

Mediation Overview

Each mediated divorce is unique, just as your family is, and thus, a summary of the mediated divorce process may not address all your questions and concerns. However, I hope that I am able to do so during our mediation session(s). Some parties who are mediating a divorce have attorneys who are representing their interest, some are handling the divorce on their own, while others are using a limited scope attorney to assist them with the court filings but are looking to mediation to resolve all matters relating to the divorce. However you choose to proceed, I am happy to facilitate your mediated agreements relating to the divorce. Here is a simple overview of the mediation process:

Intake:

- Paralegal Taylor Legler will complete the intake and scheduling of your mediation. Taylor can be reached at 402-477-0230, Ext. #2 on Monday through Friday, from 9:00 a.m. to 4:00 p.m. or at taylor@mkhansenlaw.com.
- Taylor will answer your general questions regarding mediation and schedule your DIPA (Domestic Intimate Partners Abuse) screening (which is required in mediations involving children) and mediation session.

DIPA screening:

- State law mandates that all parties who are mediating issues regarding their children must each be individually screened to determine if there are any domestic abuse concerns, and if so, what safety measures/protocols should be put in place.
- This screening will take place prior to the first session and can be done in person or by phone. The screening usually takes about 15 minutes and is done at no charge (see Mediation Agreement for more details).

Educational mediation session:

- The first session will be scheduled for one hour. At the meeting, Mary Kay will provide you with an overview of the matters to be addressed in mediating a Parenting Plan (custody and parenting time), Financial Plan (support) for the child/children, and a Property Settlement Agreement (division of debts and assets, alimony).
- Mary Kay will discuss with you what information you will need for the next session.
- You will develop a plan of action based on your individual situation and determine in what order the issues will be mediated. If you have children, the law requires that all parents mediate a Parenting Plan for their children prior to bringing those matters before the court for resolution. Please review the Nebraska Parenting Act brochure for parenting related issues. As attempting to mediate a Parenting Plan is mandatory, this is usually the first issue addressed in mediation.

Working mediation session:

- The second mediation session will be a working session. It will be scheduled for three hours. It may not take that long, but we do not want you to feel rushed. You will be billed only for the time used.
- You will follow the plan of action developed at the first session. We will be meeting jointly or in separate rooms, whatever works best for your situation. If you mediate in separate rooms, Mary Kay will shuttle between the rooms with proposals, responses, and options. If the mediation is done in the same room Mary Kay will facilitate your discussion on the matters. We will discuss the legal requirements of the various documents and discuss options on how to resolve matters. For example, when working on the Parenting Plan, we will discuss various custody and parenting options. Mary Kay will assist you in resolving those issues in a way that is mutually satisfactory and in the best interest of your child(ren). When working on the Financial Plan, Mary Kay will

explain how child support is determined and what is considered in setting support. Topics such as tax exemptions, who will insure the children, how the child care costs will be handled, etc., will be discussed and resolved. The Property Settlement Agreement will address all other financial issues such as the division of debts and assets, commonly called Equitable Distribution. For example, what will happen to investment and retirement accounts, whether the marital home will be sold or awarded to one of the parties, or the division of a family business. Family finances can be complex so what is discussed varies from family to family. The issue of alimony will also be discussed. Alimony is not automatic or determined by a set formula as there are many variables to be considered.

- Additional mediation sessions can be scheduled as needed. How many sessions there will be and the amount of time between the sessions is dependent upon the complexity of the legal issues, good faith efforts to resolve differences, whether additional information or documentation is needed from third parties (ie. asset appraisal, benefit information, tax information, etc.), and other relevant factors. We will continue to meet and work on your mediation as needed and agreed upon. Remember, you are in control of your mediation.

Mediation documents:

- Division of the marital debts and assets and addressing alimony is done in a Property Settlement Agreement. If there are no minor children of the marriage, this is the only document that is typically prepared as a result of your mediation.
- If there are minor children involved, a Parenting Plan and Financial Plan will be prepared as well.
- As each of these issues is mediated, Mary Kay will draft a proposed agreement based on matters resolved in mediation.
- It is possible to resolve many matters in mediation, but still have outstanding issues to be submitted to the judge for consideration at trial.
- These documents can take time to draft and will be sent to the parties by email or mail approximately one to two weeks after the mediation session.
- You may choose to review the drafts together at a working mediation session or outside of a mediation session.
- You will have the opportunity to review the documents and, of course, have your attorney review them, as you deem appropriate.
- You are not bound by agreements made in mediation until the agreements are drafted into the appropriate documents, signed by each of the parties, and approved by the judge.
- Mary Kay encourages parties to obtain legal counsel, guidance, and advice.

Post mediation:

- Depending on whether you are representing yourself with no attorney (Pro Se) or have an attorney, final copies of the mediation documents will be provided to you and/or your attorney.
- It will then be your or your attorney's responsibility to process your mediated agreements through the court system, as state law does not allow a mediator to serve as an attorney as well as the mediator.

Timeline for the divorce process:

- There are specific timelines applicable for filing a dissolution preceding the court system. For a summary of the timeline, see page 5 of the Nebraska Parenting Act brochure.
- Other information regarding divorce, Pro Se representation, a list of limited scope attorneys, etc., can be found on our resource page at www.mkhansenlaw.com.