**Spousal Support**

**Worksheet**

A high functioning co-parenting relationship has the best odd of having well-adjusted children. Adjustment problems are common among children whose parents do not co parent well.

Picture yourself in five and ten years, financially.

Can you both make it work, based on the budgets you created?

In other words, are you planning for the future, taking your long term goals into account?

Do you both want the spouse receiving support to be self-sufficient by a certain time?

Did you know that roughly 1/3 of women who get the house lose it in less than 5 years?

Knowing that, please ask yourself if you need to downsize now and have a lifestyle that you can sustain?

Do you plan on marrying again?

If you are not paying support, what goal are you trying to accomplish by not paying spousal support?

In what ways will paying support hinder your lifestyle?

How would not receiving support affect your finances when it comes time to retire?

When are you thinking of retiring?

What do you expect your lifestyle to be like with spousal support?

What are your long term goals financially? To be truly self –sufficient, in a lifestyle that is not too far off from the present one and not rely on one another’s income (most common)

Remember that you are still in a relationship, despite the divorce/separation. Behave as if your spouse will be in relationship with you for a long time and watch how your decisions hit the high road. The here and now is very important. Just remember to take into account that the person with whom you are negotiating will be around for a long time and treat them with the utmost respect, if you want your outcome to be better. It is about the long term goals.

When you make a proposal to your spouse for how you would prefer it to be, please let them know the why, the rationale, for your preference. There might be a much better way to get that need met than through your proposal, that also meets the other person’s needs. They would not know it had you not told them the why, the rationale.

Please look at the most common ways of looking at spousal support below. Place a check mark next to your preferences. Bring this with you to your mediation session.

\_\_Each the husband and wife waive any and all rights to receive any spousal support from the other. Neither party shall pay the other (waive support and maintenance- please describe why you are choosing to do it this way)

1

2

If you are paying spousal support, for how long will you pay in order to reach your goals?

What happens if the receiver of spousal support gets married or lives with someone else, and no longer needs the same level of support?

Would that change if the receiver got married, then separated/divorced?

Is there an age limit to all this?

Please look at these questions and think about ways to make it even better, asking yourself the question, “What if?”

\_\_Spousal support will stop upon the remarriage *or* cohabitation of the receiver. The payments will stop upon remarriage/cohabitation but will resume if receiver subsequently separates or divorces up until age \_\_\_ after that age, spousal support will not restart if divorce/separation.

Some people choose to look at total income and how the money is shared between the parties to ensure the family’s financial goals are met. For the person receiving support, when you earn more money, you need less spousal support. As your earning increases, you are less dependent upon spousal support.

\_\_When the income of the person receiving spousal support exceeds $\_\_\_\_\_\_\_\_\_\_\_ (dollars) the support will decrease by \_\_\_\_ (dollars) for each \_\_\_\_\_\_\_\_ (dollars) above this amount

When will you pay and why?

How will you pay and why?

\_\_These payments of \_\_\_\_\_\_\_\_ per month will be paid on the \_\_\_\_ day of every month (if not paid on time, describe the recourse of the receiver) and will end \_\_\_\_\_\_\_date. They will be direct deposited into the account named by the receiver.

Spousal support is treated one way by NY State and another way by the Federal IRS.

\_\_We understand the tax implications of spousal support and have talked about this with our financial experts (including 2019 law change- can you deduct spousal support from your \_\_federal \_state taxes? Do you have to claim spousal support you received on your \_\_federal \_state taxes? –Unsure? Please ask your financial person.)

**Health insurance for spouse**

What are your goals for health insurance?

How can you work together to reach those goals?

\_\_The spouse is currently covered on the \_\_husband/\_\_wife’s insurance

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(this is the health insurance name and policy number)\_\_\_\_\_\_\_\_\_\_

\_\_We understand that health insurance ends at divorce

\_\_The husband/wife will share the cost of insurance (What percentage will each party pay until the divorce is final? What percentage will you pay post-divorce? When will it end?)

\_\_The \_\_husband/ \_\_wife may elect to obtain coverage (cobra provision of his or her health insurance after the divorce)

\_\_The husband and wife will each maintain their own health insurance

How will you deal with co pays, high deductible, health related issues not covered by insurance?

Please take each one into account and work through some numbers and hypothetical situations. Example, high deductible sounds great unless it is prohibitively high and the goals of the parties are not met by this choice.

\_\_Other

**Life insurance**

What is your shared goal for life insurance and protecting what you have earned?

If either parent dies before the children are through school, the children could be (financially) adversely affected for a long time. Imagine one party dies and was the person paying spousal support. The receiver of spousal support could end up financially struggling. Life insurance financially protects the people left behind.

\_\_The father will maintain a minimum of \_\_\_\_\_\_\_\_\_dollars in life insurance with the mother as beneficiary.

\_\_The mother will maintain a minimum of \_\_\_\_\_\_\_\_\_dollars in life insurance with the father as beneficiary.

**Life insurance checklist**

Complete the following information to take inventory

Person 1

Person insured: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Who owns the policy:\_\_\_\_\_\_\_\_\_\_\_

Who pays on the policy: \_\_\_\_\_\_ How much does the policy cost: \_\_\_\_\_\_\_\_\_\_

What is the actual death benefit:\_\_\_\_\_\_\_\_\_\_\_\_

Accidental death benefit\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Beneficiaries:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Type of policy:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cash value:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Surrender value:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Person 2

Person insured: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Who owns the policy:\_\_\_\_\_\_\_\_\_\_\_

Who pays on the policy: \_\_\_\_\_\_ How much does the policy cost: \_\_\_\_\_\_\_\_\_\_

What is the actual death benefit:\_\_\_\_\_\_\_\_\_\_\_\_

Accidental death benefit\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Beneficiaries:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Type of policy:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cash value:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Surrender value:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please evaluate what you agreed to on this sheet using the Five E’s. If you use a good process, you tend to end up with better outcomes. That’s the goal. Please, if you don’t understand the questions below, ask Don

“Process Standards: Five E’s

Are the parties Educated (information is public, perfect and complete)?

Are the agreements Equitable (as a whole, reasonably fair to both parties, in terms of accomplishing their long term goals, not balance sheets as legal outcomes)?

Are the agreements Effective (unambiguous and clear)?

Are the agreements Equilibrant (can longer be improved for either party, without diminishing value for either of them)?

Are the agreements Envy Free (where neither of the parties would exchange their total package of agreements with the other party)?

This last step, measuring the agreements by the Process Standards, can be frightening and important. In some situations, reaching a total set of agreements can seem fragile, and attorneys, Mediators and even the parties might be concerned about looking too closely, for fear that the settlement might not survive. Our contention, however, is that if a settlement falls apart when examined against these axioms, this is likely a good thing, because the fundamental goal of the mediation has not been met.

When a settlement package fails, it is usually because of just one or two issues. Revisiting those issues and reworking them often leads to improvements. When a carpenter finishes a project, he or she usually will examine the work for flaws, and if there are flaws, correct the situation. This is simply getting the job done right and should not make people anxious. The carpenter might be disappointed or even frustrated if the correction is time consuming, but the goal is to have a good product. The same is true in mediation. Finding that the settlement package does not meet an axiom might be disappointing, and even frustrating, but the commitment to finishing the mediation with a good settlement package is important.

A second reason for measuring the entire settlement package against the axioms is that it forces the parties to accept the limitations of reality. Each party might have believed that a couple of the agreements were unfair or be experiencing the loss involved. By focusing on the entire settlement package and accepting it as a whole, it likely meets the axiom of equitable. Accepting the losses on individual agreements becomes easier—sad, but easier.” From the book-Game Theory and the Transformation of Family Law Waldron, PhD