

## **HOW DO I KNOW IF DIVORCE MEDIATION IS RIGHT FOR ME?**

### **WHAT IS MEDIATION?**

Mediation is where a neutral party (the mediator) facilitates the negotiations of the couple and tries to help them settle their case. The mediator cannot give either party legal advice, nor be an advocate for either side. If the couple has lawyers, they may or may not be present at the mediation sessions. The couple is free to consult their lawyers between mediation sessions. Once the couple has reached an agreement, the couple may bring the agreement to their lawyers for review. If the parties do not reach a settlement through mediation they are free to choose to use the mediator or their lawyers in litigation, depending upon any previous agreements that may have been made.

### **IF WE CAN'T COMMUNICATE WITH EACH OTHER, HOW WILL MEDIATION WORK?**

You do not need to like or agree with everything the other party says or wants in order for mediation to work. Many times couples do not have the communication skills needed to express their wishes and needs in a manner that the other party can or is willing to listen to. The role of the mediator is to facilitate that communication so that each party is heard. Many times all it takes is to take the emotion and volatility out of a situation in order for the couple to reach a satisfactory agreement.

### **WHAT ARE THE BENEFITS OF MEDIATION?**

The benefits of using a mediator are that the process is less adversarial, often saves time, and is more cost-effective than a litigated divorce. The process is confidential and based on settling disputes rather than placing the blame with one particular person. It is shown that where parties work together toward a mutual agreement, the likelihood of compliance with the agreement and future cooperation is much better.

### **IS MEDIATION BETTER FOR THE CHILDREN?**

Mediation benefits children in so many ways. It teaches them that even when people don't agree with each other they can still work things out. It teaches them that mom and dad respect each other enough to put their differences away in order to do what is best for them (the children.)

### **WHAT KINDS OF ISSUES CAN BE SETTLED DURING MEDIATION?**

In mediation you can discuss and reach agreements on such issues as: custody, visitation, parenting plans, support, and division of your assets and debts.

## **DO I STILL NEED A LAWYER?**

You will be advised to seek legal advice ( a mediator may supply you with legal information, but not legal advice) so that you fully understand the legal ramifications of the decisions you are making and discuss any questions or concerns regarding the mediation agreement. It is ultimately up to you whether or not you wish to seek legal advice. You would be best advised to have a lawyer review the proposed agreement before it is signed and finalized.

## **IS MEDIATION RIGHT FOR ME?**

If both of you approach the process with an open mind and respect for the other person and the process, you will most likely benefit from mediation. However, in situations where there has been abuse or one of the participants feels intimidated by the other this may not be the proper venue for you. Open communication is vital in crafting a mediation agreement. Both parties must be able to freely express their opinions. By working together, you may be able to save a lot of time and money as compared to a traditional litigated divorce. An added benefit is that you both control the outcome. Instead of becoming part of the adversarial system, you become part of a healing system.