

FAQs about Divorce Mediation



By: [Anju D. Jessani, MBA, APM - Accredited Professional Mediator](#)

What is Family and Divorce Mediation?

Mediation is a tested, more sensitive approach to separation and divorce. It is a non-adversarial process helping people to dissolve marriages, or domestic partnerships, once the decision to separate is made. The framework provides partners the opportunity to negotiate mutually beneficial agreements that include property settlement, spousal support, child support and custody.

What is the Role of the Mediator?

A mediator is a neutral party trained to help couples resolve the inevitable disputes that arise during separation. He or she helps the couple explore all options and their consequences. The mediator brings knowledge and experience that provides a context for decision making. When necessary, the mediator will refer the couple to third party experts for services such as appraisals. At the end of the mediation, the mediator will prepare a Memorandum of Understanding that summarizes the agreements reached in the process. For couples who have the ability to resolve their differences themselves, mediation services can be used to assure that the substantive terms of their agreements are fair.

What Are the Advantages of Mediation?

Family and divorce mediation promote cooperation and self-determination that will continue well past the period of controversy. The process helps eliminate the win-lose atmosphere that is part of many divorces and family controversies. It consists of a mutual search for reasonable solutions.

The couple's continuous involvement in the total decision-making process leads to greater satisfaction with the solution and more incentive to follow through with the decisions made as a result of their ownership of the decisions. Mediation is also effective for post-divorce conflicts arising out of the changing needs of the family.

Am I a Good Candidate for Mediation?

Successful mediation requires that both parties have a mutual desire to resolve the issues themselves, constructively and economically. They are

willing to deal with each other in good faith and cooperate with the mediator. The appropriateness of mediation can best be assessed and determined at the initial session between the mediator and the parties.

What Role do Lawyers Play in Mediation?

Following the mediation process, clients arrange for an attorney or other qualified persons to prepare a settlement agreement, based on the decisions agreed upon in the Memorandum of Understanding. All clients in divorce mediation are advised to retain separate counsel to review this agreement. You may also need a lawyer to assist you with filing a complaint for divorce and completing the final hearing in which your agreement is presented to the court as the terms of your final judgment of divorce.

How Much Does Mediation Cost?

The total cost of mediation combined with lawyer's fees is often less than one-third the cost of a litigated divorce. Additionally, since there are no retainer fees and mediation fees are paid after each session, clients can maintain control of their expenses. This is a sharp contrast to the litigation process that can be expensive and time consuming, leaving each party heavily in debt, and drained, both emotionally and financially.



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For more information, please contact ajessani@dwdmediation.org
