

## **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). Some parties who are mediating a divorce have attorneys who are representing their interests and some are handling the divorce on their own. However you choose to proceed, I am happy to assist you. Here is a simple overview of the mediation process:

### **Intake:**

- Legal Assistant Tawny Anderson will complete the intake, schedule your IPS (Individual Private Session), which is required in mediations involving children; and schedule your mediation.
- Tawny will answer your general questions regarding mediation. She can be reached at 402-477-0230, Ext. #5 or at [tawny@mkhansenlaw.com](mailto:tawny@mkhansenlaw.com).

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

- State law mandates that all parties who are mediating issues regarding their children 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 can be done in person or by phone prior to the first session and usually takes about 15 minutes. There is no charge for the screening (see Mediation Agreement for more details).

### **Educational mediation session:**

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

### **Working mediation session:**

- This working session 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.
- We will be meeting jointly or in separate rooms, whatever works best for your situation. If you mediate in separate rooms, I will shuttle between the rooms with proposals, responses, and options. If the mediation is done in the same room, I 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. I 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, I 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 childcare 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, what will be done with business or rental properties. 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. The number of sessions and the amount of time between sessions is dependent upon the complexity of the legal issues, good faith efforts to resolve differences, additional information or documentation that is needed from third parties (i.e., asset appraisal, benefit information, tax information, etc.), and other 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:**

- A Parenting Plan and Financial Plan will be prepared as there are minor children.
- A Property Settlement Agreement divides the marital debts and assets.
- Proposed agreements and related documents will be drafted based on matters resolved in mediation.
- Documents will be sent to the parties by email or mail approximately two weeks after the mediation session.
- You may choose to review the drafts together at a mediation session or outside of a mediation session. You may have an attorney review them as you deem appropriate.
- You are not bound by proposed agreements made in mediation until the agreements are drafted into the appropriate documents, signed by each of the parties, and approved by a judge.
- I encourage you to obtain legal and financial counsel, guidance, and advice as needed.

#### **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 will then be your, or your attorney's, responsibility to process your mediated agreements through the court system.

#### **Timeline for the divorce process:**

- There are specific timelines applicable for a dissolution proceeding in the court system. For a summary of the timeline, see page 5 of the Nebraska Parenting Act brochure. (<https://supremecourt.nebraska.gov/sites/default/files/PAinfo.pdf>)