

Time for a Divorce? Divorce Mediation is the Best Choice. See why it is Successful ...

Divorce mediation is recommended because it is quicker, cheaper and a more flexible process. It is highly encouraged if there are children involved. Divorce mediation protects the children from being dragged through a long, contentious process. Mediation is a non-binding process, that can be terminated by either party at any point during the process. The mediator helps facilitate the parties coming to agreement on important terms.

In order for mediation to be successful, both parties have to want (or at least be willing) to be part of the process. There cannot be an imbalance of power. Both parties must be able and willing to speak up and participate.

In our mediation sessions, when there are children involved, the first point for discussion is the parenting plan. I have found that if the parties cannot first come to terms on the issues relating to the children, then the mediation often isn't successful. In discussing the parenting plan, we discuss who has custody, where the children will live, can the parties relocate, how time is shared on holidays and vacations, what happens if schools close for remote learning, etc.

During the mediation we will discuss distribution of all assets and liabilities, including what kind of debts do the parties have? Who is responsible? Who will pay them going forward?

We will discuss maintenance (formerly referred to as alimony), child support and add-on expenses. The parties will discuss the formulas associated with calculating these amounts and decide if they want to negotiate and modify these amounts.

Other matters discussed include without limitation: distribution of money in bank accounts, stocks, bonds, bonuses, deferred comp., etc. There is discussion about health insurance – who has it and who will be responsible for maintaining it going forward. There is discussion about real estate and how any equity may be distributed. We also discuss distribution of retirement monies, i.e. pensions, 401K, 403b, etc. and life insurance – whether the parties have it or need to get it, as well as what happens should one or both of the parents pass away.

The mediation process ends when the parties come to agreement on all open issues. An agreement is prepared and the parties sign this agreement in front of a notary public. The parties are encouraged to have the agreement reviewed by their own attorneys so that they understand what they are legally entitled to and what they may be giving up. Signing the agreement, does **not** mean that the parties are divorced. The agreement is a contract that is enforceable in court. The agreement must be submitted to the Court (along with approximately 10-15 other documents as part of an uncontested divorce) for Court approval to obtain a divorce.

If you are considering the mediation process and want to see if you are a good candidate for this process, [click here](#) to see if mediation is the right option for you.

Presently many divorce mediation sessions are being done

virtually. For more information about a virtual divorce mediation, [click here](#).

If you are interested in moving forward with mediation, check out the checklists we have prepared at www.donathlaw.com. These checklists will help you prepare for your mediation and provide some insight on the documents you need to gather to be prepared for your mediation.

For more information, contact Sheree Donath at sheree@donathlaw.com or at 516-804-0274 or by [clicking here](#).

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