



## **FREQUENTLY ASKED QUESTIONS**

**Presented by:**

**C.E.L. & Associates, Inc.**

### **What Is Mediation?**

Mediation is an efficient and inexpensive process designed to help people reach the best agreements for them when separating, divorcing, having family disputes, problems at work, complaints with landlords or tenants, and issues with neighbors. A trained professional mediator assists you in obtaining the information you need to resolve these conflicts and to focus on the issues that must be resolved in order to work them out as amicably as possible. Mediation will help you to work through your problems without the need to go to court and have someone else decide the outcome of your disputes.

### **What Training Is Needed to Become a Mediator?**

Most divorce and family mediators have completed a basic (30-40 hour) divorce and family mediation training course. Many mediators apprentice with other mediators or obtain supervision of other mediators for a time after they complete their basic training. In addition, mediators generally pursue additional training in the substantive issues of separation and divorce. Also, many mediators bring years of relevant professional experience to their mediation practice.

### **Is a Mediated Agreement Binding?**

If you are involved in a divorce or another family issue that is filed with the court, any agreement you reach in mediation may be filed with the court. You should speak with your lawyer about how this works and what your options are. The court generally reviews the agreement to assure that it conforms to the standards that have been established, such as the child support guidelines and, where it doesn't, what special circumstances exist.

### **Is Mediation Confidential?**

Mediation is a private process, not open to the public. You will be asked to sign a confidentiality agreement before beginning mediation. The mediator is bound by law to keep confidential what is discussed in mediation.

### **If I Use Mediation, Will I Need to Go to Court?**

If you are using mediation in order to obtain a divorce, you will have to file in court for your divorce. However, if you are able to reach a mutually agreeable resolution to all the property, financial, custody, parenting, and other issues that you are attempting to resolve, and the court accepts your settlement, it is unlikely that you will have to make many court appearances. Generally, the more you do outside of the court to decide how you want to handle your divorce, the better.

### **Will I Need a Lawyer in Order to Use Mediation?**

In divorce cases, mediators will recommend that each spouse be represented by his and her own attorney. However, by using mediation, it is likely that you will use fewer legal services and that those you use will be different than if you did not use mediation. Your lawyer will provide you with guidelines and legal counsel and can draft documents for filing with the court. Even when the mediator is a lawyer, the mediator is not acting as a lawyer and cannot represent either person in the divorce.

### **What Should I Know About a Mediator Before Choosing One?**

You should approach hiring a mediator just like you would any other professional, such as a physician, lawyer, or accountant.

Generally, you should obtain the following information:

- Training, experience, and background of the mediator
- Experience or knowledge in mediating the type of issues you have
- Fees charged and how fees are divided among the parties to the mediation
- Professional Memberships

*Most important is whether you are comfortable with the mediator's style and approach to the process.*

### **How Long Will Mediation Take?**

Because each and every mediation is unique, it is hard to predict exactly how long your mediation will last. In general, full divorces, including custody issues, division of property and assets, takes between three and eight sessions. With all other mediations at C.E.L. and Associates, Inc., the number of sessions depends on the issues that need to be resolved and how the parties respond to the mediation itself. In addition, the mediator will take time to prepare the Memorandum of Understanding, outlining all of the agreements that you have reached through the mediation process. Mediation is voluntary and any party, including the mediator, may end it at any time.

### **How Long Are the Sessions?**

Generally, mediation sessions are scheduled to last from 1 1/2 hours to 2 hours, depending on the couple's needs and available time. Some couples prefer longer sessions while others find that shorter sessions are more productive.

### **Will We Meet Weekly With the Mediator?**

During the free initial consultation, you will identify the issues that need to be decided in order to separate or divorce. What these issues are, how urgent the decisions are, and how quickly you wish to proceed will determine on what schedule you meet with the mediator.

### **How Much Will Mediation Cost?**

Your mediation costs will be based on an hourly fee and initial retainer. These fees will be charged for all mediation sessions (except the initial consultation), time spent on reviewing and drafting documents, telephone consultations, e-mails, and consultations by the mediator with your attorneys or other advisors

in the process. The cost of mediation is generally significantly less than if you each hired lawyers to represent you in your divorce without using mediation.

Assuming that you meet with a mediator five times for two hours each time, the cost of mediation is \$150 per hour, with the \$400 retainer, it would be a grand total of \$1900, which is generally split between you and your spouse.

### **Who is Present at the Mediation Session?**

You and your spouse will both be present at the mediation session. On occasion, the mediator may wish to speak with each of you privately (and confidentially).

### **What Information Must I Disclose to My Spouse and to the Mediator?**

All financial information must be disclosed and verified as part of the mediation process. The mediator will work with you to determine your income, expenses, assets, liabilities, retirement funds and other financial information that is required as part of a legal divorce. Should information be withheld during the mediation process, any agreement reached may not be valid.

### **What is Discussed During Mediation?**

In typical divorce mediation, the following issues must be addressed in order to generate an agreement that may be submitted with the court:

- Children: Parenting responsibilities and time; living arrangements; legal and physical custody; insurance, education, support and many other issues
- Assets and Debts: How these will be apportioned
- Property: Marital home, cars, other personal property
- Spousal Support: Whether there will spousal support, in what amount and for how long
- Insurance and Medical Expenses
- Tax Issues

However, with all other mediation services offered at C.E.L. and Associates, Inc., what is discussed depends on the problem or problems that are brought to the mediator.