THE MEDIATION CENTER

ABOUT DIVORCE/SEPARATION MEDIATION

So you're considering separating…or perhaps you already have. It's rare for both spouses to come to a decision to separate or divorce at exactly the same time. However, once one of you is convinced of the rightness of that decision – or accepts its inevitability – it is not only wise but necessary to proceed with the business of having your separation/divorce legalized.

Many people rush headlong into the adversarial arena of litigation, each hiring separate attorneys to advocate for them the many difficult decisions that they face. Often, conflicts are escalated as each party tries to "win" a better deal at the expense of his or her former partner. ***BUT THERE IS A BETTER WAY.***

Mediation is a cooperative process in which you and your spouse will work with a neutral third party, a mediator, to come to your own agreement on all issues that must be decided. These may include child custody, parenting schedules, equitable distribution of assets, awards of spousal maintenance and child support, and others.

When compared to the traditional litigated separation/divorce process, mediation is:

• ***Less expensive*** **--** The cost of a mediated separation or divorce is estimated to be 25-40 percent of the cost of an adversarial separation or divorce.

• ***Less time-consuming*** **--** A typical mediated separation or divorce can be accomplished in four to eight weeks. The mediation process proceeds at the pace you set.

• ***Less emotionally difficult*** **--** Rather than working against each other, you and your spouse will be working cooperatively toward an agreement that is equitable to both of you. This will preserve your ability to work together in the future as parenting partners if you have children, and reduce the residual resentment and anger that usually accompany the win-lose litigation process.

• ***More dignified*** **--** Mediation strives to protect the self-esteem and the dignity of all parties. Rather than looking back to assign blame, mediation looks to the future and enables both of you to begin your new lives in full control of the outcome.

At the conclusion of the mediation process, you will have a full and complete Memorandum of Understanding (MoU) ready to be reviewed and filed by an attorney.

The Mediation Center, Inc.
95 Allen's Creek Road, Rochester, NY 14618 Office: (585) 244-2444 Cell: (585) 269-8140
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THE MEDIATION PROCESS FOR SEPARATION/DIVORCE

General Process

- Initial intake – Lasts about an hour. Informational/Educational, process options ($50)
- Divorce/Separation Mediation is generally, 3-4 sessions, 1 ½ - 2 hours each (can be more or less depending on individual circumstances)

Three main areas to resolve for Divorce and Separation Mediation:

Parenting: (if you have Children together)
Legal custody, physical residency, weekly schedule, holidays, vacations

Division of property: Assets and liabilities
NYS requires you disclose all facts
(income from all sources, assets including; real estate, businesses, retirement, etc. and all debt; mortgages, student loans, co-signed loans, personal loans, credit cards, etc.)
NYS standard is Equitable (many couples trade off assets/liabilities)
Tax implications

Support:
Child (NYS Child Support Standards)
Spousal (Temporary and Post-Divorce)

- Writing of Memorandum of Understanding, MoU, billed between 3-4 hours. NYS requires an agreement in writing for a separation or divorce.
- Review of MoU or other agreement- approximately 1 hour
- MoU is given to each party for review by their respective attorneys or scribe. The attorneys' then work together to complete the filings with the court.

Payment requirements

- Payment is per session. Payment is due at the end of each session. Session cost is on a sliding scale based on the parties combined income.

Communication/ Neutrality

- Communication must be known to all parties to maintain neutrality. Emails will be copied to all parties involved.
- Substantially fair agreements
- Confidentiality
- Informed choices and decision making

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