

Divorce and Family Law Mediation

Pro se divorces are on the rise in Florida. Pro se divorce is the process where you chose NOT to seek an Attorney representation but instead, seek the assistance of a Florida Supreme Court Certified Mediator in order to go through the entire process of divorce. In this process, the Family Mediator will speak to both parties in a neutral capacity to complete all the court documents, facilitate the settlement, and submit all the completed documents to the county court where the Petitioner resides.

Alternatively, even IF the parties are represented by Attorneys, the court will order mediation at some point of the divorce, when the two parties cannot come to an amicable agreement - this is called Court Ordered Mediation.

The most successful mediations are often the result of parties deciding that mediation is the best way to resolve outstanding issues without involving the courts.

During family law or divorce mediation, the parties work on agreeing about:

- ***Division of Assets and Debts*** — Florida law requires a fair and equitable distribution of the assets and debts acquired during the marriage. Establishing such a fair and equitable distribution is crucial in mediation.

According to Florida Statute 61.075, important considerations for a fair and equitable distribution include:

- 1. How long the marriage lasted and the contribution to the marriage made by each party. Florida law gives consideration to the care of children and services as a homemaker.*
- 2. The current financial circumstances of each party*
- 3. Did one spouse contribute to the education or career of the other spouse?*
- 4. Who will keep the marital home as a residence, and will that be for the benefit of a dependent child?*
- 5. Does one spouse want to retain a business, professional practice, or corporation intact and free from claims by the other party?*

- **Alimony** — While there are laws that govern the determination of alimony in Florida, it is essentially based on the need of one party weighed against the other party's ability to pay. Florida law allows for different types of alimony, including:
 - **Bridge-the-gap**—Intended to help one party with short-term needs and for a duration of no more than two years
 - 1. **Rehabilitative** — Intended to provide support to a spouse until they can become self-sufficient
 - 2. **Durational** — Durational alimony usually applies to marriages of less than seven years, and the length of the alimony cannot be longer than the marriage
 - 3. **Permanent** — Permanent alimony is for an indefinite duration and is typically only awarded after a long-term marriage ends.
- **Standard Parenting Plan** — If there are children that were born or adopted during the marriage, mediation can help determine an agreeable shared parenting plan. The shared parenting plan will include details about:
 - 1. Visitation schedules and arrangements
 - 2. The decision whether child support will be agreed on by both parties or if it will be per Florida Statute 61.30
 - 3. Will health insurance be provided by one or both parents?
 - 4. How will current and future educational costs be handled between both parties

Divorce is a stressful and painful ordeal when emotions are high. When the final outcome results from compromise and agreement, rather than protracted litigation, it allows both parties to feel more satisfaction and reduces the substantial financial burden of a protracted legal battle.

Why Mediation Offers a Better Outcome

Mediation takes place in a less formal setting making it less intimidating for all parties involved. Pro se litigants are not bound by courtroom etiquette and technical rules. Instead, the involved parties can gather around a table and discuss creative solutions to arrive at a satisfactory conclusion.

When a divorce is litigated in the courtroom, both parties may feel under attack and extremely defensive. Mediation is a more conciliatory process where both parties are given the opportunity to explain their position.

Couples who reach a final agreement through mediation are more likely to adhere to the terms of the agreement. Mediation also reduces the odds of those involved finding themselves in a courtroom at a later date. Instead, mediated arrangements often reflect a compromise with which both parties feel comfortable.

It is also important to note that mediation is a confidential and private process, unlike divorce litigation, which becomes a public record. Mediation is often chosen over litigation as a way to keep the matter private, and mediators are bound by law to protect the privacy of those involved unless there are extenuating circumstances such as child or elder abuse. The confidentiality of mediation fosters open and honest communication without concern that something said by one party will later be used against them.

It is also equally important to note that pro se litigants save a **SIGNIFICANT** amount of **MONEY, TIME,** and aggravation going through divorce with Certified Family Mediator.

If interested in getting more information about the divorce process, please email: contact@tridialoguemediation.com and we will send you the link to a presentation explaining the process.