

MEDIATION: FREQUENTLY ASKED QUESTIONS

1. What is family law mediation?

Mediation is a non-adversarial (i.e., “out-of-court”) process in which a family law attorney assumes the role of a mediator to facilitate the parties in reaching acceptable agreements regarding family law issues, such as divorce, legal separation, child custody, property division, child support and spousal support.

2. Since the mediator is an attorney, does the attorney “represent” me?

The mediator is not acting as your attorney. The mediator is neutral to the mediation process and impartial to the outcome.

3. What kind of help can a mediator provide?

The type of help a mediator provides can primarily be broken up into two (2) categories: *procedural* assistance and *substantive* assistance. *Procedural* assistance includes ensuring that the correct documents are filed with the court and that documents are completed correctly. *Substantive* assistance includes facilitating agreements regarding the relevant family law issues, such as child custody, property division, child support and spousal support.

4. Why would someone want to use mediation instead of going to court?

Some of the possible benefits of mediation are:

- To control the outcome of the case by the parties reaching their own agreements—not what a judge decides—on all issues, including child custody and a parenting plan;
- To have confidential discussions (court proceedings are typically open to the public);
- To reduce the economic and emotional costs associated with family law disputes.

5. Can I still have my own attorney assist me throughout the mediation process?

Yes. Either party at any time may hire a “consulting attorney.” A consulting attorney does not become your “attorney of record” and a consulting attorney is typically not present during mediation sessions. Instead, a consulting attorney is available to answer questions you may have throughout the process and/or to review your final agreement before you sign it. Ginter Family Law strongly recommends that both parties hire a consulting attorney.

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