

5 Questions to Ask a Prospective Divorce Mediator

Going through a divorce is never easy; however, a contentious courtroom divorce can be particularly hard on you and your family. If you and your spouse are open to working together to reach an agreement out of court, mediation may provide a simpler, less stressful, and more affordable option for dissolving your marriage.

A divorce mediator is a neutral third party who can help couples develop an amicable divorce agreement and avoid a traditional, litigious divorce. Thusly, divorce mediation is typically not only quicker and simpler than traditional divorce proceedings, as you do not have to wait for a court date and deal with lengthy court proceedings, but it also gives you more control. Rather than allowing a judge to make decisions for you, you and your spouse can work together to agree on terms for your divorce that work best for you.

If you and your spouse decide that you want to try divorce mediation, it's important that you find the right mediator who will meet you and your spouse's needs. The fact is that different mediators have different training and mediation styles, which makes it important that you talk to multiple mediators to ensure you choose a mediator that is a good fit. To help you make this important decision, take a look at these five questions you should ask before choosing a divorce mediator.

What Are Your Qualifications?

As you start talking to potential mediators, it's critical that you ask them about their experience, education, and training. The fact is that, depending on your jurisdiction, there may not be formal education and training requirements in order to become a divorce mediator. This makes it essential that you take the time to ask about a prospective mediator's qualifications and experience to make sure that they are a good fit.

A good mediator should not only have experience with conflict resolution, but they will need ample knowledge of divorce law and how it affects the mediation process. Ideally, you should choose a mediator who has a background in divorce law, such as a mediator who used to be a divorce attorney. Without the right knowledge and experience, a mediator may not be able to effectively help you settle your divorce quickly and amicably.

How Much Does Mediation Cost?

More often than not, mediation is a more affordable option than a drawn-out court battle. However, it's still important that you ask a prospective mediator how much their services will cost. Every mediator bills differently, and they may charge per session, hourly, or a flat rate for their services. Before you sign with a mediator, make sure that you get their charges in writing

and find out exactly what the quoted fee includes. For instance, does the quote include the mediator's preparation time? A reputable mediator will be upfront about their prices and will be more than willing to take the time to ensure that you understand how their billing works. The last thing that you want to do is to start working with a mediator without knowing what kind of fees you can expect to pay at the end of each session.

Do Your Services Include the Preparation and Filing of Court Documents?

Lengthy paperwork is often one of the most complicated aspects of filing for divorce. Preparing and filing proper documentation for the divorce can be a headache if you do not have a divorce attorney. Fortunately, your mediator may be able to process your divorce on your behalf. It's then essential that you ask a prospective mediator whether their services include filing divorce paperwork. Mediators who are also attorneys can process divorces, and finding a mediator that offers these services assures continuity, and it can also save you time and money in the long run. If you choose a mediator who cannot file court documents, you should consider hiring an attorney who can do so on your behalf, as this will ensure everything is handled properly.

How Would You Handle Potential Conflict?

Going through a divorce can be complicated and emotional even under the best circumstances. Even if you and your spouse are amicable, the reality is that there is likely to be conflict at some point during your divorce negotiations, particularly if you have substantial assets or you have children and will be trying to negotiate child custody.

You should then make a point of asking how a prospective mediator plans to handle conflict should it arise. An experienced mediator will have strategies to defuse tensions and help couples come to a mutually beneficial agreement, and they should be able to describe their conflict resolution style to you. Hearing how a mediator plans to diffuse potential conflicts can tell you more about their experience and mediation style, helping you to decide if they are a good fit.

Can My Attorney Be Present During Our Sessions?

While working with a mediator means that you don't necessarily need an attorney, it's usually recommended that you consult an attorney at some point during mediation. This is because the mediator does not represent either party and cannot provide you with legal advice. At the very least, you will want to hire an attorney to review the final settlement agreement before you sign it, as this can help ensure that your rights are looked after.

If you decide to hire an attorney to help you understand your rights and negotiate a settlement on your behalf, you may wonder if your attorney can be present during mediation sessions. Ultimately, each mediator has the right to decide whether or not attorneys can be present in sessions. Some mediators discourage bringing attorneys, as they believe that mediation is meant to be a time for couples to work together to reach a resolution without the tension that attorneys can bring. However, some mediators do allow attorneys to sit in, and if you would feel more comfortable being accompanied by your attorney, you should ask prospective mediators if this is something they allow, as this could influence your decision.

Choosing a divorce mediator can be an overwhelming prospect; however, taking the time to find the right mediator to suit your needs can help ensure that this process goes as smoothly as possible. Feel free to contact us to learn more about the divorce mediation process as well as to schedule a consultation with one of our experienced divorce mediators.