

# Is Mediation Right For You?

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The War of the Roses, Kramer v. Kramer, The First Wives Clubs – all of these movies look at divorce and portray it as a vitriolic process in which people try to hurt one another. However, sometimes marriages just end. Sometimes, there is no animosity, there is no rancor, it just is over. In those instances, mediation may be a better alternative for you to going through the whole divorce process.

Mediation is another way to settle disputes, including issues relating to alimony, child support, equitable distribution and custody. In New Jersey, it has become an integral part of the court process for anyone going through divorce and so, it is important if you are thinking about divorce to understand what the process is and who is involved.

First, the goal for mediation is for the parties to agree on issues. The mediator does not advocate for you or your spouse and does not give legal advice to either of you. Therefore, if there is an unequal power balance in your relationship or if you have no information about finances and your spouse has it

all, mediation, outside the presence of your lawyer, could result in an agreement which is unfair to one side or the other.

Having said that, mediation is an effective way to reach a resolution of disputes outside the court system, thus saving money and time for everyone involved. However, mediation will only be as effective as the willingness of the two of you are truthful and forthcoming with complete financial information and are willing to compromise and resolve issues. If your spouse wants to drag out the process because of anger or the need to control you, mediation will fail and be a waste of time and money.

Parties can mediate outside the court litigation process with or without their attorneys. You can choose your own mediator and can set parameters with the mediator as to what they want him or her to accomplish. Mediators will ask you to sign retainer agreements which set out their duties. This agreement would be read carefully so that everyone understands the complete scope and limitations of the mediator's role. Mediation is expected to be confidential and thus, anything said or done in mediation cannot be revealed in court proceedings unless you agree that certain information can be revealed. The underlying rationale is that parties would never float proposals for settlement if he or she knew that whatever was said could be held against him or her later in court.

If you reach an agreement in mediation, it is wise for you to sign and date an outline of the agreements reached. This precludes you or your spouse from reneging on the agreement at a future point in time.

If you can get along with your potential ex through the process, mediation may just be an alternative to consider.

- See more at: [/familylawblog/2012/04/17/is-mediation-right-for-you/#sthash.tbAj3xFr.dpuf](http://familylawblog/2012/04/17/is-mediation-right-for-you/#sthash.tbAj3xFr.dpuf)