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## Even If Unsuccessful, Mediation Narrows Down The Issues For Litigation

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*Divorce Mediator Kimberley Keyes reviews how mediation valuably narrows the contested issues in a divorce, even if the mediation itself is unsuccessful.*



***If you and your spouse are considering a divorce, or if you have already decided that you're going to split up, you probably realize that many issues will need to be resolved. For those with children, the main concerns are usually where the kids will live, how much time they will spend with each parent, and whether (and how much) child support will be paid. Other questions arise regarding marital assets and liabilities: What will you do about the house, bank accounts and retirement accounts?***

*How will you divide your personal belongings? Who will be responsible for the joint credit card debt? And what about alimony? If there is a disparity between the spouse's respective incomes, then alimony could easily be part of the discussion. Some couples will have an easier time deciding these issues than others. Many divorces only have a few highly contentious issues that cannot be resolved amicably. This is just one of the reasons why mediation is so helpful – even if it doesn't completely resolve all of the issues in a divorce, it can narrow them down significantly. This reduces the cost of any litigation that may unfortunately prove to be necessary.*

### *The Numerous Issues in a Divorce*

*Each family situation is unique. However, there are a handful of issues that typically come up when two spouses decide to separate. These include:*

- *Dividing assets. This is the “who gets what” part of a divorce. It can be especially complex when the family has accumulated numerous and diverse types of assets. However, even deciding something as simple as what is to be done with the marital home can be difficult because of how valuable it is and how deep one's emotional connections to a house can be.*
- *Alimony. Sometimes referred to as spousal support, alimony is how much one spouse should pay to the other based on the recipient's need for support and the other spouse's ability to pay.*
- *Child custody and parenting. If there were any children from the marriage, who will care for them is a huge issue to be resolved, as is how much parenting time the non-custodial spouse will have. There are also questions of how to share the decision-making power each parent has over issues that affect the child's health, safety and welfare.*
- *Child support. Whichever parent does not have primary custody (or whoever has more income, if custody is split 50-50)*

*will usually have to pay child support to defray the costs of raising the child.*

### ***Mediation Resolves These Issues Amicably***

*You and your spouse may be able to come to an agreement – even if it is just a general one – about many of these issues. Mediation is meant to facilitate these general agreements, flesh them out, and develop them so they also account for problems that you may not have considered. For example, you and your spouse might be considering a divorce, and have already decided who will have primary custody of your 7-year-old child, how much parenting time the other spouse will have, and how decisions about the child’s welfare will be made. However, you may not have considered whether and how items like uninsured medical expenses, extracurricular activities and college expenses will be shared. Mediation can help identify potential issues such as these and assist you in finding a resolution.*



The advertisement features a dark blue background. On the left, the 'L&O' logo is displayed in a large, white, serif font, with 'ESTABLISHED 1995' in a smaller, white, sans-serif font below it. Underneath the logo, the text 'Need a Family Law Lawyer? Hire the Best' is written in white. In the center is a portrait of Kimberley Keyes, a woman with short, reddish-brown hair, wearing a dark blazer over a patterned top. To the right of the portrait, the text 'Need a Divorce Mediator?' is written in white. Below this text is a blue button with white text that says 'CONTACT KIMBERLEY TODAY!'. At the bottom right, the name 'Kimberley Keyes' and the title 'Family Law Mediator' are written in white.

### ***Even an Unsuccessful Mediation Can Help***

*The goal of every divorce mediation is to reach a final agreement on all issues involved. Even if you can’t resolve all the issues in your divorce through mediation, however, the process can help narrow them down. This way, even if you and your spouse come to the conclusion that mediation is not going to resolve everything and decide to litigate your divorce, you will likely have saved a considerable amount of money by having an answer to many of the problems associated with your divorce. After all, taking the*

**litigation route is usually far more expensive than going through mediation, so mediating as much as possible will reduce the cost of litigating whatever is left unresolved. It also has the added intangible benefit of proving that even people who intend to get divorced can work together to solve common problems.**

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**Kim is a divorce mediator for South Shore Divorce Mediation, with offices in Hingham, Massachusetts and East Sandwich, Massachusetts. She is also a Senior Associate Attorney for Lynch & Owens, P.C., where she specializes in divorce and family law issues. Kim is a statutory mediator under [M.G.L. Ch. 233, s. 23C](#) and a proud member of the Massachusetts Council on Family Mediation. To read more from Kim Keyes, check out [her author page on the Lynch & Owens Blog](#). Disclaimer: The information you obtain at this site is not, nor is it intended to be, legal advice. You should meet with an attorney for advice regarding your individual situation. You are invited to contact our office. Contacting the office does not create an attorney-client or mediator-client relationship. Please do not send any confidential information to the office until such time as an attorney-client or mediator-client relationship has been established. This blog is considered an advertisement for the Law Office of Lynch & Owens, P.C. d/b/a South Shore Divorce Mediation. The Massachusetts Rules of Professional Conduct broadly govern all advertisements and communications made by attorneys and law firms in the Commonwealth. Generally, legal websites and any other content published on the internet by lawyers are considered a type of communication and an advertisement, according to the Comments to Rule 7.2.**

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