

**State Court Administrator Guidelines
Relating to Oregon Judicial Department
Court-Connected Mediator Qualifications Rules Section 12.120
Domestic Relations Financial Issues Mediation
Training Curriculum - NEW**

Pursuant to UTCR 12.120, the domestic relations financial issues mediation training curriculum should include instruction to help the trainee effectively:

- I. Prepare for domestic relations financial issues mediation including:
 - A. How to explain the role of the financial mediator in the context of:
 1. Court requirements such as rules of discovery
 2. Referrals to outside legal and financial resources including:
 - a. Clients' attorneys, and specialists such as Qualified Domestic Relations Order(QDRO) attorneys.
 - b. Tax advisors.
 - c. Appraisers of assets such as real estate, businesses, and retirement accounts.
 - B. Practice within current Oregon law, professional standards of practices, codes of ethics, and local court rules, policies, and procedures;
- II. Assist parties in allocating marital assets and debts through:
 - A. Discussion of Oregon standards
 1. Full disclosure of all assets under ORS 107.089.
 2. Protective orders of restraint.
 3. Oregon as an "equitable distribution" state.
 4. Rebuttable presumption of equal contribution.
 5. General goal of disentanglement, when feasible.
 - B. Identifying marital vs. separate assets and debts
 1. Property owned prior to marriage
 2. Gifts, inheritances, personal loans
 3. Student loans.
 - C. Options for valuation of marital property
 - D. Discounting valuation options for non-liquid assets
- III. Facilitate discussion of:
 - A. Child support, including:
 1. Demonstrating basic features of the Oregon Department of Justice Child Support Calculator.
 2. Assisting parties with the factors to be entered by agreement:
 3. Ways to determine gross monthly income including:
 - a. Documentation such as tax returns, W-2s, paystubs, etc.
 - b. Actual vs. potential income ([OAR 137-050-0715](#))
 - c. Low income—is the party capable of minimum wage/ full-time labor?
 - d. Other sources of income: e.g. monthly adoption monies, child receiving SSI stipend.

4. Consideration of spousal support and the impact on the child support calculator.
 5. Calculating average annual parenting time overnights and other options for determining parenting time proportions.
 6. Employment-related child-care costs and regional maximums.
 7. Tax dependents.
 8. Health insurance premiums
 - a. Coverage of the parties' children
 - b. Parties' own coverage
 9. Options to vary from presumed support:
 - a. Agreed amount within the 15% allowed charge
 - b. Further variance by use of rebuttal factors.
 10. Life insurance options for the length of the child support award.
 11. Income withholding versus exception to income withholding
 12. Temporary support
 13. Arrears
 14. Modification of child support:
 - a. Time frames
 - b. Major change of circumstances standard
 15. Costs potentially not covered by child support:
- B. Federal and state taxes, including:
1. Designating child tax dependents
 2. For dissolution, responsibility for taxes due during marriage, as well as share of potential refunds.
- C. Medical insurance coverage for children
1. State standards for determining reasonable cost considerations.
 2. Parent(s) required to provide medical insurance?
 3. Cash Medical when insurance is unavailable at reasonable cost.
- D. Spousal support
1. Discussion of three types of support:
 2. Legal factors the court considers when awarding spousal support:
 3. Options for spousal support awards
 4. Relationship between property awards and spousal support.
 5. Life insurance for benefit of party awarded spousal support
 6. Modification of spousal support awards.
- E. Real property
1. Methods of determining property values—appraisal, market analysis, etc.
 2. Accounting of total debt for this property—mortgage, Home Equity Line Of Credits (HELOC), liens, etc.
 3. Negotiation of any upkeep of the home, repairs, maintenance
 4. Contacting and engaging real estate professionals
 - a. Parties determining sale price, reductions, reasonable offers
 5. Guiding the parties' discussion of their options
 - a. E.g. one party awarded property, immediate or deferred sale, etc.
- F. Business allocation
1. Appraisal of business

2. Shares, stock options, etc.
 3. Options for dividing/ sharing in its value.
- G. Personal property allocation
1. Bank accounts, investment accounts, etc.
 2. Retirement accounts:
 - a. Defined benefit vs. contribution plans
 - b. Appraisal of pensions
 - c. Engaging a QDRO attorney/ Public Employees Retirement System (PERS) Divorce Unit
 3. Vehicles
 4. Personal belongings
- H. Allocating responsibility for debts
1. Home mortgage/ HELOC etc.
 - a. Refinance options;
 - b. Assumption by one party
 2. Vehicle loans
 3. Credit card debt
 - a. Determining marital portion vs. individual responsibility
 4. Back taxes due
 5. Personal loans
 6. Other debt
 - a. Medical
 - b. School loans
- IV. Describe finality of judgements and any applicable post-judgment options
- A. Enforcement options
 1. Penalties for late payment—interest owed?
 - B. Finality of property awards and exceptions, e.g. fraud
 - C. Modification of support awards
 - D. Agreements to mediate any further disputes prior to filing modifications