



Mediation Process for Your Divorce

Every mediator has their own style and approach, but all follow a similar structure to help you reach resolution during your divorce. Typically, mediation discussions involve you, your spouse, and the mediator. Sometimes your children may be present depending on the nature of the discussions.

Mediation can last one session over the course of a half day to several sessions lasting a few weeks. The time depends on the issues at hand and the parties' level of agreement.

At the outset, both you and your spouse will meet with a mediator to review the mediation process, discuss expectations, and ask questions of the mediator regarding next steps. Next, your mediator will likely meet individually with each of you to get a sense of the issues and dynamics that characterize your divorce. These one-on-one meetings are an opportunity for you to share any personal concerns.

You will likely have several sessions with your mediator, again jointly and with individual caucuses, to address common issues. Those issues typically include:

- Parenting time
- Child support
- Division of assets
- Division of debt
- Spousal support

The Role of the Mediator

Your mediator serves as a neutral party whose role is to help you and your spouse reach common ground to avoid a contested divorce. Mediators:

- Manage communication between parties so all voices are heard
- Provide legal information about the divorce process
- Enable you and your spouse to access the information needed to make sound decisions
- Identify alternatives to resolution, looking for areas of compromise
- Focus on finding the best resolutions for all parties
- Provide realistic assessments to create paths forward

Rules of Engagement

These rules are part of the agreement to mediate. While mediators are not judges, these rules are legally enforceable whether or not you resolve the issues through mediation.

- All discussions in mediation are confidential. If mediation does not settle your dispute and you and your spouse choose to litigate, mediators cannot testify on either parties' behalf and mediation discussions, options and offers cannot be disclosed in subsequent litigation.
- Mediators will request financial information that is essential to mediated discussions and the resolution of issues like child and spousal support, division of debt, and division of assets. Requested information must be disclosed or mediation may be terminated.
- Mediators do not offer legal advice as a representative of you or your spouse. They are acting as a neutral party. Participation by your attorney is strongly advised. Your attorney should attend mediation sessions with you to be certain that you are making the best decisions. If an agreement is reached, your attorney will be able to help you put the agreement in writing. Or, in the event mediation does not resolve your differences, it will help your attorney prepare trial.

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