

# 7 BENEFITS TO USING DIVORCE MEDIATION

(A Parent's Guide to a Respectful Divorce)



AMBER M. SERWAT MEDIATION

*efficient effective respectful*

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# WELCOME

Since 2005, I have worked exclusively in the family law arena. I specialize in divorce, custody arrangements and post-decree parenting issues. As a divorced parent, I understand how difficult it is to go through a divorce. Negative emotions abound, trust is low and uncertainty is high and if you have children, the journey is even more challenging. Once the decision to divorce has been made, the next most important decision is selecting a process. From do-it-yourself to traditional litigation, the choices can be confusing, time consuming, expensive and potentially harmful to your children. Choosing the right divorce process is vitally important because it sets the tone for the entire divorce journey and in large part determines how much your divorce will cost in terms of dollars as well as time, stress and suffering.

While it is possible to complete a do-it-yourself divorce, most people need and want some professional assistance because they simply do not possess enough information to independently structure a comprehensive and fair divorce settlement. Before hiring attorneys, consider all of your options. Although daunting, the legal divorce process is actually fairly straight forward with predictable patterns and the vast majority of cases reach a settlement before going to trial.

Mediation provides a superior alternative to the traditional legal process because it allows you to avoid the common pitfalls of a litigated divorce, remain in control of your own outcomes, and create customized family-focused agreements which address and serve your family's unique needs and circumstances. A skilled mediator can assist with all aspects of a divorce settlement including: asset and liability distribution, child support, spousal maintenance/alimony (if applicable) and parenting/custody arrangements. Do yourself and your children a favor. Protect your financial resources and be thoughtful and purposeful about how you get divorced because the process you choose will have a lasting effect on your (and your children's) future.

I welcome an opportunity to assist you through this difficult transition.



## Amber M. Serwat, MA

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Divorce is one of life's most difficult transitions. There are many reasons why marriages end and every situation is unique. No matter the reasons, the decision is never easy and it is often a decision which is not mutually determined. In addition, a traditional divorce process is expensive, time consuming and emotionally draining – all reasons why many people put off divorce and choose instead to live in a state of conflicted limbo. This creates a negative home environment which is the biggest potential source of negative impact on children. Once parents learn about mediation, they realize it is possible to end their marriage without depleting all of the financial resources and with civility, so it is possible to successfully continue to raise the children together after their divorce.

What are the benefits of using divorce mediation and how can it help you achieve a respectful divorce?

## 1 DIVORCE MEDIATION SAVES TIME AND MONEY

One of the most appealing benefits of divorce mediation is that it saves time and money. In an ideal situation, a fully mediated settlement can be achieved in as little as two or three sessions, over a period of two to three months saving thousands of dollars. This is possible because the mediator provides neutral guidance, a streamlined fact-finding structure and settlement minded negotiation tools using information the parties gather and provide in session. The mediator also helps the parties stay future-focused and avoid protracted and emotional arguments. No court imposed timeframes and no busy-work. Sessions are scheduled according to the parties preferred timeline.



Since mediation takes less time, it costs less money. Similarly, it is cheaper to contract one neutral mediator than two attorney advocates. Parties usually share the cost of the mediator's fees and often avoid unnecessary legal and/or administrative costs associated with a more traditional legal process. Even if they do hire attorneys or other expert professionals, they still save money overall. Saving time and money are two of the main reasons divorcing couples agree to try mediation.



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## 2 DIVORCE MEDIATION IS OFTEN REQUIRED AND OFFERS HIGH SETTLEMENT RATES

Within the US and abroad, mediation is often required before parties are allowed to be heard in court. This is as much because of limited court resources as it is the fact that mediation is proven effective with settlement rates often exceeding 80%. Choosing to use mediation early in your divorce process will satisfy court requirements and increase your chance of settlement. Even if a full settlement is not reached between the parties, the partial agreements which are reached in mediation can be submitted to the court and will reduce the number of issues before the court – saving time and money. If mediation is required, timely, affordable and effective, it begs the question, why NOT try mediation?

## 3 DIVORCE MEDIATION IS FAIR AND CONSISTENT WITH THE LAW

Divorce mediation is not a way to side-step the law. While it is true that parties have the ability to be creative and craft their own agreements; the court will ultimately review and approve the settlement before it issues a judgment and decree. This is a safety net to ensure that mediated settlements are fair to both parties. Although a mediator cannot give legal advice, an experienced mediator can provide legal information and can assist parties in understanding where concessions are being made, and as needed, raise red flags or question the standard of fairness being used by the parties to reach agreements. This means one spouse is not able to take advantage of the other, which can result from feelings of guilt or obligation.



## 4 DIVORCE MEDIATION IS HEALTHIER FOR CHILDREN

Parents going through divorce always have concerns about their children and how the transition to a divorced family will affect them. Traditionally litigated divorces are difficult for children because the court is not equipped to fully appreciate all the nuances of a family before making decisions about custody and parenting time, which means court imposed arrangements are typically far from ideal. Not to mention, children are sometimes used as pawns between disputing parents.



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A skilled mediator helps parents focus on the age appropriate needs of the children and understand how parental wants may be in conflict with those needs. Mediation even allows parents to use child specialists to help with important decisions. In some cases, children can also play a role in mediated divorces and offer statements about how they feel and what they want for their future. Since they feel they are part of the process and their feelings are taken into account, the transition becomes much easier.

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## DIVORCE MEDIATION FOCUSES ON COMMUNICATION

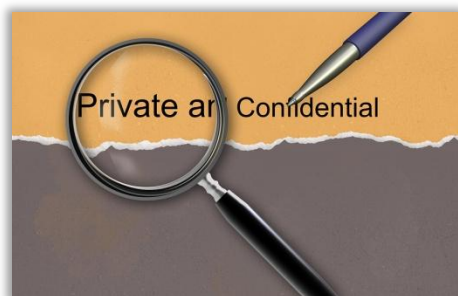
Mediation is a communication-focused practice. A skilled mediator ensures both spouses have their concerns heard and that all issues are considered. Parties also receive coaching about how to communicate effectively with one another, which is not only beneficial during the divorce mediation, but also later when they are faced with separate parenting decisions.



Mediation involves open discussions and requires full-disclosure. As neutral who is not advocating for one spouse over the other, the mediator is free to be candid and honest with the parties during discussions. This creates an environment of trust, which makes it easier to progress toward a resolution, instead of focusing on who is to blame or who is winning or losing.

## DIVORCE MEDIATION IS PRIVATE

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Court proceedings are a matter of public record, which means everything discussed during a divorce hearing in court is accessible to everyone. Dealing with sensitive family issues in this manner can be frustrating and invasive. Mediation is confidential and the only thing that becomes a matter of court record is the final divorce agreement created by the couple. All of the discussions and private family

issues that are part of the mediation process never leave the mediation session, so only those directly involved are aware of the sensitive family details.





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### DIVORCE MEDIATION IS A TEAM EFFORT

One of the most important keys to successful divorce mediation is a skilled mediator. Amber Serwat brings to the table a unique perspective that includes both personal and professional experience. She is a divorced parent and a step-parent, which makes her uniquely qualified to provide divorce and parenting services for conflicted parents. She understands how challenging it can be to transform a high conflict relationship into an effective and cooperative parenting partnership, but it is possible. She believes children need and want both parents to play a significant role in their lives. A mediated divorce makes it easier for parents to come together as a team for the benefit of their children, once their marital relationship has ended.



If you are looking for a way to end your marriage civilly and in a way the honors your mutual commitment to your children, contact Amber Serwat at 952.252.1492 or by email at [amber@amsmediationplus.com](mailto:amber@amsmediationplus.com).



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