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Case of James and Emma Herrod

This is a divorce mediation case. It focuses on how mediators should handle situations in which they do not feel impartial because they sympathize with one side because they believe that the other side is being unreasonable.

In this case, the central issue is how to divide the marital property. The simulation provides financial information and gives participants the opportunity to mediate property division and child support issues. The husband wants to sell two pieces of real estate (including the family home) and the wife wants to split the property in kind, keeping the family home where she lives with their young children and giving the other property to the husband. The mediator believes that the wife's position is more reasonable.

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Teaching Notes

What should you do as a mediator if you feel sympathetic with one side and think that the other side is being unreasonable? This is one of the most difficult problems that my students encounter. Most mediators recognize that they inevitably have feelings about the parties and issues. To deal with this, many mediation authorities prescribe trying to detach emotionally from the particular situation and focus on objective factors in the case. This is obviously easier said than done. (On the other hand, some mediators suggest that it is important to pay attention to one's feelings and use the fact that one has those reactions as information in choosing interventions. Under this view, mediators would not act to advance their preferences but would rather reflect on *why* they have those feelings and preferences. Then they would focus the discussion to explore the relevant issues with the parties, together and/or in caucus.)

This simulation is adapted from an article by David Greatbatch & Robert Dingwall, "Selective Facilitation: Some Preliminary Observations on a Strategy Used by Divorce Mediators," 23 *Law & Society Review* 613 (1989). In that article, the authors carefully analyze the transcript of an actual divorce mediation in which the mediator subtly encourages consideration of an option favored by the wife and discourages an option favored by the husband. Greatbatch and Dingwall show how the mediator does not explicitly recommend selection of a particular option, but steers the conversation toward the wife's preferred option and away from the husband's preferred option. The authors call this "selective facilitation." I believe that this is normal practice by most mediators, regardless of their views about the facilitation-evaluation controversy. I suspect that most mediators would agree that this can be an appropriate practice in some situations, though there may be disagreement about under what circumstances this would be appropriate and how it should be done.

My main goal with this exercise is to have students experience their own bias and learn how to deal with it. This case is challenging because the mediator's preference reflects the view of many professionals who work with divorcing families about the best outcome for the children. Should the mediator try to influence the outcome to benefit the children or be purely impartial and accept whatever outcome the parents may agree to? Is there a way to introduce the mediator's concerns without violating mediators' ethical responsibilities and harming the process? This case involves conflicts between mediators' responsibilities to protect party self-determination, to act impartially, to assist parents in promoting the best interests of children, and to prevent use of mediation to produce an unconscionable result. In class, we usually discuss the general prescription of asking facilitative "reality-testing questions" and whether that solves the problems or whether that may subtly aggravate them. These issues divide the mediation field and I usually tell the class that their discussion about this simulation mirrors the debate in the field generally. I suggest that this controversy is likely to continue without resolution and that students should reflect on their own mediation philosophies about it.

The facts are fairly typical for a divorce involving property division, maintenance (alimony), and child support. The couple owns their family home as well as a rental property. The main issue is whether to divide the real estate in kind (the wife would prefer to keep the family home and have the husband get the rental property) or to sell both properties and divide the proceeds, as the husband would prefer. The mediator thinks that it would make more sense for the wife to keep the family home to avoid displacing the children, aged 5 and 7. Moreover, there has been some tension between the

mediator and the husband. At the first meeting with the parties, the mediator felt that the husband was rigid and unreasonable and the husband felt that the mediator was unsympathetic to his concerns. The simulation starts at the beginning of the second meeting.

This case includes roles for attorneys. In many family mediations, attorneys do not attend mediations, though in some areas, attorneys often do attend. This simulation provides opportunities to experiment with attorneys taking a supporting rather than leading role as is common in non-family mediations.

This simulation involves financial calculations for property division and child support and includes statutory material to be distributed to all participants. It also includes property and income and expense forms. All participants get all forms except the last form which is for the instructor's information (and possible distribution after the simulation).

Instructors should allow a minimum of 45-60 minutes for students to get into the heart of the case though it may take much more time to resolve all the issues.

Information for All Participants

James and Emma were married ten years ago and they separated two months ago. There was no affair or other dramatic event causing the separation. Rather, James and Emma simply grew apart over the years and they can't see staying married to each other for the rest of their lives. James, 35, is an insurance agent and Emma, 32, is an elementary school teacher. They have two children: Samantha, 7, and Kenneth, 5. Emma is now living in the family home (on Hargett Street) with the kids. James would like to sell that house and another property they own, a 3-unit apartment building on Britvale Street, and they could use the sales proceeds so they could each buy their own home. Emma doesn't want to move out of the family home because it would disrupt the kids' lives (and hers as well). Emma thinks that James should either evict a tenant at Britvale and move in there or sell that property and use the proceeds from that sale to buy a house he likes. James is temporarily living with his sister, Louise, but is very unhappy with that arrangement. The kids spend some overnights at Louise's house, but their scheduling is erratic, as it depends on Louise's plans. The kids now average about one overnight per week with James. The kids sleep in the living room, a situation that everyone agrees is not ideal.

Both James and Emma have tried to be courteous and cooperative about the separation. Differences between them over the property division have caused tensions and anxieties for both of them and have threatened to create additional disputes. James has agreed that the kids can live with Emma "for now," but if he can't have a living arrangement and property division that he finds suitable, he will ask for joint physical custody and a reduced child support obligation. Emma will certainly need to get child support but does not intend to ask for maintenance. For now, the finances are still combined with income going into and expenses coming out of their joint accounts.

James heard about divorce mediation and suggested it to Emma, who readily agreed. They met with a mediator for a first session to go over the process and exchange some financial information which the mediator had asked them to bring to the first session. The forms that they exchanged are attached. James always handled the finances in the marriage and he prepared the information. Both parties prepared their half of the form to calculate the presumed child support amount. Before the next session, they will use that information to calculate an estimated child support amount prescribed by the child support statute. The mediator provided copies of the attached statutes and encouraged the parties to discuss the information with their attorneys before the second session. The mediator had met with both parties separately at the outset of the first session and did not detect any impairment of either one's decision-making ability due to domestic abuse. Both agreed that they are both fit parents who love their kids.

The simulation will start at the beginning of the second session. The mediator normally meets with clients for a total of five to eight two-hour sessions. The parties and the mediator agreed that the parties' attorneys might attend some sessions. The attorneys did not attend the first session but the parties wanted them to attend the next session, which will address financial issues. It was agreed that when the attorneys attend, James and Emma would do most of the talking. The attorneys would be available primarily for advice, though the attorneys could speak as needed.

The goal in this simulation is to reach a suitable agreement for division of property and debts, child support, and child custody and visitation.

Information for The Mediator

You have been doing divorce mediation for ten years and this seems like a fairly typical case. It seems obvious that the best solution for this kind of case is for the custodial parent to stay in the house with the children. Divorce can be very traumatic for children and it is often helpful to minimize the stress on them. Uprooting the kids following the separation, even if they stay in the same neighborhood, can be very disturbing. Keeping kids in the family home may cause some hardship for non-custodial parents, but you feel that the kids' interests should come first.

In this case, you felt a little irritated with James during the first session. He seemed somewhat rigid and he was willing to use his kids as pawns in a conflict with Emma. He reacted negatively to your suggestion that Emma might keep the family home. In many cases, there is only one property and the non-custodial parent simply needs to adjust. In this case, there is another property that James could live in (or use to buy another house), so he seemed unreasonable in pushing to sell the Hargett house. Emma, on the other hand, seemed appropriately maternal in her concern for the children and she was pleasant to deal with.

Although you have your own assessment of this situation, your goal is to try to help them reach any agreement they are comfortable with -- even if it is not what you would recommend -- unless the agreement seems too one-sided.

Information for James Herrod

You feel apprehensive about the next mediation session. You are afraid that you will feel forced to accept a situation that isn't good for you or your kids. You had hoped that the mediator would help both you and Emma equally. You sense that the mediator is more sympathetic to Emma even though the mediator hasn't done anything overtly to favor her. You know that the court has the power to let Emma stay in the house indefinitely, which really scares you. Your lawyer says that it is very uncertain whether the court will order the sale of both properties as you are requesting.

It seems obvious to you that the best result *for the children* would be for *both* parents to have a real home. You expect that you will see the kids just for "visits" and you will not seem like a real parent without a nice separate room for each one. You really love them and are afraid that the new situation will mean that you will lose a big part of your life with them. That's why you feel so strongly about having a house of your own. It's more for the kids than for you (though you would obviously like to have a real home for yourself as well). Unfortunately, neither Emma nor the mediator seem to appreciate the *kids' interest* in your having a home of your own. Hopefully you will get them to understand this at the next mediation session.

The two options that Emma (and the mediator) have suggested just don't seem to work. Evicting a tenant in the Britvale property would be time-consuming and wouldn't really solve the problem because the apartments are fairly small two-bedroom apartments. Selling the Britvale property wouldn't really solve the problem because there is relatively little equity in the property as the market for rental properties is depressed. As a result, the property value has gone down since you bought it and you would probably net only \$10,000 if you sell it now. On the other hand, the Hargett property would probably net about \$70,000. Its value has gone up because you have held it for almost ten years and it is in a desirable neighborhood. If you sold both properties, you and Emma would each have about \$40,000 (plus some funds from savings and your life insurance policy) to put down toward new homes so that you *both* could get nice houses to benefit the kids. You simply don't own enough other liquid assets for you to supplement the proceeds from a sale of the Britvale property to generate a decent down payment and keep a prudent cash reserve.

Part of your concern about this is financial. If you are left with only the Britvale property, you would have a hard time financially, especially given the child support that you are likely to have to pay. The Britvale property would not produce much rental income if you keep it nor produce much sale proceeds if you sell it. Your lawyer told James that the courts generally follow the child support guidelines. If necessary, you could move for joint physical custody to reduce the amount of child support and thus have enough money for a suitable home for the kids. You wouldn't suggest this just to save more money; you would do so only to have enough money to get a decent place for you and the kids. If you can work out a suitable housing arrangement, you are willing to let the kids live with Emma except for frequent weekend and overnight times and half the holidays. Your lawyer said that it is common to have kids every other weekend and one evening a week, but that other variations are possible too. You are flexible on the schedule, and even on the amount of child support, as long as you can have a real home for the kids fairly soon.

In the meantime, your living situation with your sister, Louise, is getting uncomfortable and is straining your relationship with her. Louise lives in a small apartment with a single bathroom and she

has been quite gracious in letting you stay in an extra bedroom. Neither of you expected that you would stay this long. This arrangement has severely limited the privacy for both of you. Louise hasn't said that you need to leave by a particular date, but the pressure to move out is building. You don't have other friends or relatives nearby who could put you up. You are reluctant to find a new place until you work out an arrangement with Emma so that you can plan for the future. Giving Louise a timeframe for you to leave would help relieve the tension between you.

Information for James Herrod's Attorney

James was uncomfortable after the first mediation session and he feels apprehensive about the next session. He couldn't point to anything that the mediator did to favor Emma, but he feels that the mediator is more sympathetic to her. He really wants to get a house of his own and he doesn't see a way to do that if Emma stays in the Hargett house. You have told him that the court could allow Emma to stay in the house indefinitely, which really scares him. The courts often do permit such arrangements, but there is a chance that the court could order a sale of Hargett, especially when it would be time for one of the kids to change schools anyway.

You completely agree with James that the best result *for the children* would be for *both* parents to have a real home. You want to make sure that Emma and the mediator consider this idea at the next session. You know that mediators and courts focus on the best interests of the children and you will frame all your arguments around that standard.

The two options that Emma suggested don't satisfy the kids' needs. Evicting a tenant in the Britvale property would be time-consuming and wouldn't really solve the problem because the units are small two-bedroom apartments. Selling the Britvale property wouldn't really solve the problem because it has little equity as the market for rental properties is depressed. As a result, the property value has gone down since the parties bought it and a sale now would probably net only \$10,000. On the other hand, the Hargett property would probably net about \$70,000. Its value has gone up because they have held it for almost ten years and it is in a desirable neighborhood. If they sold both properties, both parties would each have about \$40,000 (plus some funds from savings and a life insurance policy) to put down toward new homes. This would enable them *both* to get nice houses for the kids. The parties don't own enough other liquid assets to supplement the equity in the Britvale property to generate a decent down payment and keep a prudent cash reserve.

If James is left with only the Britvale property, he would have a hard time financially, especially given the child support that he would have to pay. The Britvale property would not produce much rental income if he keeps it nor produce much sale proceeds if sold. You told James that the courts generally follow the child support guidelines, and you expect he would pay the amount indicated by the guidelines. If necessary, you would move for joint physical custody to reduce the child support under the guidelines and thus leave James with more money for a suitable home. You wouldn't want to take this action, which you realize would escalate the conflict, but the kids have a right to be with their dad and your job is to protect his interests. You know that you would have an uphill battle to get joint physical custody, but perhaps a subtle threat would make Emma become more reasonable about the housing and financial arrangements.

If the parties can agree on a suitable housing arrangement, you would recommend that the kids live with Emma except for frequent weekend and overnight times and half the holidays. It is common to have kids every other weekend (usually Friday and Saturday nights) and one evening a week, but other variations are possible too.

It is essential to work out a suitable housing situation soon. The situation between James and his sister, Louise, is becoming increasingly tense. In any case, Louise does not have enough space to have the kids there on a regular basis.

Information for Emma Herrod

You are worried about the next mediation session. James seems determined to force the sale of the family home, which would be terrible for the kids. They are already upset about the separation and you are convinced that an extended period of additional instability would make things worse. If you were to sell the house, you would probably need to have some work done to get the house ready to sell. Then you would have lots of realtors and potential buyers looking at the house. At the same time, you would have to look for another house and then pack up your current home and move to a new one.

The kids are showing signs of stress. You have gotten reports from school that their behavior has gotten worse and Samantha's teacher says that her academic performance is suffering. Kenneth has started to wet his bed again; six months ago, he had stopped wetting his bed at night. You haven't told James about all this as things have gotten tense lately between the two of you. You were afraid that raising this with James would make things even worse. You told your attorney about this generally, but you were too embarrassed to provide much detail.

You are sympathetic with James' problem about finding a place to live. However, forcing a sale of your home seems too drastic. You wish that he would accept a temporary sacrifice to protect his children's welfare. It scares you that he seems willing to put his interests above theirs. James says that the Britvale property would produce only about \$10,000 if he sold it now because the market for rental property is depressed. This amount wouldn't be enough for a down payment on a house of his own. If he could live in a modest apartment for a few years, he should have enough money to buy a very nice house soon without disrupting the kids' lives. Unfortunately, James just seems very impatient to sell your house right now. If you could stay in your home, you could rent an extra room for \$200 per month to a student at a nearby college. This would reduce the amount that James would need to pay for child support.

Fortunately, the mediator seems to understand the situation and is quite sensible. Hopefully s/he will be able to get James to see that his proposal doesn't make sense. Unfortunately, James and the mediator did not "hit it off" well in the first session and you are afraid that their friction will cause James to harden his position and make things even worse. So you would like some help from the mediator, but not too much.

Your lawyer said that there is a good chance that the court would let you stay in the house for at least a few years but he didn't know for sure what the court would decide. Since this is so important to you, you are willing to take your chances in court if you can't reach a suitable agreement with James. You assume that the kids would continue to live with you except for some regular time on weekends and maybe some evenings during the week. You haven't talked with James specifically about the schedule, but you can't imagine that he would really want to have the kids live with him - or that he would be able to manage that during the workweek. It would make you really mad if James tries to get more time with the kids just so that he can pay less child support. Your lawyer told you that the courts generally follow the child support guidelines, so you expect to get whatever the guidelines indicate the amount should be -- unless James seems to be manipulating the rules, in which case you would turn this over to your lawyer.

Information for Emma Herrod's Attorney

Emma is worried about the next mediation session. James seems determined to force the sale of the family home, which you think would be terrible for the kids who are upset about the separation. Emma told you that the kids are showing signs of stress; she has gotten reports from school that their behavior and academic performance has gotten worse. It would be extremely disruptive if Emma has to sell the Hargett house and buy another one. You know that mediators and courts focus on the best interests of the children and you will frame all your arguments around that standard.

You are sympathetic with James' problem in finding a place to live. However, forcing a sale of Emma's home seems too drastic. You are angry that James is so willing to put his own interests above his kids' interest. He says that the Britvale property would produce only about \$10,000 if he sold it now because the market for rental property is depressed. This amount wouldn't be enough for a down payment on a house of his own. If he could live in a modest apartment for a few years, he should have enough money to buy a very nice house soon. Unfortunately, James seems very impatient to sell the house right now.

You think that there is a good chance that the court would let Emma stay in the house for at least a few years, though you also told her that the court could order an immediate sale and you can't predict what the court would decide.

Apparently James is willing to have the kids live with Emma most of the time. Emma is willing to work out reasonable visitation. It is common to have kids every other weekend (usually Friday and Saturday nights) and one evening a week and half the holidays, but other variations are possible too. You are glad that James hasn't made a claim for sole or joint physical custody. You know that fathers sometimes make such claims as a ploy to reduce their child support payments. Unfortunately, that ploy sometimes works as mothers sometimes agree to receive less child support than they should be entitled to get because they are afraid of having a court battle and possibly losing custody. You get very angry when fathers try that tactic. You told Emma that the courts generally follow the child support guidelines, and you expect to settle on whatever the guidelines indicate the amount should be -- unless James seems to be manipulating the rules, in which case you would recommend fighting it in court.

Emma said that if she could stay in her home, she thinks that she could rent an extra room for \$200 per month to a student at a nearby college. This would reduce the amount that James would need to pay for child support.

Statutory Materials - For All Participants

Excerpts from Instructions to Form 14

Line 11: Adjustment for a portion of amounts expended by the parent obligated to pay support during periods of overnight visitation or custody.

DIRECTION: Enter the monthly amount of any adjustment to which the parent obligated to pay support is entitled for a portion of the amounts expended on the children who are the subject of this proceeding during that parent's periods of overnight visitation or custody. The adjustment shall be calculated by multiplying the basic child support amount from line 5 by the applicable adjustment from the table below. This adjustment is based on the number of periods of overnight visitation or custody per year awarded to and exercised by the parent obligated to pay support under any order or judgment.

% of Year	Number of Overnight Periods	Adjustment
	Less than 36	0%
10%-20%	36-72	6%
20%-25%	73-91	9%
25%-30%	92-109	10%

If the parent obligated to pay support is or has been awarded periods of overnight visitation or custody for more than 109 days per year, the adjustment for that parent may be greater than 10%.

...

A. COMMENT: The presumed child support amount is not unjust or inappropriate if the parent obligated to pay support receives an adjustment greater than 10% if that parent is awarded periods of overnight visitation or custody of more than 109 days per year.

B. COMMENT: In any proceeding to establish a child support order or to modify the support payable under an existing order, the adjustment on this line 11 may be rebutted if the parent obligated to pay support:

(1) without fault of the parent entitled to receive support, does not exercise the periods of overnight visitation or custody with the children who are the subject of this proceeding awarded under any order or judgment,

(2) does not incur significant duplicated fixed expenditures as a result of periods of overnight visitation or custody, or

(3) without fault of the parent entitled to receive support, exercises the periods of overnight visitation or custody awarded under any order or judgment with some but not all the children who are the subject of this proceeding.

...

Line 12: Presumed child support amount.

D. COMMENT: A deviation from the presumed child support amount may be appropriate when an award of custody, including, but not limited to, an award of joint physical custody, results in the child or children spending substantially equal time with both parents. No specific amount of time is required for a deviation to be appropriate. . . .

To determine an appropriate deviation, a court or administrative agency shall consider which parent is likely to pay expenses of the child or children that are unaffected by the amount of time spent with each parent, e.g., clothing, activity fees, school, and books. The court or administrative agency shall ensure that such expenses, as well as the expenses for which a specific adjustment is authorized on Form No. 14 (such as expenses for work-related child care, post-secondary educational expenses and health insurance coverage) are shared in proportion to the parents' incomes and not in proportion to the time spent with each parent. The court or administrative agency may consider that substantial time with both parents will not necessarily reduce certain child-rearing costs of the parent entitled to receive support.

The mere expenditure of substantial time with both parents does not by itself eliminate the need for support to be paid by one parent to the other; rather, the expenditure of substantial time with both parents is merely a factor to be considered in determining whether the presumed child support amount is unjust or inappropriate.

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS

COMBINED GROSS MONTHLY INCOME	# OF CHILDREN		COMBINED GROSS MONTHLY INCOME	# OF CHILDREN	
	ONE	TWO		ONE	TWO
8450	989	1424	9050	1043	1504
8500	993	1430	9100	1047	1510
8550	998	1437	9150	1052	1517
8600	1002	1444	9200	1056	1524
8650	1007	1450	9250	1061	1530
8700	1011	1457	9300	1065	1537
8800	1020	1470	9350	1070	1544
8850	1025	1477	9400	1074	1550
8900	1029	1484	9450	1079	1557
8950	1034	1490	9500	1082	1562
9000	1038	1497	9550	1084	1564

VERNON'S ANNOTATED MISSOURI STATUTES
TITLE XXX. DOMESTIC RELATIONS
CHAPTER 452. DISSOLUTION OF MARRIAGE, DIVORCE, ALIMONY AND
SEPARATE MAINTENANCE, DISSOLUTION OF MARRIAGE

452.330. Disposition of property, factors to be considered

1. In a proceeding for dissolution of the marriage or legal separation, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall set apart to each spouse such spouse's nonmarital property and shall divide the marital property and marital debts in such proportions as the court deems just after considering all relevant factors including:

(1) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to the spouse having custody of any children;

(2) The contribution of each spouse to the acquisition of the marital property, including the contribution of a spouse as homemaker;

(3) The value of the nonmarital property set apart to each spouse;

(4) The conduct of the parties during the marriage; and

(5) Custodial arrangements for minor children.

...

452.340. Child support--relevant factors--abatment and termination--change of custody--college expenses--guidelines and use thereof--retroactive support

1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the support of the child, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

(1) The financial needs and resources of the child;

(2) The financial resources and needs of the parents;

(3) The standard of living the child would have enjoyed had the marriage not been dissolved;

(4) The physical and emotional condition of the child, and the child's educational needs;

(5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements; and

(6) The reasonable work-related child care expenses of each parent.

...

9. There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

For more information, see <http://www.osca.state.mo.us/sup/index.nsf/OrdersRules?OpenView> and click on "Parenting Plan Guidelines ..."

Mediation Monthly Income and Expense Worksheet estimated average of last 12 months	James	Emma	Combined
Income			
Gross salary income	\$6,000.00	\$2,500.00	\$8,500.00
Net income from Britvale	\$1,000.00		\$1,000.00
Subtotal, income	\$7,000.00	\$2,500.00	\$9,500.00
Federal income tax	\$1,700.00	\$700.00	\$2,400.00
State income tax	\$360.00	\$150.00	\$510.00
FICA	\$450.00	\$180.00	\$630.00
Health insurance	\$130.00	\$40.00	\$170.00
Mandatory union dues	\$0.00	\$20.00	\$20.00
Subtotal, deductions	\$2,640.00	\$1,090.00	\$3,730.00
Net Monthly Disposable Income	\$4,360.00	\$1,410.00	\$5,770.00
Expenses			
Mortgage payments, insurance, taxes - Hargett			\$1,200.00
Medical and dental expenses not covered by insurance			\$20.00
Child care (net of child care tax credit)			\$200.00
Food			\$600.00
Utilities and phone			\$200.00
Automobile expenses (insurance, gas, repair)			\$800.00
Clothing, cleaning			\$100.00
Life insurance premiums			\$150.00
Other			\$300.00
Total Monthly Expenses			\$3,570.00
Net Available Monthly Income			\$2,200.00

Mediation Marital Property and Debt Worksheet	Gross Fair Market Value	Amount of Debt	Net Fair Market Value
Hargett property	\$200,000.00	\$130,000.00	\$70,000.00
Britvale property	\$400,000.00	\$390,000.00	\$10,000.00
Household furnishings			\$20,000.00
Bank accounts			\$15,000.00
Life insurance (cash value)			\$12,000.00

Emma's pension (estimated value - nonliquid, defined benefit)			\$22,000.00
Credit card debt			\$(4,000.00)
Loan from Emma's parents			\$(10,000.00)
Total marital property			\$135,000.00

FORM 14 CHILD SUPPORT AMOUNT CALCULATION WORKSHEET	Parent Receiving Support	Parent Paying Support	Combined
James' form			
1. Monthly Gross Income (incl. \$1000 net rental income from Britvale)		\$7,000.00	
2. Adjustments (per month)			
a. Other court or administratively ordered child support being paid.		\$0.00	
b. Court ordered maintenance being paid.		\$0.00	
c. Support obligation for other children in parent's primary physical custody.		\$0.00	
3. Adjusted Monthly Gross Income (Line 1 minus lines 2a, 2b, and 2c).		\$7,000.00	
4. Proportionate Share of Combined Adjusted Monthly Gross Income (Each parent's line 3 income divided by combined line 3 income).			
5. Basic Child Support Amount (From support chart using combined line 3 income).			
6. Additional Child-rearing Costs (per month)			
a. Reasonable work-related child care costs of the parent receiving support less any child care tax credit			
b. Reasonable work-related child care costs of the parent paying support.		\$0.00	
c. Health insurance costs for the children who are subjects of this proceeding		\$130.00	
d. Uninsured extraordinary medical costs. (Agreed by parents or ordered by court).		\$0.00	
e. Other extraordinary child rearing costs. (Agreed by parents or ordered by court)		\$0.00	
7. Total Additional Child-rearing Costs (Sum of lines 6a, 6b, 6c, 6d and 6e).		\$130.00	
8. Total Combined Child Support Costs (Sum of line 5 and combined line 7).			
9. Each Parent's Support Obligation (Multiply line 8 by each parent's line 4).			
10. Credit for Additional Child-rearing Costs (Line 7 of parent paying support)		\$130.00	
11. Adjustment for a Portion of the Amounts Expended During Periods of Overnight Visitation or Custody (Multiply line 5 by ___ %)			
12. Presumed Child Support Amount (Line 9 minus lines 10 and 11).			

FORM 14 CHILD SUPPORT AMOUNT CALCULATION WORKSHEET	Parent Receiving Support	Parent Paying Support	Combined
Emma's form			
1. Monthly Gross Income	\$2,500.00		

2. Adjustments (per month)	\$0.00		
a. Other court or administratively ordered child support being paid.			
b. Court ordered maintenance being paid.	\$0.00		
c. Support obligation for other children in parent's primary physical custody.	\$0.00		
3. Adjusted Monthly Gross Income (Line 1 minus lines 2a, 2b, and 2c).	\$2,500.00		
4. Proportionate Share of Combined Adjusted Monthly Gross Income (Each parent's line 3 income divided by combined line 3 income).			
5. Basic Child Support Amount (From support chart using combined line 3 income).			
6. Additional Child-rearing Costs (per month)	\$200.00		
a. Reasonable work-related child care costs of the parent receiving support less any child care tax credit			
b. Reasonable work-related child care costs of the parent paying support.			
c. Health insurance costs for the children who are subjects of this proceeding	\$0.00		
d. Uninsured extraordinary medical costs. (Agreed by parents or ordered by court).	\$0.00		
e. Other extraordinary child rearing costs. (Agreed by parents or ordered by court)	\$0.00		
7. Total Additional Child-rearing Costs (Sum of lines 6a, 6b, 6c, 6d and 6e).	\$200.00		
8. Total Combined Child Support Costs (Sum of line 5 and combined line 7).			
9. Each Parent's Support Obligation (Multiply line 8 by each parent's line 4).			
10. Credit for Additional Child-rearing Costs (Line 7 of parent paying support)			
11. Adjustment for a Portion of the Amounts Expended During Periods of Overnight Visitation or Custody (Multiply line 5 by ___ %)			
12. Presumed Child Support Amount (Line 9 minus lines 10 and 11).			

FORM 14 CHILD SUPPORT AMOUNT CALCULATION WORKSHEET	Parent Receiving Support	Parent Paying Support	Combined
Combined form			
1. Monthly Gross Income	\$2,500.00	\$7,000.00	\$9,500.00
2. Adjustments (per month)			
a. Other court or administratively ordered child support being paid.	\$0.00	\$0.00	\$0.00
b. Court ordered maintenance being paid.	\$0.00	\$0.00	\$0.00
c. Support obligation for other children in parent's primary physical custody.	\$0.00	\$0.00	\$0.00
3. Adjusted Monthly Gross Income (Line 1 minus lines 2a, 2b, and 2c).	\$2,500.00	\$7,000.00	\$9,500.00
4. Proportionate Share of Combined Adjusted Monthly Gross Income (Each parent's line 3 income divided by combined line 3 income).	26.30%	73.70%	
5. Basic Child Support Amount (From support chart using combined line 3 income).			\$1,562.00

6. Additional Child-rearing Costs (per month)	\$200.00	\$0.00	\$200.00
a. Reasonable work-related child care costs of the parent receiving support less any child care tax credit			
b. Reasonable work-related child care costs of the parent paying support.	\$0.00	\$0.00	\$0.00
c. Health insurance costs for the children who are subjects of this proceeding	\$0.00	\$130.00	\$130.00
d. Uninsured extraordinary medical costs. (Agreed by parents or ordered by court).	\$0.00	\$0.00	\$0.00
e. Other extraordinary child rearing costs. (Agreed by parents or ordered by court)	\$0.00	\$0.00	\$0.00
7. Total Additional Child-rearing Costs (Sum of lines 6a, 6b, 6c, 6d and 6e).	\$200.00	\$130.00	\$330.00
8. Total Combined Child Support Costs (Sum of line 5 and combined line 7).			\$1,892.00
9. Each Parent's Support Obligation (Multiply line 8 by each parent's line 4).	\$497.60	\$1,394.40	
10. Credit for Additional Child-rearing Costs (Line 7 of parent paying support)		\$130.00	
11. Adjustment for a Portion of the Amounts Expended During Periods of Overnight Visitation or Custody (Multiply line 5 by 10 %) (assumes overnight every other weekend, and one night per week)		\$156.20	
12. Presumed Child Support Amount (Line 9 minus lines 10 and 11).		\$1,108.20	