

## Mediation and Collaborative Divorce in Arizona—Important Definitions

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While litigation is one of the most commonly recognized methods of [divorce in Arizona](#), it isn't always the best approach to a dissolution case. In fact, most divorcing spouses in Arizona find collaborative divorce and mediation to be a more effective and less stressful way to reach a mutually beneficial settlement.

To help divorcing spouses gain a clear understanding of these two alternatives to divorce court, here are some important terms and definitions relating to [mediation and collaborative divorce in Arizona](#):

1. *Mediation* – The mediation process helps parties to an Arizona divorce case come to a mutual agreement with assistance from an unbiased third party.
2. *Mediator* – In the mediation process, the mediator is the unbiased third party that guides divorcing spouses through negotiations and promotes effective two-way communication, but does not force any decisions on the couple, or make any decisions for them.
3. *Collaborative Divorce* - A collaborative divorce is a method that promotes negotiation instead of litigation to help a couple reach a settlement agreement. Each spouse hires their own attorney to assist them with the process. In most cases, each spouse and their corresponding attorney will also sign a participation agreement that outlines what all of the parties can and cannot engage in throughout the process.
4. *Participation Agreement* - When parties to an Arizona divorce case decide to go through with a collaborative divorce, they usually create and sign a Participation Agreement that sets some ground rules for the process. This type of agreement can include a variety of terms, such as: Require the parties to act in good faith; Require the parties to refrain from litigation; Require the parties to engage in open communication; Prohibit the parties from taking advantage of mistakes made by the other party; Require that only neutral experts be counseled with; Set forth reasons for withdrawal from the process; Require confidentiality.



Timothy Durkin joined JacksonWhite in 2010, and quickly established himself as a highly effective family law attorney with the perfect balance of assertiveness and compassion. Tim is often complimented for his dedication to professional service, as he works closely with his clients to keep them informed, listen to their needs and involve them in the decision making process.

Tim handles all types of family law, including divorces, paternity actions, child custody, child support, relocation and jurisdiction issues, adoptions, termination of parental rights and parental severance actions, title 8 guardianships, spousal maintenance cases, division of marital property and debts, pre-nuptial agreements, post decree modifications and enforcement of custody and divorce orders, mediation services, grandparent visitation cases, and domestic violence issues. He is licensed to practice law in all Arizona State Courts, as well as the United States District Court, District of Arizona, and serves clients throughout the Phoenix metro area. To read more about what former clients are saying about hiring Tim, or to set up a free consultation, please visit [www.jacksonwhitelaw.com/arizona-family-law](http://www.jacksonwhitelaw.com/arizona-family-law).

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