

## **Divorce Mediation: Save Time, Money and Reduce Conflict**

Is divorce a consideration for you or someone you know? Are you in the process of a divorce? Would you like to have more control over your divorce and have it be "friendly"? Is divorce bankrupting you? If you answered yes to any of these questions, then divorce mediation may be the answer.

Divorce mediation is an alternative method to traditional litigation for couples seeking to dissolve their marriages or to settle disputes arising after divorce. The process is designed to eliminate the competition and hostility that too often occur when each spouse views the other as an adversary. In mediation, it is the couple, not a lawyer, not a judge, and not a mediator, who retains control over the decision-making that will affect the present and future lives of the individual family members.

Divorce settlements that are imposed upon people have a poor track record. The percentage of divorced couples who return again and again to court to resolve their problems keeps rising. Mediation offers one route to breaking this litigation cycle.

Research shows that couples with mediated settlements are more able to work through post-divorce disagreements and have lower relitigation rates. These couples express greater satisfaction with their agreements than do those with adjudicated settlements, and their children adjust more easily to the divorce. Moreover, couples who develop their own separation agreements or decree modifications find the process to be less emotionally draining, faster, and cheaper than litigated settlements.

At Gateway to Solutions, Inc., we offer an alternative that ensures that all family members emerge whole and protected. With the help of a trained, neutral mediator, you'll identify your current and future needs and those of your family and begin the process of structuring an agreement that is both workable and equitable. Your agreement will include a working plan for now and the future and may include the following areas: separation considerations - children - division of property - support - finances & tax implications - post-divorce.

Initially, the parties meet jointly in the mediator's office to identify and resolve the issues. By the end of the process, the issues are resolved and the mediation agreement becomes incorporated into the final divorce decree.

Through mediation, the resolution of the issues involved in the divorce is in the power and control of the parties and not in the hands of attorneys and judges.

Divorce mediation is not only used for heterosexual couples but also is emerging in the gay and lesbian community. A mediator will help any couple make a binding separation agreement that will be honored in the court of law.

especially any children that may be involved. Furthermore, when there are children involved, the focus of mediating parenting time should be based on what is in the "best interest of the child(ren)".

In addition, a mediator is not performing an evaluation for the purpose of making a recommendation to the court regarding parenting time. Remember, the mediator is a neutral third party. Therefore, a mediator cannot be called as a witness for either party to the divorce.

A mediator will not act as a therapist. Mediation is about creating options for a couple that are equitable and fair for their lives. Divorce is a very painful process whether you are the one who wants it, or not. One of the biggest struggles is to keep the emotions out of doing what is best for everyone involved in the divorce –

Mediation is almost always far less expensive than litigation. It is performed on a pay-as-you-go basis (\$300-\$400 a session), shared by the parties, with an additional retainer at the time of preparation of your Agreement. **Compare** this with the cost of litigation in New York, which almost always involves an up-front retainer fee for each party's counsel (in New York, often \$5,000-\$7,500 per attorney), hourly fees, and countless sums spent on motions, wrangling and delay. Better still, mediation can be a much faster process, often enabling you to resolve your divorce in four-twelve sessions. Compare this to litigated cases in New York, which commonly stretch out over a matter of not just months, but years.