



ABOUT: MEDIATION FOR SEPARATION OR DIVORCE

You're considering separation or perhaps you are already living apart. 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 sure of the decision to end the marriage – or accepts its inevitability – it is not only wise but necessary to proceed with the business of having your separation/divorce legalized. This protects both of you and helps you plan a new future. If you have children, you can focus on the new future for your family.

Many people rush too quickly into the adversarial arena of litigation, each hiring separate attorneys to advocate/fight for them through the difficult decisions that they face. Often, conflicts are escalated as each party tries to “win” a better deal at the expense of their former partner. Decisions in a court-based process are made by attorneys and judges, without you even being in the room much of the time;

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. All the same decisions need to be made in mediation as in a court-based process. These will include parenting schedules (if you have children), equitable distribution of assets/liabilities, cash flow, decisions on spousal maintenance, child support for those with children and more, depending on your circumstances.

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 three to six months. 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 for 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. Mediation focuses on win-win scenarios.

At the conclusion of a successful mediation process, you will have a written agreement ready to be reviewed by you, supporting professionals (lawyers, financials, etc.).

The Mediation Center, Inc.

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THE MEDIATION PROCESS

General Process

- Initial intake – Lasts about an hour. Informational, no commitment to proceed
- Divorce/Separation Mediation is generally, 3-4 sessions, 1 – 1.5 hours each (can be more or less depending on individual circumstances)
- Written agreement for review

Three main areas to resolve for Separation/Divorce Mediation:

Parenting: (if you have Children)

Legal custody, physical residency, weekly schedule, holidays, vacations

Division of marital property: Assets and liabilities

NYS requires you disclose all financial facts; Completion of a statement of net worth (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 (NYS Guidelines)

- Writing of a draft agreement, billed between 2-4 hours, depending on complexity. NYS requires an agreement in writing for a separation/divorce.
- Review and approval of draft agreement
- Final draft agreement review by an attorney of your choosing is recommended and encouraged prior to signing and filing.

Payment structure

- Payment is per session; no expensive retainers taken. Payment is due at the end of each session. Session cost is on a sliding scale based on the parties combined income. Payment methods: credit and debit cards, cash/apps, check; all accepted. Processing fees for card transactions and other payment apps will be applied.

Communication/ Neutrality

- Communication must be known to all parties to avoid implication of non-impartiality
- Substantively fair agreements
- Confidentiality
- Self determination
- Informed choices and decision making

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