



## **Divorce 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. However, I hope that I am able to do so during our mediation session(s).

### **Intake**

- Paralegal Taylor Legler will answer your general questions regarding mediation and fees as well complete an intake and scheduling. Taylor can be reached at 402-477-0230, Ext. #2 or at [taylor@mkhansenlaw.com](mailto:taylor@mkhansenlaw.com).

### **Individual Private Screening (IPS)**

- All parties who are mediating issues regarding their children must individually meet with the mediator to determine the appropriate format for mediation and determine if any additional safety measures need to be put in place. This meeting is required by law.

- This meeting will take place prior to the first session and can be done in person or by phone. Mary Kay will meet with each of you for up to thirty (30) minutes at no charge to you. (See our *Agreement to Mediate* for more details).

### **Educational Session**

- At this informational session, Mary Kay will provide you with an overview of the matters to be addressed in mediating a Parenting Plan (custody and parenting schedule), Financial Plan (support for the child(ren)), and/or Property Settlement Agreement (division of debts and assets, alimony).

- You may arrange this session to see if mediation is a good fit for you, without entering into an *Agreement to Mediate*.

- This session usually takes an hour or more and is billed at a flat rate of \$250.00.

- Mary Kay will discuss with you what information you may need to gather or steps you may choose to take, prior to your working session.

- You will develop a plan of action based on your individual needs and determine in what order the issues will be mediated. As attempting to mediate a Parenting Plan is required by law, this is typically the first matter addressed in mediation, if applicable.

## **Working Session**

- The working session is typically scheduled for three (3) 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, but note there is time committed to your mediation in addition to session time (See *Agreement to Mediate*).

- We may 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. In the same room, Mary Kay will facilitate your discussion and assist in problem solving. You will discuss the legal requirements of the various agreements and options to consider. By way of example:

- **Parenting Plan:** Legal and/or physical custody and parenting options may be discussed.
- **Financial Plan:** The child support calculation will be discussed as well as topics such as child tax credit, who will insure the child(ren), which and how child related expenses are handled, etc.
- **Property Settlement Agreement:** Financial issues such as the division of debts and assets, commonly called Equitable Distribution, and alimony will be discussed. Questions, such as, “What will happen to investment and retirement accounts?” “Will the marital home be sold or awarded to one of the parties?” and “What will be done with the family business?” will be addressed. Family finances range from simple to complex, so what is discussed varies.

- How many sessions there will be and the amount of time between the session is dependent upon the complexity of the legal issues, good faith efforts to resolve differences, and whether additional information is needed, such as an appraisal, benefit information, tax returns, etc. You will continue to meet and work on your mediation as needed and agreed upon. This is your mediation and you decide how to proceed.

## **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 may be the only document prepared.

- If there are minor children involved, a Parenting Plan and Financial Plan will be prepared.

- It is possible to resolve some matters in mediation, but still have issues to be resolved by attorneys or submitted to the judge at trial.

- These documents are custom designed based on your discussion and take time to draft. A draft will be sent to you by e-mail approximately one (1) week after the mediation session.

- You may choose to review the drafts together at a mediation session or on your own. We recommend you have an attorney review the documents as well.

- You are not bound by proposed agreements made in mediation until the documents have been reviewed, signed by each of the parties, and approved by the judge..

- Mary Kay encourages parties to obtain legal, and financial, guidance and advice.

### **Post Mediation**

- Depending on whether you are representing yourself (Pro Se) or have an attorney, final copies of the mediation documents will be provided to you and/or your attorney.

- It is your, or your attorney's, responsibility to process your mediated agreements through the court system, as Mary Kay serves as a mediator and not your attorney.

- If you are Pro Se, Mary Kay will discuss what other assistance you may need with Court documents and what help is available, such as self-help service or limited scope attorneys.

### **Timeline for the Divorce Process**

- There are specific timelines applicable for filing a dissolution proceeding. For a summary of the timeline, see page 5 of the Nebraska Parenting Act brochure. This brochure and information regarding divorce, Pro-Se self-help guides with legal forms, a list of limited scope attorneys, *Agreement to Mediate*, etc., can be found on our mediation resource page at [www.mkhansenaw.com](http://www.mkhansenaw.com)