

Why Mediation Works for Families Undergoing Separation and Divorce

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What is mediation?

Mediation is a process where a third party neutral helps the individuals in conflict make their own decisions about the problems they face. The mediator sets ground rules for managing the dialogue between the couple and for open and full disclosure of all necessary information required to make decisions. In this way the less knowledgeable party is empowered. By using skilled listening and paraphrasing the mediator helps bring clarity so that each person can begin to understand the other's needs and make decisions that meet both parties' needs.

What are its advantages for families?

In a divorce there are multiple decisions that need to be made about property division and parenting. In mediation the parents get to make these important decisions. If they can't agree then a court will issue an order and a judge will make a decision. So one of the first advantages of mediation is that it is private. There is no court reporter or judge present. It is also non adversarial. The parties decide what the future will look like for their finances and their children. Another advantage is that it is faster and cheaper. Mediation costs usually range between \$2000-\$4000 while contested divorce cases can run \$30,000-\$40,000 per spouse.

Most importantly, when children are involved there is a need for some kind of ongoing relationship even when the parents are no longer together. There are multiple decisions concerning the children that have to be made as they grow up. In mediation these issues can be worked through in an open way. Children's viewpoints can be considered and factored in to the couple's decision making. Mediation can set the ground work for open communication in the future.

Are there situations where mediation is not the best alternative?

If a divorce is characterized by high conflict, acrimony and bitterness and parties see each other as arch enemies then mediation won't work because the parties can't make decisions that are in their mutual joint interests. If every issue is a fight then a judge or private arbitrator will likely be needed.

What do I need to know about hiring a mediator?

A mediator is not an advocate for either side. He or she is neutral. So the first thing a couple needs to do is choose to mediate rather than litigate their divorce. Next they must choose and agree on the mediator. Family mediators are required to have specialized training and observe experienced family mediators before they can be certified by the Maryland Courts to take cases. Many mediators have websites and may be found through a computer search. Maryland has an online mediation directory that may be found at www.mpmeonline.org. At this website you will also find a consumer guide to mediation services.

Ellen F. Kandell, Esq. has over 15 years of experience as a mediator, dispute resolution professional and is the owner of Maryland Family Mediation and Alternative Resolutions, LLC. More information is available at www.marylandfamilymediation.net or www.alternativeresolutions.net.