



/guide

Your questions answered

WHAT IS DIVORCE MEDIATION?

The purpose of this Stowe guide is to explain the process of mediation during divorce.

Divorce mediation is a process used by couples who have agreed to divorce but want an alternative to the traditional lawyer-led, or divorce court, routes.

During divorce mediation couples meet with an impartial and professionally trained mediator to talk about, and decide how, their divorce will work. Mediation is a voluntary and confidential process. It helps you and your soon to be ex-spouse to communicate and negotiate effectively, consider solutions that fit your unique circumstances, enabling you to make decisions that work for each of you.

The objectives are to make your divorce amicable, cost-effective, and mutually beneficial, helping you to build the future you want for you and your family.

What does divorce mediation cover?

Mediation covers a broad range of topics including finances, property, and children.

Discussions are centred around the practical implications of divorce or separation and can include both interim and long-term plans.

Mediation typically focuses on:

- Arrangements for **care of your children**
- **Interim financial arrangements** while you are working out the long-term options
- **Long term financial decisions** regarding the family home, properties, pensions, debts and maintenance
- How you will **communicate** with one another and work together **as parents**
- Division of the **contents of the home**
- Specific issues such as moving a child to a **new school**, **proposed medical treatment** or **religious upbringing**
- Arrangements for **care of a pet**
- The introduction of a **new partner** to the children.

Some of the many benefits of mediation are that the discussions can be led by you and your ex-partner, allowing you to set the pace and tailor the discussions to meet your exact needs.

How does divorce mediation work?

In the first instance, a **mediator** will meet with each party individually so they can **confidentially** explain their point of view without their ex-partner present. This is an opportunity to discuss any concerns you have, and what you want to resolve and achieve.

These initial meetings help you to build rapport with the mediator and prepare for the joint sessions. They also enable the mediator to assess whether it is safe and appropriate to mediate.

Communication is key and the mediator will ensure that everyone is given equal opportunity to set the agenda, to speak, and be listened to.

After each session, the mediator will provide a summary to enable those involved to reflect on the discussions and to assist the **solicitor** or **financial advisor** in providing the right advice.

Sessions can take place by video conference or in person.

Is divorce mediation legally binding?

The agreement reached during mediation, known as a memorandum of understanding (MOU), is voluntary and made in good faith. However, while it's not legally binding, this can be changed by applying for a **Consent Order** from court, with the help of a family lawyer.

Can I refuse divorce mediation?

Yes. Divorce mediation is voluntary and not appropriate in some cases. Mediation can only progress if both parties agree to it.

However, if you choose to decline mediation, you may later be asked to explain your reasons for the decision if your case subsequently goes to court.

How many divorce mediation sessions does it take?

In addition to the initial individual meetings with the mediator, most divorcing couples have between 2 and 4 sessions of mediation. The number of sessions needed to reach agreements differs depending on your circumstances and how much progress is made in each session.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk

Who pays for mediation in a divorce?

It's usually recommended that the cost of mediation is split between both parties, helping to ensure that you and your ex-partner have equal interest in contributing to the sessions and achieving mutually beneficial outcomes.

Alternatively divorcing couples can agree to pay for mediation fees via a joint account, savings, or as part of their financial agreement.

Is divorce mediation cheaper?

Yes. **Divorcing through mediation costs less** than going to court, in most cases.

Is divorce mediation quicker?

Yes, **divorce via mediation is typically quicker than the alternatives**. By reducing conflict and removing the need to go to court, divorce mediation can help you and your ex-spouse to reach a quicker conclusion than a divorce court procedure.

The length of time it will take to come to a full agreement varies, from as little as one session to several sessions. However, it's likely to be concluded in less time than the average divorce court procedure which can take between 6 and 12 months.

When is divorce mediation not recommended?

Mediation is not appropriate where there is a safety risk, for example, where there is evidence of domestic abuse or child abuse.

Similarly, where one or both parties are bankrupt and there are financial disagreements, mediation is not recommended.

Mediation is voluntary so both parties need to be willing to cooperate and engage with the process. During your initial sessions your mediator will consider whether mediation is safe, appropriate, and right for you and your ex-partner.