

## **Is Divorce Mediation Right for You?**

There are many benefits to divorce mediation, but it is not always right for each couple. If you are thinking about getting divorced, and you can't decide whether to try divorce mediation, here are some things to consider.

In divorce mediation a couple can work together amicably to resolve the issues relating to the divorce. Through this process there is less stress and drama. Divorce mediation uses a collaborative process where you and your spouse are in control and make the decisions, and not a judge. It typically takes a shorter amount of time and is more cost effective. Rather than the spouse against spouse model of traditional litigation, this is a mutual process, and you can leave the mediation process on good terms, which does not always happen with litigation.

However, divorce mediation is not for everyone. There are certain circumstances where divorce mediation may not work. One instance is where there is a history of abuse or violence in the relationship, or where one spouse is over-bearing or controlling of the other spouse. Because of this imbalance in power and control, divorce mediation is not always beneficial for spouses in this situation.

Another situation in which divorce mediation may not be right for a couple is when one spouse is being dishonest or not providing a full financial disclosure. In all divorces, both spouses must be honest and forthcoming, and also provide a full financial disclosure. In cases where a spouse may be hiding something or not telling the truth, divorce mediation is not right for a couple.

Also, if one spouse does not seem to want a divorce, mediation may not be right for a couple. Divorce mediation is all about being collaborative and working together. If one spouse does not want to get divorced, then the collaborative process can easily be defeated.

Finally, another situation where divorce mediation may not be right is where one spouse is set on "winning" their side of the case. In such cases, the divorce is likely to become highly combative, and not very collaborative, very quickly. Because in such cases, one spouse is determined to "win", the couple cannot work together to come to a mutual resolution.

However, if you do not think any of the above issues apply, you may want to consider divorce mediation. There are many benefits to trying mediation.

Divorce mediation is a favorable alternative that can reduce the financial burden on you and your spouse. With mediation, a couple pays one mediator rather than two attorneys, dramatically cutting the accumulative cost and preserving more of the marital assets for the parties and their children after the divorce.

Moreover, the mediation process is much more efficient. Since both parties are together during the sessions, decisions can be made in a timelier fashion, shortening the overall billable time. The communication between parties during mediation facilitates negotiation and eliminates

the need for excessive correspondence and the endless review of documents between opposing attorneys.

Divorce mediation allows the parties to have control over their own Divorce Agreement, whereas, in a divorce, the Judge has the authority to make decisions on your case without any familiarity with your family. In addition, mediation only requires one court appearance, at which just the divorcing spouses attend and is usually ten minutes or less in length.

Divorce mediation also can have a better impact on your children. Preserving a civil relationship during and after divorce is important. It can give your children a remaining sense of normality, resulting in less mental and emotional damage. Experience in dealing with both divorce and divorce mediation has revealed that many children are able to handle the situation better when the parents are able to talk to each other. Mediation promotes open communication and many couples are able to remain friends after the mediation process is over, due to the increased communication with the aid of a trained divorce mediator.

**If you are considering a divorce, and you don't know if mediation is right for you, or you would like to schedule a no-cost mediation consultation, please contact us at 1 (800) 290-1012, at [edamaral@amarallaw.com](mailto:edamaral@amarallaw.com) or you can visit our website at [www.amarallaw.com](http://www.amarallaw.com).**