

FREQUENTLY ASKED QUESTIONS: MEDIATION

QUESTIONS	ANSWERS
What is mediation?	Mediation is a voluntary problem-solving process in which a neutral professional helps people in conflict clearly define the issues in dispute and reach agreements that are in the best interests of them and their families. Mediators help participants resolve misunderstandings and communicate more clearly with each other by focusing on interests and needs. Mediation can include other professionals as needed and agreed.
How does mediation work?	The couples meet together with the mediator, a person who is trained to help parties cooperatively resolve problems. The mediator guides the communication process so that everyone has a chance to be heard. Issues are discussed one at a time and a variety of solutions are explored to help reach the best possible agreement. The final agreement is always up to the parties. Parties may choose to include other supporting professionals such as financial experts, attorneys or therapists.
What types of disputes can be resolved in mediation?	Mediation can help resolve relationship and marital conflict between partners and other types of family disagreements; including all decisions for a separation or divorce. Mediation is often very helpful for couples experiencing conflict during and after a separation or divorce, especially when children are involved. A mediator can help parents understand the needs of children and make decisions that are in their children's best interests. Mediation can help people work out solutions for the day-to-day care of children, division of property, and financial arrangements. Communication skills established during mediation often help with future planning and can establish a foundation for cooperative relationships following separation and divorce.
Can mediation help us get back together?	Mediation is not couples counseling. Feelings about the marriage and the decision to separate or divorce may be discussed, however, the focus of mediation is to find solutions and reach agreements so that family members may better adjust to the separation or divorce and resolve future issues as a family. If there are any doubts about the separation or divorce, you should talk with your spouse about couples/marriage counseling.
Do we both have to participate?	Yes. Mediation is a joint, cooperative problem-solving process, both spouses must voluntarily choose to participate and have a voice. Participants may not feel friendly toward one another but should be willing to work together to find solutions that will meet the needs of everyone involved, especially if you have children together.

FREQUENTLY ASKED QUESTIONS: MEDIATION

QUESTIONS	ANSWERS
Are children involved in the mediation process?	Normally children are not involved in the mediation process. Child specialists, such as therapists may be consulted to bring the voice of the child(ren) into the room. It is important that the needs of the child(ren) be met and their ages considered in any parenting plan created.
Do I need an attorney?	Each party in mediation should have the opportunity for their agreement to be reviewed by an attorney of their choice. Mediation is not a substitute for independent legal advice. Lawyers can help their clients understand the law, make informed agreements, draft/review the final agreement, and complete the legal divorce process. The mediator focuses on helping participants reach their own agreements and does not represent either party.
Are mediation agreements legally binding?	A mediation agreement may be drafted by mediators and the parties as an informal working agreement or filed with the court as a legal contract. When an agreement is incorporated into a court order or divorce decree it is subject to the approval of a judge. Any change to an agreement previously approved by a judge must be filed with the court in order to be legally recognized.
What if we cannot work it out?	The mediation process may not resolve all issues, but even partial agreements can help participants narrow the issues and limit the time and expense of going to court. Sometimes it is helpful to suspend mediation and participate in individual or couple counseling, or consult with your attorney. Parties are then often able to return to mediation and resolve the remaining issues. Issues that cannot be resolved in mediation can be finished up within another process such as collaborative practice.
How much does mediation cost?	Mediators in private practice charge an hourly fee, which is typically shared by the parties. Mediation is often less costly, both emotionally and financially than court-based processes.
Are there times when mediation is not a good idea?	Mediation works best when both parties can fully express their needs and interests and are capable of following through on any agreements that they reach. Mediation may be more difficult, but not impossible, if there are concerns about domestic violence, child abuse, mental illness, or abuse of drugs or alcohol.