

# Divorce Mediation

E-book

By Edward L. Amaral, Jr., Esq.



## **Divorce Mediation Ebook**

1. What is Divorce Mediation?
2. Why Mediation is a Cost-Effective, Thorough and Efficient Approach to Divorce
3. Mediation and Its Benefits for the Children
4. The Convenience of Online Divorce Mediation
5. Choosing a Divorce Mediator
6. Why You Should Hire a Divorce Attorney as Your Mediator
7. An Alternative to Divorce Litigation: Mediation
8. Solution to Getting a Divorce in a Recession
9. Get Divorced Through Your iPhone or iPad
10. Collaborate or Mediate Your Divorce
11. Life After Divorce: 11 Essential Tips to Create a Brighter Future After Divorce
12. Attorney Edward L. Amaral, Jr., Esq. Biography

# EBook Introduction

In today's economy, where many people are struggling to make ends meet, money is short and peoples' patience can be even shorter. Thus, many times when a divorcing couple begins litigating their divorce, money is quickly spent and a hurting relationship often suffers irreparable harm. When children are involved, such a stressful disintegration of the relationship and finances becomes even harder. While it may not be for everyone, divorce mediation is often times a welcome alternative to a traditional divorce. Trading the typical adversarial setting of a divorce for a more peaceful negotiation is not only better for the couple, but also better for their finances.

This EBook was created to introduce you to the benefits of divorce mediation for you, your partner, your family, and your assets.

**Mediation  
is a Cost-  
Effective,  
Thorough,  
and  
Efficient  
Approach  
to  
Divorce...**

Anyone that has been through a traditional, contested divorce will tell you that the fees can become excessive, especially when spouses are having difficulty coming to an Agreement. The pressure of paying such large attorney fees can produce additional stress, which can aggravate the already adversarial situation at hand. The money spent could have been allocated in a way that works to lessen the stress, instead of heightening it.

Divorce mediation is a favorable alternative that can reduce the financial burden on you and your spouse. With mediation, a couple pays one mediator rather than two attorneys. This dramatically cuts the accumulative cost and preserves more of the marital assets for the parties and their children after the divorce.

Moreover, the mediation process is much more efficient. Since both parties are together during the sessions, decisions can be made in a timelier fashion, shortening the overall billable time. For example, at Online Divorce Mediation.Com, most mediations take ten (10) hours or less, including the preparation of all paper work, for a cost of \$999.00 per spouse. The communication between parties during mediation facilitates negotiation and eliminates the need for excessive correspondence and the endless review of documents between opposing attorneys.

In addition, mediation only requires one court appearance, at which just the divorcing spouses attend. The proceeding is usually ten minutes or less in length.

If you and your spouse would like to proceed with a divorce quickly and affordably, divorce mediation is the right choice for you!

# Mediation and its Benefits for the Children...

Without question, divorce can put a strain on any family. The divorcing parents are forced to cope with stress, emotions, worries, financial dilemmas and more. However, the largest subject of concern is the children, as they can potentially suffer the most.

The fear and depression that a child may experience when there is a prolonged courtroom battle can be traumatizing and in many cases require psychological treatment. A child does not yet have the tools to be prepared for a change in family dynamics combined with intense aggression and conflict associated with a traditional divorce.

So, what is the solution? If the divorcing couple is open to collaboration and coming to a mutual agreement, they should consider divorce mediation.

Preserving a civil relationship during and after divorce is important. It can give your children a remaining sense of normality, resulting in less mental and emotional damage. Experience in dealing with both divorce and divorce mediation has revealed that many children are able to handle the situation better when parents are able to talk to each other. Mediation promotes open communication and due to this increased communication with the aid of a trained divorce mediator, many couples are able to remain friends after the mediation process is over.

The financial benefits that coincide with mediation are also tremendous. Less money is paid to attorneys, leaving more to be used for the children. The parents can eliminate the financial stress that is often associated with a standard divorce and be much more at ease, creating a better overall environment for their children.

**Lastly**, divorce mediation allows the parties to have control over their own Divorce Agreement, whereas, in a traditional divorce, the Judge has the authority to make decisions on your case without any familiarity with your family. Wouldn't you rather make the ultimate decisions, together with your spouse, regarding your children's welfare and the division of your assets?

If you and your spouse would like to proceed with a divorce, while making the best decisions for your children, mediation is the right choice for you!



# The Convenience of Online Divorce Mediation...

Online Divorce Mediation is centered around the concept of convenience. With the need for more income, many people have very busy work schedules, which can make it difficult to set aside time to travel to meetings, court hearings, etc. That is why Online Divorce Mediation allows you to proceed with a divorce in the comfort of your own home or office, in ten (10) hours or less.

With Online DivorceMediation.com you can engage in mediation sessions by phone, web conference or in-person (if you choose). Each of these options can be advantageous depending on the specific couple at hand.

For example, a very busy couple may want to participate in phone sessions, as it is the easiest method for someone constantly on the go. A couple that feels awkward seeing one another in-person after deciding on divorce may want to participate in a web conference, as it can be somewhat of an ice breaker, while still allowing you to enjoy the comfort of your home. On the other hand, some couples may feel more comfortable with in-person meetings and the traditional process of divorce mediation. This choice is entirely based on the needs of the divorcing parties.

Online Divorce Mediation also allows the parties to develop their own timeline. The couple can take their time and come to an agreement slowly or they can quickly come to a decision, reducing the amount of mediation sessions, and the time it takes to finalize their divorce. Most divorce mediations, including the preparation of all paperwork, are completed in ten (10) hours or less.

By using Online Divorce Mediation, you can eliminate the difficulty of preparing your own documents, like a number of online sites require you to do. At Online Divorce Mediation.com, we do all of the paper work and our mediators are attorneys with at least fifteen (15) years of experience in family law. You can rest assured that all required court documents will be accurately prepared and your divorce agreement will certainly be approved by the judge.



# Choosing a Divorce Mediator...

When choosing a divorce mediator, there are several points to consider to help ensure that you and your spouse reach the end result that you are hoping for.

First, it is recommended to find a mediator that has experience in the fields of family law, as well as the mediation process. An attorney who practices primarily in these areas would be an optimal choice.

It is also important to know an approximate number of mediations the mediator has done. Some people become a certified mediator to add to their achievements but have had very little experience in actually mediating. You do not want to be the lab rats in this situation and suffer from the mistakes that the mediator may make in his/her first few mediations.

If the mediator has several other professions and is forced to limit his/her time and effort when it comes to assisting you, most likely you should look elsewhere to find someone that is going to give your mediation the utmost attention and care.

Next, is the mediator competent in the subject matter of the issues you and your spouse need help with? If you have substantial assets and/or concerns with your children, etc., choosing someone that has handled similar issues in the past will be beneficial.

Once you have determined that a mediator is right for you and your spouse, make sure to schedule a consultation to get a better idea of the mediator's personality and demeanor. Finding someone who is personable, sympathetic with your circumstances, and initiates a comfortable atmosphere is key.

Separating from your spouse is a process that needs the appropriate structure, but also the proper amount of emotional support. These are things that you should make sure your mediator provides!



# An Alternative to Divorce Litigation...

Any divorce that involves children and child custody can become a heart wrenching battle between parents. A divorce which is litigated, rather than mediated, almost guarantees a significant wedge between the parties and their children. To its farthest extent, divorce litigation can also end in violence. Not to mention the countless numbers of restraining orders that divorcing spouses often file against each other during litigation. On October 12, 2011, a father, battle-weary from a custody dispute, went on a shooting rampage that left eight people dead, including his target: his ex-wife and the mother of his child. The incident, also known as the “Seal Beach Salon Massacre”, was the most extreme and violent manifestation of divorce litigation in recent years.

The problem with divorce litigation is that it is adversarial in nature; it encourages conflict and disagreement. Before a judge makes a decision, parties have every incentive to strategize against each other until they believe they’ve won. Even after most judgments, parties remain dissatisfied and continue the cycle of hatred towards their former spouse.



Divorce mediation, on the other hand, focuses on resolving disputes, rather than on exacerbating conflict. Mediation creates a cooperative environment for both parties to communicate openly and safely. A mediator is a neutral third party to the divorce who works with both parties to reach a satisfactory agreement. This is a stark contrast to the adversarial nature of litigation. A mediator will help you reach an amenable divorce agreement with your spouse as quickly as possible; whereas, many litigators will prolong the process or do whatever is necessary to exhaust the other side’s resources. Mediation requires respect, cooperation, and patience—all of which are stepping stones to an efficient and peaceful divorce.

From a practical perspective, mediation will also save you time, money, and energy. Mediation usually requires three hours of mediation time with the parties, in addition to the time it takes to disclose the parties’ financial statements, draft a divorce agreement, and file a Petition for Divorce with the court. Mediation will save you time and billable hours from discovery, pleadings and motions, hearings (which are subject to the judge’s limited time availability), trial preparation, and frustrating 4-way conferences.

On average, a mediated divorce will total \$2,000-\$7,500; whereas, a litigated divorce can cost from \$10,000 to \$60,000 or more. When you and your spouse come to a mutual agreement, you will both walk out of mediation with a better relationship and create a healthier living and emotional environment for your children. Most importantly, mediation helps you build a foundation for future cooperation with your spouse when it comes to your children.

# Solution to Getting a Divorce in a Recession...

Divorces are a financial strain on your family because they divide you and your spouse's cumulative assets (lawyer's fees aside). In this economy, where assets are quickly turning into debts, it is critical to understand the financial consequences of a divorce and how to make the most out of its aftermath. A divorce divides one family unit into two separate units. When one spouse moves out, there will be one more mortgage or rental payment to make. Having two separate families also means twice the living expenses, including, but not limited to: health insurance, car payments, and all the children's needs in the separate households.

The first and most important step you can take to save money in a divorce is to consider [divorce mediation](#), rather than divorce litigation, to resolve your differences. Litigation usually requires extravagant initial retainers ranging from \$5,000 to \$15,000, on top of hours billed for gathering financial documents, correspondences with your lawyer, discovery, motions, trial preparation, and trial. If you are not prepared to pay tens of thousands of dollars for a divorce, mediation can achieve a similar, and usually better result, at a small fraction of the price. At [OnlineDivorceMediation.Com](#), for example, the average fee is \$999.00 per spouse. The cost covers three (3) hours of mediation time and preparation of the entire divorce filing. The mediators at [OnlineDivorceMediation.Com](#) will also cover and resolve all issues that would have been usually contested in court.



In the courtroom, spouses will typically use each other's assets against the other as leverage for more alimony and/or child support. If your properties have decreased in value or are being foreclosed due to the recession, you will be fighting to divide the debt, rather than the equity. If this is the case, using mediation to work together and pay off mortgages or loans might benefit both spouses in the long run. In this unstable economy, where your stocks, 401(k) plans, savings, and assets are quickly eroding, litigation is actually a more unpredictable barometer of what you will receive from a judgment, than mediation.

Furthermore, the money used to fight for a more "equitable division" of assets can be used for your children instead. When you litigate, you are risking the possibility of an unfavorable judgment which will engender future motions and trials in attempting to circumvent the judgment. On the other hand, mediation is focused on a solution which will encompass and foster future cooperation.

# WHAT IS DIVORCE MEDIATION?

Divorce mediation is an alternative to fighting in court with your spouse.

Instead of litigating in court, parties who decide to use mediation work with a neutral third party certified divorce mediator, to negotiate issues concerning child custody and support, spousal support, and division of assets and debts.

- ❑ The mediator will help you to resolve issues through a process in which they will:
- ❑ Identify the needs of each party and their children;
- ❑ Help gather information including financial information necessary to make decisions about the division of assets and support issues;
- ❑ Explore what each party wants and help determine various alternative solutions to resolve your concerns regarding the issues of custody, property division, support and all other issues of your divorce;
- ❑ Assist you and your spouse in reaching an agreement that both parties are satisfied with.

# WHAT ARE THE BENEFITS OF MEDIATION?

## **Relationships**

- Mediation helps preserve a good relationship with your spouse and reduces the tension for the sake of the children.
- Spouses who mediate their divorce typically are better able to communicate and cooperate and to keep tensions down for the sake of the children.
- The mediation experience builds a base for future cooperation between the parties and teaches them how to resolve issues in a cooperative manner.
- Typically the parties are more satisfied by having arrived at their own "solutions" to the problems as opposed to having a judge make their decisions.
- The parties' children typically benefit from such a collaborative approach.

## **Less Costly**

- Typically mediation is significantly less expensive than a litigated divorce. A typical mediated divorce costs between \$2,500-\$5,000.
- If the case is not mediated and goes to court, the cost may be five times as high—or more.
- Mediation is significantly less expensive than paying two lawyers to fight for each spouse.

## **Less Time Consuming**

- Mediated divorce cases typically take considerably less time than a litigated divorce, usually (10) hours or less here at Amaral & Associates, P.C.

## **Greater Overall Satisfaction**

- In mediation, the parties are assisted by a mediator to reach an agreement developed by the spouses themselves, not one imposed by a judge or the court system.
- Typically spouses who mediate their own settlement are much more satisfied with their divorce.
- In addition, children of mediated divorces may adjust better to the divorce of their parents than children of litigated divorces.

# Areas of Mediation

The mediator will typically mediate the following issues:

- Child custody and parenting plan
- Support including:
  - Child Support
  - Spousal Support
  - Family Support
- Property division



# Basic Mediation Guidelines...

## **Custody**

- ❑ Typically the mediator will try to ensure that both parents have frequent and continuing regular contact with their children
- ❑ The mediator will also want to foster a positive environment for the children in which both parents are flexible and foster a relationship with each other.
- ❑ It is important that both parents are respectful of the other and that they never make negative remarks about the other parent.

## **Disclosure**

- ❑ Mediation can only work if each spouse is honest and openly discloses all facts, records, and documents required to ensure an informed and fair agreement.
- ❑ If a mediator believes that such disclosure is not taking place they will take steps to ensure that it does, and if a disclosure issue persists, the mediator may decide to terminate the mediation.

## **Fairness**

- ❑ It is important that both parties feel that mediation is a fair forum in which to resolve their concerns and differences.
- ❑ The mediator does not represent either party and will not take a stand on any particular issue.
- ❑ The mediator must ensure that the forum is fair and that neither spouse is being pushed, threatened or bullied into reaching an agreement.
- ❑ Both parties must feel comfortable with the agreement.

## **Use of Consulting Professionals**

- ❑ The mediator may request that the spouses consult with other professionals during the proceedings, such as an accountant who may be needed to address tax issues, or an appraiser, to establish the value of a residence.
- ❑ Each spouse is highly encouraged to consult their own attorney to have them review the written agreement or settlement which results from mediation.

## **Confidential**

- ❑ Everything that occurs during mediation is fully confidential.
- ❑ The mediator will not divulge anything the spouses say to him or her, to the other spouse or to anyone without written permission.
- ❑ The mediator may not be brought into court.

## **Commitment to Success**

- ❑ In order for mediation to succeed each spouse must be committed to working towards an out of court resolution of their divorce.
- ❑ The parties must cooperate and focus on reaching resolution rather than personally attacking the other party.
- ❑ The parties must be respectful, listen to each other and not interrupt one another.
- ❑ Mediation is not for everyone. Spouses who want to attack or punish each other, who think that their lawyer "can get them a better deal," or who have been abused in the marriage should not become involved in mediation.

# THE MEDIATION PROCESS

## Initial Appointment

- An initial appointment is held during which both spouses attend and the general goals of the parties are discussed.
- A written agreement between the parties themselves as well as the mediator is reviewed and signed.
- The mediator will assign certain tasks at this initial meeting, such as bringing in certain documentation for the next meeting.

## Subsequent Appointments

- A series of subsequent appointments are then conducted. Most will consist of a conjoint sessions (both spouses and the mediator) but sometimes the mediator may have individual meetings (one spouse and the mediator).
- The number of appointments will depend on the number of issues the spouses need to negotiate and the degree to which they are willing to compromise.
- The frequency of appointments is scheduled according to how much time spouses need to complete "homework assignments" and/or to "think" between sessions.

## Agreement

- At each session the mediator makes detailed notes of agreements as they are reached.
- When all issues are resolved as a result of the mediation sessions, the mediator will draft a settlement agreement—a document summarizing the agreements that have been made.
- The mediator will recommend that the spouses take the agreement to a "consulting attorney" to look over the final document before signing.
- Once signed, the document is sent to Court for approval by the Judge and the matter is concluded.

**For additional information or to schedule a no-cost mediation consultation, please contact us at 1 (800) 290-1012, at [edamaral@amarallaw.com](mailto:edamaral@amarallaw.com) or you can visit our website at [www.amarallaw.com](http://www.amarallaw.com).**

# WHAT IS FAMILY LAW MEDIATION?

**Family mediation is an alternative to fighting in court with the other party.**

- ❑ Instead of going to court, parties who decide to use mediation work with a neutral third party certified mediator, at Amaral & Associates, P.C., to negotiate family law issues such as paternity, child custody and support, guardianship, divorce, spousal support, and division of assets and debts.
- ❑ The mediator will help you to resolve issues through a process in which they will:
  - ❑ Identify the needs of each party and the children;
  - ❑ Help gather information including financial information necessary to make decisions about the division of assets and support issues;
  - ❑ Explore what each party wants and help explore various alternative solutions to resolve your concerns regarding the issues of paternity, guardianship, divorce, custody, property division, support and all other issues;
  - ❑ Assist you and the other party in reaching an agreement that both parties are satisfied with.

# WHAT ARE THE BENEFITS OF MEDIATION?

## **Relationships**

- Mediation helps to reduce tension between the divorcing parties and to preserve a good relationship between the parties, for the sake of the children.
- Spouses, who mediate their divorce, or other family law matters, typically are better able to communicate and cooperate and to keep tensions at bay.
- The mediation experience builds a base for future cooperation between the parties and teaches them how to resolve issues in a cooperative manner.
- Typically the parties are more satisfied by having arrived at their own "solutions" to problems, as opposed to having a judge make their decisions.
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- Typically mediation is significantly less expensive than a litigated family law matter. A typical mediated family law matter costs between \$2,500-\$5,000.
- If the case is not mediated and goes to court, the cost may be (5-10) times as high -- or more.
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- In addition, children of mediated family law matters may adjust better to the agreement of their parents than children of litigated family law matters.

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The mediator will typically mediate the following issues:

- Paternity
- Guardianship
- Divorce
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- Support including:
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- The mediator must ensure that the forum is fair and that neither party is being pushed, threatened or bullied into reaching an agreement.
- Both parties must feel comfortable with the agreement.

## **Use of Consulting Professionals**

- The mediator may request that the parties consult with other professionals during the proceedings, such as an accountant who may be needed to address tax issues, or an appraiser, to establish the value of a residence.
- Each party is highly encouraged to consult their own attorney to have them review the written agreement or settlement which results from mediation.

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**We, at Amaral & Associates, P.C., can assist you with your family law mediation needs for a reasonable fee. Please contact our office in Boston at (617) 742-2020 or in Winthrop at (617) 539-1010 and at [edamaral@amarallaw.com](mailto:edamaral@amarallaw.com) or you can visit our website at [www.amarallaw.com](http://www.amarallaw.com) .**

# Get Divorced Through Your iPad or iPhone ...



The events leading up to, and the actual proceedings related to your divorce from your spouse, can be some of the most difficult times in a person's life. Both parents will no longer be living under the same roof. Visitation plans with the children will be implemented. Joint assets will be divided and joint debts will be allocated. Life as you have known it will be changed forever...sometimes for the best and sometimes not. But does the actual "divorce process" have to add to the stress, confusion and heartache that spouses ultimately go through when they get a divorce? And is it necessary to create a larger wedge between each spouse by having long, drawn out divorce hearings or motions through protracted litigation in the courts? And what about those sometimes nasty "face-to-face confrontations" between each spouse when difficult and unwelcomed topics come up that cause them to lash out at each other?

There is a better way and an answer with a twist. The better way is to get divorced using a divorce mediator. The twist is getting divorced through a mediator, online! Yes...online and through your iPad or iPhone even! And why not? Today, people handle almost every task in their lives through their iPhones, iPads, Androids, tablets, laptops and the like. They can run their entire office, send and receive emails, prepare and file their taxes, shop for groceries and download applications that do everything from getting emergency medical assistance to identifying music being played in public. So why not get divorced through this medium?

This may strike some of you as being a method that trivializes divorce. But does it really? Businesses have been conducting online meetings to get work done and troubleshoot logistical problems for years; anywhere from creating general introductions with new clients, all the way to transacting large mergers and acquisitions. And with the explosion of the number of people and families using laptops and computers in the American household, and with mobile phone and tablet device usage now exceeding laptop and home computer usage, **why not** conduct your divorce online with an experienced divorce mediator, or better yet, through "FaceTime" on your iPad or iPhone!

[OnlineDivorceMediation.Com](http://OnlineDivorceMediation.Com) for example, now offers a way for couples to get divorced or resolve their other family law issues, online, with an experienced family law attorney, by using FaceTime on their iPhone or iPad from the comfort and privacy of their living room. The cost is only **\$ 999.00** per spouse which includes three (3) hours of face mediation time, plus the preparation of your entire divorce agreement and divorce filing including both parties' financial statements. Spouses simply have to sign up for a free consultation by logging into the website on their mobile phones and they will be contacted by an experienced family law attorney and mediator who will explain the whole process.

The spouses will then log in, accept the fee agreement and make payment by credit card. All of this can be done by using their phone or iPod. Then the process can begin.

The divorce mediators at Online Divorce Mediation.Com will then start the divorce mediation sessions which usually are broken up into three (3) one hour sessions, resolving issues such as alimony, custody, child support, parenting plans, division of assets, allocation of debt, and tax issues. After the FaceTime mediation is over, the attorneys at Online Divorce Mediation will prepare a comprehensive divorce agreement, divorce filing, and both spouses' financial statements for filing with the court.

The time and money that you save in obtaining a divorce in this non-traditional online setting can be spent with and on your children. Moreover, the process is thorough, quick, and extremely convenient so that you can start over and begin leading a more positive and productive life.

**For more information regarding divorce mediation, [click here](http://www.onlinedivorcemediation.com), visit [www.onlinedivorcemediation.com](http://www.onlinedivorcemediation.com), or call us at 1(800)290-1012.**

## 11 Essential Tips to Create a Brighter Future After Divorce

The key to life after divorce is to follow a post-divorce plan. With so many things affecting your life during and after your divorce, a plan can bring a lot of comfort and needed stability to your life and help you to move more positively into the future. There will inevitably be many things that you cannot control as much as you would like to during this process, so it is important to take hold of those things which you can control and use them to surround yourself with calm during the storm. Just like your children will need predictability, comfort, and safety in order to function most efficiently and effectively, so too is it important to create such an environment for yourself as you embark on this new life after divorce.

- 1. Is a divorce mediator for you?** An experienced divorce mediator, who is also a lawyer, can help to keep the peace if you and your spouse are entering divorce on cordial terms and with similar goals for the future. By allowing the divorce process to take place in a collaborative instead of adversarial manner, you can avoid a situation that places you against your spouse, in a negative way. You can even get divorced online through companies such as [OnlineDivorceMediation.Com](https://www.OnlineDivorceMediation.Com), so that your divorce is as non-confrontational as possible, which truly serves the best interest of your children.
- 2. Redefine your relationship with your Ex.** While you may no longer be husband and wife, you are still parents to your children and a family unit and you need to be allies in this cause. Your children will be experiencing anxiety as it is, so it's important that they know their parents are still there for them in a strong and collaborative way. You need to set rules and boundaries that will allow you to form a parenting partnership, for this is the healthiest way to move forward.
- 3. Write it down.** Everything is clearer when in print. When things are written down there is no room for he said, she said. The same is true with a parenting plan. It is important that you and your Ex formally write down how you will handle situations with your children, so that even if tensions may heat up between the two of you, your children will not have to bear the consequences. You want to show your children that you can still work as a team when it comes to matters dealing with their well-being. Additionally, it is to your benefit to write everything down that has to do with your divorce agreement, no matter how cordial things may be now, because things do change. You need to have a plan to follow when one spouse does not hold up their end of the bargain or if a situation comes up that had not been previously addressed.
- 4. Let yourself grieve.** Whether you were married for one year or twenty, you gave a part of yourself to your spouse when you said, "I do," and created a life together. When you get divorced, you are losing a close friend and loved one and it will take time to mourn this loss, even if you were in favor of the divorce.

5. **Find your voice.** It is very important for you to find your voice and get your emotional strength back for yourself and for your children. A helpful way to find your voice is by keeping a journal. It is a way to clearly outline your thoughts and express things that may not be appropriate to say out loud to your Ex. It is also a great way to track your healing process and reflect on the progress that you are making in redefining your life after divorce.
6. **Talk with your children.** If your children know there are things they can do to help this transition, it will give them a feeling of empowerment and stability. Talk to them about how they are feeling and what life during and after divorce will look like. Be an example for your children and make sure that they see you as a strong pillar in their life, even if you are not feeling that way. They need the reassurance.
7. **Organize your finances.** Making sure you understand your finances is a positive way to take charge of your new life. Assess your financial situation; look at your resources to see what your options are in terms of housing, job, and income and expenses.
8. **Make new friends.** Don't be afraid to reinvent yourself and in doing so branch out and make new connections. You no longer need to define yourself as half of a couple; it is okay to think of yourself as an individual now.
9. **Make a bucket list.** Divorce is an opportunity to redefine yourself and to rediscover old interests and find new ones. Stay busy in constructive ways, and think about the things that you may have let go or pushed aside while you were married and allow them back into your life. Create new passions: travel, go back to school, do what makes the new you happy, because when you are happy, you will be a better parent and person.
10. **Don't be afraid or embarrassed to seek professional support.** You're not the first person to go through this and you surely will not be the last. It is hard to move forward and let go of what once was. It is absolutely okay if you need to talk with a therapist to work through your divorce and positively move forward into the future.
11. **Look forward, not backward.** Try not to think about your negative issues from your past. More often than not married life is filled with wonderful memories and you should take comfort in them and focus on the positive. Look to the future and begin to develop your new self and begin creating new memories, for it is when you look forward, no matter how hard and long the process may be, that you have the greatest outlook on all that lies before you in your life after divorce.

# Collaborate or Mediate?

When considering friendlier alternatives to divorce litigation, you should understand the differences and similarities of the options available to you. Specifically, mediation and collaboration are two popular forms of alternative dispute resolution that might sound similar in theory but have different practical implications. You should choose according to a style that most caters to your relationship with your spouse and/or your lawyers.

A divorce mediator might be a lawyer, finance professional, or social worker. They are trained in all aspects of divorce mediation: economical, legal, and psychological. Mediators who are certified have gone through minimum hourly requirements for training in dispute resolution, as well as divorce proceedings and issues. Mediators are trained to be neutral third parties to a mediation session. They do not represent either party, and cannot offer legal advice to any party; the parties may retain counsel on their own to assist them in the process, if they wish. At the end of mediation, the mediator will draft the terms of settlement for both parties to review and ultimately sign. If the mediation process breaks down at any point, then the parties are not bound by the mediation terms prior to signing the agreement, and may choose to litigate with their attorneys.



Training requirements for a collaborative divorce lawyer are similar to that of a mediator. A collaborative divorce lawyer will be trained for a minimum number of hours in collaboration law, client-centered facilitative conflict resolution, and collaboration communication skills. However, the structure of a collaborative divorce significantly differs from that of mediation. Collaborative divorce involves the parties and their respectively retained collaboration lawyers, along with the professionals who form part of the collaboration team (such as appraisers, accountants, and mental health professionals). The lawyers are not neutral parties; they represent their client's interests during the collaboration process. Even though the lawyers will have different objectives for their clients, they will collaborate as a team to reach an agreement which satisfies both their clients. Another structural difference is that parties to a collaborative divorce will sign "Participation Agreements" which lay down the ground rules of the process. Typically, these will include confidentiality agreements, agreements not to litigate, and general enforcement clauses. On the one hand, these agreements provide financial incentives for the parties to work towards a collaborative divorce and discourage litigation. On the other hand, it does create a binding obligation for the parties to retain new legal counsel from new firms in the event that they forgo collaboration for litigation. In general, the collaborative divorce process can be more expensive than that of divorce mediation.

Both collaborative divorce and mediation require negotiation and an honest, voluntary, and free exchange of information. Although collaborative lawyers and mediators play different roles in the proceedings, they both strive to achieve a quick, cost-efficient and amicable divorce. Going through either of the alternatives to divorce litigation is preferable for divorcing couples who are willing to cooperate and to achieve a fair result.

# Why You Should Hire a Divorce Attorney as Your Mediator...

Divorce attorneys know the law. Mediators who are not well versed in family law may not be as prepared with regard to the legal ramifications of your divorce proceeding as compared to divorce attorneys. Mediators are not required to be trained in the law nor are they even required to be certified. Understandably, you have arrived at mediation to avoid litigation. However, it is unrealistic and unwise to segregate the law from your divorce. Therefore, when choosing a [divorce mediator](#), try and find someone who is not only certified in mediation, but is also an experienced divorce attorney.

While in mediation, if you feel that you are entitled to more child support or alimony, a lawyer who has extensive experience with the state child support guidelines or alimony reform, can help both you and your spouse negotiate a fair result according to the law. Though a mediator is not actually giving you legal advice per se, they can use the law as a guiding light in the negotiation process. In a litigated divorce, the divorce attorneys are typically one-sided; a divorce attorney who is also a certified mediator will have the same tools you'd like in a mediator, with the added benefit of someone who is familiar with the law. This would be especially helpful for those with complex asset division issues. The law treats assets differently based upon when those assets were acquired (i.e. pre-marriage, during the marriage and post-separation). When divided, these assets may have particularly complicated tax ramifications. By providing you with individually tailored legal advice on how and whether to pay support or divide your assets, a divorce attorney certified in mediation who knows probate and family law, can eliminate potential and long term problems and will ensure a fair and reasonable division of assets.

For example, child custody is perhaps one of the more bitter fought battles of a divorce proceeding. Divorce attorneys who have litigation skills in addition to mediation skills know better than any other professional the traumatic impact of a child custody matter and the need to settle these cases quickly and efficiently. As a hardened divorce negotiator, a divorce attorney can be more emotionally and practically prepared to handle child custody issues than other types of mediators. A mediator with a financial planner or accountant background, may not have been through nearly the same number of child custody matters as a divorce attorney, even though their background in the financial and tax ramifications of a divorce is important. Hopefully, your mediation will go much more amicably than most divorce litigation cases, based on the solid recommendations of your divorce mediator, due to their experiences from being in front of judges on a day-to-day basis. However, it is important to note that even in mediation, issues that involve children will inevitably bring up parental attachment issues that need professional counseling from other sources. With the help of a divorce attorney as your mediator, you will get the help you need to mediate the core legal issues efficiently, patiently, and most importantly, effectively.



## Edward L. Amaral, Jr., Esq.

### ATTORNEY BIOGRAPHY

Attorney Ed Amaral is a long time believer in integrating state of the art technology into the antiquated legal profession...especially divorce mediation. He is the founder of OnlineDivorceMediation.Com and is the President of the family law firm, Amaral & Associates P.C. His practice primarily focuses on providing divorce, divorce mediation, probate, domestic and off-shore asset protection, asset searches, estate planning and personal injury services to individuals and family businesses. His divorce mediation practice is national and now online for his customers. For the last 20 years, he has negotiated, mediated and tried hundreds of cases on issues including divorce, divorce mediation, property, support, custody and parental rights, ante-nuptial and post-nuptial agreements, personal injury and complex financial matters in front of the Commonwealth Courts and has achieved favorable results for his

clients. Amaral is also certified in Divorce Mediation. He is admitted to practice law in the State and Federal Courts of Massachusetts and the United States Supreme Court. He is a member of the Massachusetts Bar Association, Massachusetts Academy of Trial Attorneys, and the Beverly Hills Bar Association. Amaral currently has offices located at 63 Atlantic Avenue in the historic North End of Boston, on the Waterfront, and at 246 Revere Street, on the North shore, in Winthrop, Massachusetts.

