

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 and concerns. However, I hope that I am able to do so during our mediation session(s). Parties who are mediating a divorce may have attorneys who are representing their interest, or using a limited scope attorney to assist them with the court filings and others are handling all matters on their own. 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:

- Legal Assistant Tawny Anderson will complete the intake and scheduling of your mediation. Tawny can be reached at 402-477-0230, Ext. #5 on weekdays, from 9:00 a.m. to 4:00 p.m. or at tawny@mkhansenlaw.com.
- Tawny will answer your general questions, schedule your IPS and mediation session(s)

Individual Private Session (IPS):

- All parties who are mediating issues regarding their children must meet individually with the mediator, prior to the first session.

Educational mediation session:

- This session is 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 Property Settlement Agreement (division of debts and assets, alimony).
- Mary Kay will discuss with you what information you will need for the working session.
- You will develop a plan of action based on your situation. The law requires that all parents attempt to mediate a Parenting Plan for their children prior to bringing those matters before the court for resolution. As Parenting Plan mediation is mandatory, this is usually the first issue addressed in mediation.

Working mediation session:

- This 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 Educational session, and you 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. If the mediation is in the same room, Mary Kay will facilitate your discussion on matters; such as the legal requirements of the various documents and options on how to resolve matters. For example, when working on the Parenting Plan, you will discuss various custody and parenting options. Mary Kay will assist you in an attempt to resolve 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, will the marital home be sold or awarded to one of the parties, and who will pay which debts. Family finances can be complex so what is discussed varies from family to family. The issue of alimony will also be addressed. Alimony is not automatic as there are many variables to be considered.

- Additional sessions may be 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. You 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 discussed 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.
- Documents can take time to draft and will be sent to the parties by email or mail within approximately two weeks after the mediation session.
- You will have the opportunity to review the documents and, of course, have your attorney or others, review them as you deem appropriate.
- You are not bound by agreed upon proposals until they are drafted into the appropriate documents, reviewed, and signed by each of the parties.
- Mary Kay encourages parties to obtain legal and financial counsel, 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.
- Your or your attorney's will process your mediated agreements through the court system, as state law does not allow your mediator to serve as your attorney.

Timeline for the divorce process:

- There are specific timelines applicable for filing a dissolution preceding the court system. For a summary of the timeline, the Nebraska Parenting Act brochure. <https://supremecourt.nebraska.gov/sites/default/files/PAinfo.pdf>
- Information regarding divorce, Pro Se representation, a list of limited scope attorneys, and more, can be found on our resource page at <https://mkhansenlaw.com/mediation/>, and <https://www.nefindalawyer.com/>.