

## **Divorce Mediation or Mediation of Issues**

*“In recognition of the value of a peaceful community, Dr. Marowitz provides the skills and processes that help people handle conflict in a constructive way.”*

### **What is Mediation?**

Mediation is an alternative to litigation. It is a voluntary, private, and confidential process facilitated by a trained and impartial mediator. The mediator hosts a conversation with two or more people, in order to resolve a dispute and develop a mutually acceptable solution.

### **Why Try Mediation?**

Florida family courts require parties to mediate before going or instead of going to court to litigate their divorce or family law case. Properly done, mediation can avoid the high costs and prolonged delays of the litigation process. Whereas court hearings and other forms of litigation give power to others to handle your conflicts, mediation will empower you to determine the outcome. Mediation also allows participants to control the outcome of the divorce proceeding and manage potential downside risks. Often, the mediation process affords the parties a better opportunity than litigation to communicate meaningfully about their issues and genuinely commit to a workable framework for life afterwards.

### **How Does Mediation Help?**

Mediation takes place in a neutral environment where each participant has equal power and talking time. It's a process that nurtures constructive communication. The mediator is present to make sure the conversation stays respectful and productive. Mediation can develop solutions where both sides benefit. It asks the participants to shift from a “me-versus-you” approach to an “us versus-the problem” approach.

### **When do you need a Mediator?**

Mediation can take place before, during and after a divorce. It is intended to resolve issues of parenting, time-sharing, child/spousal support and property. Couples may participate in mediation led by a mediator with or without participation of their own attorneys (called pro se).

## **Mediation of Issues**

Lots of couples agree on many issues but get stuck on a few of the last thorny problem areas. Often communication breaks down when you try to talk these things out. At this point, you have a couple of choices. You can each go out and hire an attorney or you can hire a mediator. Retaining an attorney will most likely cost you both a lot more money and will likely drive up the level of conflict between you and your soon-to-be-ex. For instance, even if you intentionally choose an easy-going attorney, your ex may not – and when this happens, things can run off the rails quickly. Mediation is a great way to tackle these tricky issues.

## **Some Benefits of Divorce Mediation**

- It can be an incredible tool for parents with complicated work schedules or children with unique needs.
- The courts are quite limited in the types of residential schedule and solutions it generally orders.
- Although judges may try to be creative, they simply don't have the time on a busy calendar to fashion custom-made parenting plans for every litigant.

You know what is best for your children's needs. Your final parenting plan may be the single most important document defining your child's future. Do you really want to leave precious decisions about your child's future up to a stranger who hears a day of testimony and makes a quick cookie-cutter decision about your families' future?

## **Other benefits of divorce mediation include:**

- Mediation costs are shared.
- Mediation is generally significantly less expensive than going to trial.
- Mediation is even more cost-effective if you both choose to proceed without attorneys and are able to be amicable.
- Mediation lets you retain greater control over the outcome of your dissolution. You can make decisions for yourself instead of waiting for a judge to make a decision for you.
- Mediation happens at your pace instead of progressing in response to court deadlines. You can move forward with your own separate life sooner.
- Mediated agreements tend to be more "durable" because they are entered into by choice, not imposed upon each person.

***If you or someone you care about is facing a family law matter, Dr. Marowitz, a Florida Supreme Court certified family mediator, may be able to assist. Please call to schedule an appointment at (407) 865-3855.***