The Mediation Option & How to Prepare

Most people facing a day in court would avoid it if they could. When facing divorce, that urge is just as strong. So, the first step you may want to take is to go through mediation. The mediation process helps you and your partner reach a mutually beneficial divorce settlement.

So, Why Mediation?

Besides the whole, court avoidance thing, if you have children, jointly owned real estate, and investments, mediation may be the wisest option for you. Once you have decided on a divorce, the next step is to decide how to split up your assets and set child custody, support and visitation rights. A mediator is an impartial third party that guides a couple in the negotiations preceding the actual divorce.

Unraveling your marital ties is a very emotional thing in addition to the trust issues and hurts. During this time, many of us find it hard to stay rational, and a mediator can help you both reach the point where you can agree and compromise on important decisions. While a mediator can't give legal advice, they can teach you to communicate more efficiently. In a situation where you both desire to reach an amicable agreement and can stand to be in the same room, mediation may be the right choice for you. You can even conduct mediation over the phone if needed.

Mediator, Take The Wheel?

If you do choose mediation as an alternative, you still need to be prepared. Divorce court is not a place to fly by the seat of your pants. Neither is the divorce mediation. It still comes with much of the stressful procedures of a typical case. And if you go in unprepared, you may lose out on the settlement that you desire.

Mediators only work with you and your partner to settle the important decisions a divorce forces you to make. They will not tell you what you should do. Nor will they make decisions for you. So, think about what you want your life to look like when this process is done. And focus on what you need from the separation to get there.

Meeting With Your Divorce Mediator

When you go to your first meeting with your divorce mediator, bring a list of all of your jointly owned assets, a valuation of your home, copy of a prenuptial agreement if you have one, copies of income tax returns, and retirement account statements. Take a notebook and pen, and ask any questions you may have.

Write down everything you need to remember, and talk about fees. This is where having a financial expert like a CDFA becomes paramount to the mediation process. The first meeting with a divorce mediator will be to assess your situation, get a feel for the chemistry between the couple, and to get to know the mediator.

Although the mediation is held in an office or meeting room, it should still feel like an informal atmosphere. The mediator strives to create a relaxed situation so that both partners can remain calm. One of the main goals of the mediator is to help the couple find creative ways to communicate and reach an agreement. Especially if strife does exist between the couple. There's no set frequency for a session because every divorce is unique. Some couples find they only need a few sessions, while other may need more.

You should find that mediation saves money on attorney fees and is one of the best ways to prepare for your divorce. Ultimately, begin able to avoid court will make for a better day for the whole family.