseen circumstances, who may transport, who is responsible (receiving or dropping off parent))
- Additions / Changes / Cancellation/ Unforeseen Circumstances (one-time-only / make-up or no)
- Child illness affecting parenting time
- Right of First Refusal over Third Parties to babysit?
- Phone Calls / Skype/Facetime /child’s telephone access or use (can it be taken away for punishment?)
- Holiday Parenting Time
 - Start / Stop / Defining the holiday specifically
 - Transportation
 - Conflict / priority with vacation (holidays trump vacation, vacation trumps regular Parenting Time)
- Vacation Parenting Time
 - Conflict / holiday time is priority unless otherwise agree in writing, etc.
- Communication
 - Preferred method (not via children)
 - Telephone, e-mail, text
 - If appropriate; OurFamilyWizard.com or TalkingParents.com
 - Mutual calendars / apps (Google, third party software)
 - Non-parenting time communication (out of town itineraries, contact)

- Extracurricular Activities
 - Who Pays/percentage
 - Agreement prior to discussing with child
 - Schedule Conflicts
- Parents Dating / Significant Others / Overnight Visitors Affecting Child
- Health / Well-Being of Child
 - Notification (prompt / not / what)
 - Keeping other updated
 - Emergency Medical Care
 - Notification mode / mechanism
 - Can individually act without further consent
- Medical Insurance / Extraordinary Expenses / Uninsured medical Expenses
- Child Support
 - Who pays who
 - When (date due)
 - Amount
 - How / Family Support Registry or direct or direct deposit or vol. income assignment.
 - Pay until (date of last payment) Modifiable only by written stip/order.
 - Deviation for guidelines (if so-why)
 - Attach worksheet
- Education
- Life Insurance
- Dependency Exemptions

TEMPORARY MAINTENANCE?

- PROPERTY ISSUE
- Real Property
 - Address / description / Amount of equity.
 - Mortgage / Loan responsibility / Refi requirement / remedy
 - Transfer documents, quit claim deed and responsibility for preparation
- Vehicles
 - Transfer of title
 - Refinance requirements
- Personal Property as is or specific lists. (Agreement to agree not enforceable).
- Bank Accounts (and cash)
- Other Financial Assets (stocks, bonds, investments)
- Businesses and business assets?
- Life Insurance
- Pension / Retirement / Qualified Accounts
 - Owner
 - Sole property or amount to be divided (and on what basis, and when)
 - QDRO or if PERA DRO (Who prepares and who pays?)
 - Vesting Issues *i.e.*, participant dies- life insurance?
 - Survivor Benefits?
 - Is one of the parties in payment status?
- Business Interests

- Debts
 - Party #1
 - Party #2
 - Joint
 - Responsibility / Assumption / Re-fi requirement / remedy
 - No use of joint accounts going forward
 - Hold harmless and indemnification
 - Need to pay off credit card to remove from someone's credit?
- Any Cash Payment to Effect Equitable Division?
- Income Taxes
 - Filing Status
 - Joint
 - Separate
 - Next upcoming year
 - Past years (back taxes / audits / amendments)
 - Refunds
 - Real Property related deductions or credits
- Employer provided health insurance / health insurance responsibility

MAINTENANCE (After divide marital property)

- Waiver (must consider guidelines amount and be knowing waiver)
- Term of Maintenance - Guidelines recommendation calculation (attach worksheet and Jeffco waiver form) or not?
- Amount
- Contractual / Modifiable
- Duration? When does it terminate early and why (e.g., death or remarriage)?
- How paid and due date(s)?
- Deductible to payor and taxable to receiver?
- Required life insurance for duration?

ATTORNEY FEES

MODIFICATION / FUTURE DISPUTE RESOLUTION

- Future Dispute Resolution Clause-Mediation or dispute resolution pre-requisite
- Merger Clause

AGREEMENT / MISCELLANEOUS / BINDING

- Memorandum of Agreement reached in Mediation only; parties should seek independent legal advice
- Full Agreement / Partial Agreement
- Dates / Effective Dates
- Signatures / Notarized
- Annual Exchanges
- 16.2 compliance / Disclosures
- Legal Counsel
- "Important Information Box" from JDF 1115
- Time is of the essence

- Intentions / Attitude Clause
- Balance of Concessions (equity of exchanges / division; fair treatment of both)
- Binding upon signatures
- Binding only after approved by the Court
- Is it or is it not a Mediation Communication