

Coronavirus and How to Navigate/Modify Custody Arrangements and Parenting Plans – Creating a Temporary Parenting Plan

In this time of uncertainty, many questions have arisen regarding joint custody and whether parenting plans that are in place should be followed or modified. Many parents are considering putting a Temporary Parenting Plan in place. Some of the issues being addressed in a modified/temporary plan include, among others:

- (a) whether the children should stay with one parent for a certain period of time or if they should continue with the custody schedule in place;
- (b) what happens if one of the parents gets sick;
- (c) whether both parents will continue to have joint decision-making authority over health matters for the children;

If you decide to modify your parenting plan and determine that the children will remain with one parent, think of alternative arrangements so that the children will not miss quality time with the other parent. Try setting up times for the children to spend time reading or playing virtual games with the other parent by facetime or some other app that allows them face to face contact. Consider modifying your summer schedule and vacation schedule to allot for the other parent to have substantial time with the children once things get back to a more normal routine.

If you do modify the parenting plan, it should be done in writing. It should also be clear that there is an end date to

this plan and that the original parenting plan would resume at that time. The end date can be a specific calendar date or something like when the children go back to school or the end of the school year. A date can also be set to determine if the modified plan needs to be extended. The children should be informed of the new temporary plan so that there is no confusion or added disruption to their lives.

A Temporary Parenting Plan can be put into place by the parties or with the help of a third party. For those seeking assistance in modifying their parenting plan, contact Sheree Donath at 516-522-2743 or at sheree@donathlaw to schedule a time to speak.

The current health crisis should not be used as a means to alienate the other parent and ignore the custody arrangements and parenting plan you have in place. It is a time to try to keep your children safe and healthy.

Relocation and Divorce -Items to Consider in Divorce Mediation

One of the many items to consider in a divorce mediation is relocation. This is especially important when you are considering the parenting plan you are creating. Every family's circumstances are different and what is right for one family may not be right for another family. Because something works for a friend or a family member does not mean that this is the correct way to move forward. Divorce Mediation allows you the flexibility in determining the right path for you and your child(ren).

The parenting plan and the scheduling of drop offs and pick ups changes if one or both of the parents are considering moving out of the neighborhood or even out of state.

When the topic of relocation comes up, it is common to hear people say that the parent(s) can live anywhere in New York. However, most people do not consider what this truly means. Stating that a parent or the child can be moved anywhere in New York may mean a 10 hour commute between the parents if one lives in Long Island and one person lives in Buffalo. This does not seem like a feasible arrangement. In fact, New Jersey or Connecticut could be much closer than a multitude of cities in New York. I generally find that most people when they say "New York", really mean within Long Island or close to the area that they are currently living in. If that is what is meant then that is what should be subscribed to writing in the agreement the parties are entering.

When coming to terms on your divorce and in particular, the possibility of relocating, below are a few of the items you may want to consider.

- (a) Whether you both plan on living in the same town.
- (b) If one or both parent(s) are considering moving away then how far apart the parents want to live – are you thinking 20 miles or 20 minutes (depending on where in New York you live minutes and miles makes a difference).
- (c) Will both parents be dropping and picking up the child(ren) and/or transporting them to and from school and their extra-curricular activities.
- (d) Will the child(ren) be living at one home or two during the week.
- (e) Do you both want to be within the same school district.
- (f) Will one parent(s) job require them to move out of state.
- (g) Is one parent's relocation wanted or needed to care for the child(ren).
- (h) The parenting plan you are seeking; i.e. how time is going to be split between the parents – will the parents split the

week and weekends equally? Will one parent have the child(ren) all week or just on the weekends? Will one parent be required to drive the child(ren) to the other parent who lives out of state?

While the above is not an all inclusive list of items to consider, they should not be ignored. They are extremely important factors for consideration and some may be applicable to your situation and others can be discounted as they are not pertinent or specific to you.

If you would like more information about divorce mediation and how the process may benefit you, contact Sheree Donath at sheree@donathlaw or at 516-522-2743. Everyone is unique and divorce mediation can be tailored to your situation so that it works for you both now and in the future.

Divorce Mediation Checklist – Topics to Help You Prepare for Your Mediation



When getting ready for your [divorce mediation](#), you should be prepared to speak about your thoughts and concerns on the following topics. These items, amongst others, will be discussed in detail and if/when the parties come to terms on each, they will be put into a written agreement for the parties to review, sign and follow.

Some of the topics for discussion in mediation include:

- Legal and Physical Custody (decision-making authority and time spent with the children)
- [Parenting Plans](#) (weekdays, weekends, holidays, school vacations, summers, childcare, birthdays, etc.)
- [Extra-Curricular Activities of the children and Add-On Expenses](#)
- Child Support
- Relocation of children and/or parent
- Communication with and about the children
- College
- Maintenance
- Health insurance for each person and children
- Life Insurance
- Pension Plans/ IRAs
- Distribution of Property (real estate)
- Distribution of Assets (bank accounts, stocks, investments, household furnishings, jewelry, etc.)
- Distribution of Expenses (mortgage, utilities, taxes, insurance, etc.)
- Distribution of Liabilities (credit card debts, school loans, etc.)
- Inheritances
- Filing of Taxes (married/single, dependents, refunds, etc.)
- Bankruptcy

The above is not an all inclusive list. It is a helpful overview of what information you may want to gather when preparing for your mediation session. You may also want to [gather documents to bring with you to the mediation session](#) to help you make decisions on the various topics stated above.

For more information on divorce mediation or to schedule a mediation, contact Sheree@Donathlaw.com or at 516-522-2743.

Can a Mediator Help Me with a “No Fault” Divorce?



Many couples in [New York](#) choose to get divorced without going to trial. The easiest way for them to do so, is by a “no fault” divorce. A “no fault” divorce means that the couple state that there has been an “irretrievable breakdown of the marriage for at least six months.” The couple is not required to *prove* a breakdown of the marriage.

Couples filing for a “no fault” divorce will enter into a written agreement that sets forth a settlement of all economic issues, distribution of property, maintenance, custody and support issues, if any.

Previously, a couple had to prove grounds for divorce, such as abandonment, adultery, cruel and inhuman treatment, among others. A “no fault” divorce is quicker and easier than moving forward with divorce on one of the above grounds.

In the mediation arena, a “no fault” divorce is also preferable because it keeps the couple on target of their real

goal – the divorce – rather than focusing on the underlying cause that led the couple to seek a divorce. Focusing on the underlying reason for the divorce tends to lead to animosity and possibly retribution and can derail an amicable settlement.

The mediator can assist the couple with entering into a written agreement. The mediator can facilitate the resolution of the items necessary to accomplish the main goal of divorce. [The mediator can assist the couple in raising points the couple may have not ever considered and working with the parties to come to terms on these issues.](#) The mediator can assist with subscribing the terms into a written agreement.

Once an agreement has been reached, the couple can file for an [uncontested divorce](#) on this basis.

Contact [Sheree Donath](#) to find out if [mediation is the best option for you](#) and how the process works.

Can a Mediator Help Me with an Uncontested Divorce? The Answer is Yes.

An Uncontested Divorce

is one in which the parties decide to reach the terms of their divorce without going to trial. Generally, this means that the parties work to

resolve all issues relating to, among others, child custody, child support, maintenance, and equitable distribution of property. The parties come to terms that are then included in a written document to submit to the Court.

So how can a Mediator help in this process? A

mediator helps to facilitate the process. The Mediator, acting as a neutral third party, raises in the [mediation session](#) the issues that must be addressed and works with the parties to come to agreement on these issues. The terms of the agreements reached are then subscribed to writing.

The Mediator will discuss with the parties items including without limitation (a) [a parenting plan](#), (b) how much child support will be paid, (c) how [add-on expenses/ extra-curricular activities](#) for the children will be shared, (d) will there be any maintenance paid, (e) will the house be sold, (f) what happens with the parties' pensions, (f) is there life insurance or should this be purchased and who will be the beneficiary, (g) how will the parties file their tax returns, (h) who is responsible for health insurance, (i) how will the parties' debts be allocated, (j) can the parties relocate, (k) how will stocks

and bank accounts be split, etc.

The Mediator does not represent either of the parties. And the parties are encouraged to have their own attorneys to assist them and guide them with understanding the law and reviewing any agreement reached. The parties, generally, do not have their separate attorneys' attend the mediation sessions. While mediation generally results in the parties filing for an uncontested divorce, the issues to be resolved may be very much contested during the mediation sessions.

Once the terms are agreed upon, if both parties agree, the mediator can prepare the necessary documents to file for an uncontested divorce.

An uncontested divorce upon agreement is a much quicker and cost effective means to obtaining a divorce. The mediation process also offers the parties a more creative approach to divorce.

Contact [Sheree Donath](#) to find out if [mediation is the best option for you](#) and how the process works.

Happy New Year from Donath Law, LLC



Donath Law, LLC Wishes You and Your Family a Very Happy, Healthy and Prosperous New Year.

A new year offers a chance for new beginnings. Whether you are looking this year to get a new job or leave a job you are not happy with, get a raise or promotion, create a better work or life situation, change the way you are treated at work or just understand your options, Donath Law, LLC can assist you.

Contact Sheree Donath to find the best route to achieve your goals for 2019.

Does Your Custody Arrangement / Parenting Plan Include

Trick or Treating with Your Child on Halloween?



In mediating your divorce, one of the holidays that should be considered and specifically addressed in your [parenting plan](#) is Halloween. Halloween can be very important in a child's life. It is a time for dressing up, candy, parties, and spending time with family and friends. While it may be all fun for the child, it can be a nightmare for the parents if it is not dealt with in advance.

Halloween is a holiday that falls on the same date each year but falls on a different day of the week each year. So what does this mean? It means that for divorcing parents, it should be raised and discussed and included in any parenting plan that is established. Why? Because if it is not specifically addressed, then one parent may be excluded from sharing this day with their child. A parenting plan may state that one parent has the child on Monday and Thursday and every other weekend. But what happens if Halloween falls on Tuesday? Can that parent still trick or treat with the child? This will depend on the nature of the arrangement between the parents; whether they can come to agreement, whether they are willing to share the day; etc. If dealt with in advance and written

into your parenting plan, this will be a non-issue.

Some of the things that should be considered when negotiating a Halloween schedule, include, among others:

- will both parents be able to see the child on Halloween;
- will the parents trick or treat together or split the day;
- will you need to alter the drop off / pick up time;
- will you need to alter the drop off / pick up location;
- will one parent have the child on Halloween one year and the other parent the following year.

The more detailed the schedule is, the less likely that this day of fun will turn into a scary day of stress for the parents and/or the child.

Mediation is a place where the parties can create a schedule that works for their specific family and situation.

For more information on divorce mediation, what the mediation process entails, how to move forward with mediation or [if mediation is the right process for you and your spouse](#), contact Sheree Donath by Sheree@DonathLaw.com.

Divorce Mediation Checklist –

What Documentation Should I Gather Before My Mediation?



In preparing for divorce mediation and the first meeting with the mediator, it would be helpful for the parties to gather some basic information so that they can speak to many of the open issues that need to be resolved during the process. This article does not discuss child custody or parenting plans and therefore does not address the documents specific to the children. Rather, this speaks more to the parties being able to equitably distribute their property.

So what documents and information should the parties gather or prepare prior to meeting with the mediator? The below list are some, not all, of the items that will need to be reviewed during the mediation process.

As a reminder, the parties are entitled to complete transparency regarding their individual and joint assets and should be prepared to disclose all aspects of their finances to the other person.

In moving forward, the parties should be prepared to discuss the following items:

- their salaries; compensation and any other monies that are paid to them regularly from any source (i.e. unemployment, disability, pension, social security, etc.);
- any deferred income;
- any retirement, 401K, 403B, pensions
- bank accounts, stock accounts, investment accounts (type of account, value of accounts, jointly or individually held);
- life insurance (term or whole, value and beneficiaries);
- properties owned – including marital home; vacation homes; timeshares; etc. (plus equity in the home, amount owed on any mortgages, home equity loans)
- vehicles owned (cars, motorcycles, boats, etc.)
- debts owed (credit card, mortgage, student loans, etc.)
- pre-nuptial or post-nuptial agreements
- tax returns from prior years
- personal property information (jewelry, art, antiques)

Once the parties have gathered this information they should be prepared to discuss how they want to distribute the property and be prepared to disclose it to the other person.

For more information on what the mediation process entails, how to move forward with mediation or if mediation is the right process for you and your spouse, contact Sheree Donath at Sheree@DonathLaw.com.

What Should be Included in a Parenting Plan?



During the mediation process the parties must consider and subscribe to writing a “Parenting Plan.” A Parenting Plan sets forth the time that the child/children spend with each parent. It is important to have a clear parenting plan, as this assists the parents in understanding their time with the child, helps resolve future conflicts, and prevents anxiety for the child.

In mediation, we discuss and resolve the following questions and issues, among others, to create a Parenting Plan that works for your family:

- (1) Where will the child regularly spend his/her time? Who will have residential custody of the child?
- (2) How many days a week will the child see each parent?
- (3) Will the child sleep at both households and if so, how often?
- (4) How will the parents share special times, like school vacations, birthdays, family events, and holidays? •
- (5) How will vacations be shared?
- (6) Where will pick-ups and drop-offs of the child occur?
- (7) What happens if someone is late?

(8) What happens if someone cancels a visit?

(9) How will the parents handle conflicts with the parenting schedule? Is there a specific person that will act as a “mediator” or final “decision-maker” if the parents can’t come to agreement?

(10) When a holiday falls on a scheduled visit, which takes priority?

(11) Will both parents attend all extra-curricular activities?

(12) Will the schedule be the same or different during the summer?

(13) Will both parents be involved in all day-to-day and major decisions?

(14) Can one of the parties relocate without mutual consent of the other?

(15) Can the parents take the child out of school to take them on vacation?

Aside from simply answering these questions, it is important for the parties to take time to consider what will truly work for their particular situation. Each divorce is different and each parenting plan should be tailored to make the transition easy and stress-free, if possible, for the children. The parents should establish a plan that works for their specific lifestyles. What works for one family may not work for another. The parenting plan should also account for flexibility, since many times people’s schedules change.

Donath Law, LLC can assist you in creating a Parenting Plan that works for your family. For more information, contact Sheree Donath at sheree@donathlaw.

Can I Get a Divorce in New York?



Are you considering filing for a divorce? If so, there are guidelines that you must be aware of and many factors that must be considered in doing so.

To file for divorce in New York you must meet one of the following eligibility requirements:

(1) You or your spouse have been living in New York state for at least two years before the divorce is commenced;

(2) You or your spouse have been living in New York State for at least one year before the divorce action is commence and (a) you got married in New York State, or (b) you lived in New York State as a married couple, or (c) the grounds for divorce (see below) occurred in New York State;

(3) both you and your spouse are residents of New York State on the date the divorce action is commenced and the grounds for divorce arose in New York State.

Also to file for divorce, you must allege a “ground” for divorce:

There are seven (7) grounds for divorce in New York. The most popular ground in divorce mediation is the “irretrievable breakdown of the marriage for at least six months”. This is generally referred to as a “no fault divorce”. This ground makes it possible for couples to get a divorce without having to provide “proof” of the breakdown of the marriage provided that the parties both affirm that there has been irreconcilable differences between the parties and the marriage has irretrievably broken down for no less than six months. Parties filing for divorce under this ground, will also enter into an agreement setting forth a settlement of all economic issues, distribution of all property, custody and support issues.

Other grounds for divorce in New York are: cruel and inhuman treatment, abandonment, imprisonment, adultery, divorce after living under a legal separation agreement for one year, and divorce after judgment of legal separation. Use the following link <https://www.nycourts.gov/courthelp/family/divorceRequirements.shtml>, to find out more about the specific grounds for divorce.

Determining if you are eligible for divorce in New York is just the first step in the divorce process. Take that first step to the new you by clicking here to schedule a consultation and to learn what other factors must be considered and resolved in order for you to obtain your goal.