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The Importance Of Defining Your Goals Before Divorce Mediation

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Massachusetts divorce mediator Nicole K. Levy reviews the importance of identifying specific goals before starting divorce mediation.



A major benefit of divorce mediation is that it allows spouses to creatively craft their own solutions to the unique issues affecting their divorce. Mediation generally focuses on the final resolution, rather than on who “won” or who “lost” the divorce. That said, every divorcing spouse can and should identify specific goals that they would like to achieve through the mediation process. Mediation goals help participants shape the

negotiation process. A prevailing reason for dissatisfaction after a mediation arises when a spouse fails to identify and define his or her divorce-related goals. In some instances, spouses will have shared goals – such as the emotional well-being of their children. In other instances – such as the payment of alimony or child support – two spouses might have widely divergent goals. Either way, any person involved in a mediation needs to know what they are seeking in the mediation before the mediation process begins.

Core Issues That Are Resolved in Divorce Mediation

Every marriage is different, and every divorce is unique. There is no “standard answer” to resolving a divorce; answers need to be crafted to suit both spouses’ needs. That said, most divorces center on a relatively small handful of issues that must be resolved:

1. *Child custody and Parenting Time* addresses decision-making authority for your children, where your children will live, and how much parenting time each parent will have;
2. *Child support* addresses payments from the non-custodial parent, or in the case of shared custody, payments from the higher-earning party to the lower-earning party for the support of the child;
3. *Alimony* concerns how much financial support a higher-earning spouse may need to pay to lower-earning spouse, and for how long such payments may need to be made; and,
4. *Asset division* addresses how marital assets and debts will be divided following a divorce.

Other issues, such as medical or life insurance or tax concerns, and crop up. However, the four issues above form the core of the vast majority of divorces. Of course, some of these issues will be far more important – and subject to more debate – in some divorces more than others. As the facts of each divorce vary, so do the importance of the core issues. In a mediation with young children, the parenting schedule

may be far more important than a divorce involving older or college-age children. Likewise, divorcing spouses who have no children will not have to decide custody or child support issues, but may engage in significant negotiations on alimony. Meanwhile, [high asset couples](#) may face challenges in deciding how best to divide complex marital property, such as real estate assets, deferred compensation, and small business holdings.

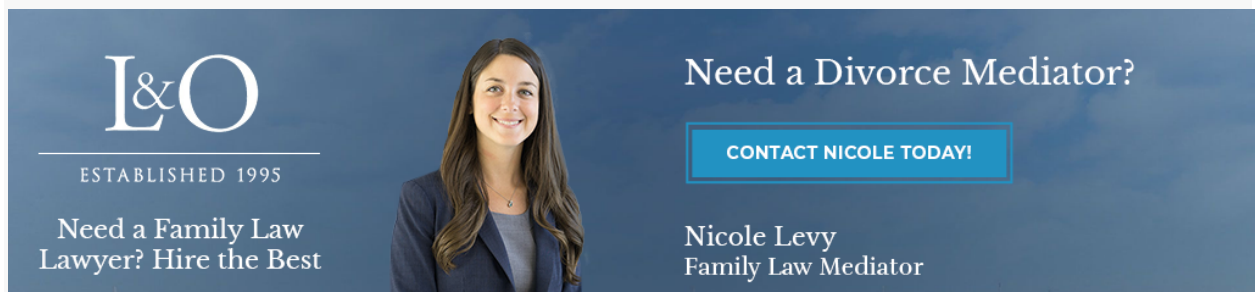
Set Your Goals Before Starting Divorce Mediation

Knowing there are multiple issues that need to be worked out, it is best to first determine what your goals are, while hazarding a guess at [what your spouse wants too](#). You may be surprised when some of your goals align. Perhaps you both agree the marital home needs to be sold. Or maybe both parents want to ensure the children stay in the same school. Even if your goals and your spouse's goals do not align exactly that does not mean they contradict each other. Without knowing your goals, the process can become a bit more complicated and messy. I recommend you make a list of the top-10 results you would like to see from the divorce. Once you have made the list, number the results in order of importance to you. This simple exercise can pay big dividends once the negotiation begins.

Prioritize What You Want Most from Your Divorce Mediation

With only a finite number of issues to be resolved in divorce mediation, you need to prioritize what you want most in your post-divorce life. A mediator is not acting as either spouse's attorney, and cannot make arguments on your behalf. However, a big part of a divorce mediator's job involves knowing what is most important to each spouse, and keeping the focus on these goals during the negotiation. The mediator is not on either spouse's side, but a mediator does have a goal: reaching agreement. To accomplish this goal, a good mediator remembers what is most important to each spouse, then keeps the negotiation centered on these goals as compromises are reached. For example, if staying in the marital home is your biggest goal, you should

probably prioritize this goal instead of driving a hard bargain elsewhere. If you are having trouble prioritizing your goals, it might help to think of issues in terms of worries and concerns, rather than specific divorce-related issues. For example, many spouses are very concerned with cash flow following a divorce. In other words, will the spouse have sufficient cash resources to meet his or her ongoing expenses. Concerns about cash flow often affect multiple divorce-related issues, including child support, alimony, asset division or even parenting time, to the extent that increased parenting time can mean increased costs. If your mediator knows that cash flow is a major concern, the mediator can help find creative compromises that stretch the available funds. If you have not set goals before the mediation begins, your negotiation techniques – no matter how skillful – are likely to be aimless and unstructured. It is crucial to understand where you can compromise and where you will not.



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Sacrifice is a Part of a Good Negotiation Strategy

There is a common response to this idea of pursuing what you want most, at the expense of other things that are also important: Why would I give up on other aspects of the negotiation to get only one thing? The answer, as our [mediation coaches](#) make clear, is precisely because that one thing is the most important to you. If you could choose between receiving a dozen things that you do not want, and getting the one thing that is most important to you, of course you would choose the latter. The alternative would leave you feeling empty. Additionally, “giving up” on the other aspects of the divorce negotiation is not the correct attitude. You are not “giving up”. You are merely deciding where you are willing to compromise in order to achieve your

priority goals. Making that decision – what you want and what you are willing to compromise in order to get it – is one of the most important things that you can do before going into a divorce mediation session.

Nicole is a divorce mediator and mediation coach for South Shore Divorce Mediation, with offices in Hingham, Massachusetts and East Sandwich, Massachusetts. She is also a collaborative law attorney Senior Associate Attorney for Lynch & Owens, P.C., where she specializes in divorce and family law issues. Nicole is a statutory mediator under M.G.L. Ch. 233, s. 23C and a proud member of the Massachusetts Council on Family Mediation. Disclaimer:

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