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Surviving Coronavirus: Video Mediation For Divorce And Family Law Issues

March 19, 2020 | **James Lynch**

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Mediator James M. Lynch explains how video mediation allows resolution of divorce and family law issues during the coronavirus crisis.



The virtual lock-down of the courts in the face of the Coronavirus (“COVID-19”) pandemic should not serve to postpone the plans of couples who have been planning their divorce with an eye towards resolving their dispute through divorce and family mediation. More importantly, for spouses and

parents facing urgent financial and child-related issues as a result of the coronavirus crisis, mediation offers a way to resolve disputes quickly and effectively at a time when access to the courts is limited. For individuals facing immediate family law issues during the coronavirus outbreak, mediation represents a method for reaching resolution on challenging issues such as visitation and parenting time during the disease outbreak, and the impact of layoffs on financial support orders, including child support and alimony. With many courts closed for regular business, video mediation represents a way to resolve these issues swiftly. In addition to resolving substantive issues, our mediators will work with clients during the crisis to ensure that signed agreements are filed and approved by courts in the fastest, most effective manner available. For parties seeking to start or continue the divorce process while courts are closed, mediation also provides a path forward. The only part of the mediated divorce process requires a court hearing comes at the very end when the parties present their signed divorce agreement to the judge for approval. Everything else in a typical mediated divorce settlement takes place outside the courtroom. The formal mediation sessions (which are pretty informal) don't even have to happen in a conference room. And in response to COVID-19, lots of divorce mediators are rapidly shifting to teleconferences and online video chats. For spouses shuttered at home and eager to make progress in their divorce, this can be a wise and productive option. Moreover, as courts expand electronic filing and telephone and video hearings, our mediators will work with clients to ensure that Separation Agreements entered through the mediation process are filed and presented to judges for approval as quickly as possible.

As Court Closures Spread, Mediation Increasingly Attractive

All divorce mediations require advance preparation which always takes time but time, it seems, is the one thing that shuttered spouses have in abundance. In that context, it is important to recognize the [four core divorce issues](#) that may be present in your mediation: (1.) child custody and parenting time, (2.) child support, (3.) alimony and (4.) the

division of assets. Some divorces feature a few additional issues, while many divorces include only one or two of the listed issues. *Prior to entering mediation*, participants should spend some time researching outcomes for divorce cases. For example, participants should make an effort to understand how *child support* and *alimony* are calculated in Massachusetts, and *when courts order shared physical custody*. With respect to assets, consider the length of the marriage and nature of the assets in question, such as the *marital home*. The best mediation negotiators enter the process with a set of clear goals, while remaining open to identifying the areas in which they are *willing to make sacrifices*, while updating and *prioritizing their goals* as the mediation process unfolds.

Preparing for Mediation Does not Require In Person Sessions

Fortunately, most – if not all – of the legwork that needs to be done prior to your initial mediation session can be accomplished online. Prior to your initial mediation session, it is important to exchange copies of your tax returns, bank statements and retirement account statements. Try to calculate the annual gross pretax income for you and your spouse. Determine your mortgage balance(s) and estimate the fair market value of your home with online resources like [Zillow.com](https://www.zillow.com). If you don't know your financial standing or your monthly household expenses, review your recent bank and credit card statements, noting the expense categories listed on a *Massachusetts financial statement*. Add up your credit card balances and other debts for both you and your spouse. Pull your *free annual credit report* for an overview of your credit score. Knowing your income, expenses, assets and debts is a key piece of obtaining a positive financial divorce settlement. Moreover, full and complete disclosure is owed by each divorcing spouse to the other and both parties will be asked under oath about whether each has faithfully discharged that obligation at the final divorce hearing.

Video Mediation is Easy Using Widely Available Video Conferencing Smartphone Apps

As the coronavirus closes offices across government and industry, video mediation becomes an increasingly attractive option for parties seeking to resolve their divorce and family law matter. Easy to use iPhone and Android apps such as Skype for Business enable mediators to meet virtually with both parties to continue progress on their case despite court closures and social distancing.

With Judges Limited to Hearing Emergencies, a Mediator Can Resolve Conflicts During the Coronavirus Crisis

As we have blogged on our [parent site at lynchowens.com](http://lynchowens.com), COVID-19 is creating chaos in family law cases as courts close and parties find themselves increasingly on their own when it comes to resolving financial and child-related disputes. In this vacuum, an experienced mediator can step in to act as a neutral third party to fashion a lasting solution. We know that parents and spouses are struggling with concerns over health and safety risks affecting child custody and visitation, as well as snowballing layoffs and unemployment impacting child support and alimony. The coronavirus is a crisis in every sense of the word. And yet, even as conditions deteriorate, courts have largely closed their doors to the public for everything except emergencies. Against this chaotic backdrop, a mediator can help. A lot. The tools are available for motivated parties to move their divorce and family law disputes right now – during the COVID-19 pandemic – even as the rest of the world struggles to function.

More Coronavirus Coverage from Our Blogging Team

We have been blogging about the impact of the coronavirus on divorce and family law issue since the earliest days of the crisis on the [Lynch & Owens Blog](#) and [South Shore Divorce Mediation Blog](#). Our coverage has been featured in the [New York Times](#), [Boston Globe](#) and [ABA Journal](#) (coming soon). Check out the links below for more Covid-19 coverage from us at: [Coronavirus Impacts on Family Law](#):

- [*Coronavirus News: Enforcing Child Support and Alimony Orders During the Crisis \(4/7/20\)*](#)
- [*Massive Coronavirus Layoffs Trigger Child Support and Alimony Reductions Across MA and US \(3/19/20 with updates\)*](#)
- [*Coronavirus Court Closures: How Covid-19 is Shutting Courts in Divorce and Family Law Cases \(3/14/20 with updates\)*](#)
- [*Can Coronavirus Fears Allow Parents to Cancel Court-Ordered Visitation? \(3/2/20 with multiple updates\)*](#)

Massachusetts Probate & Family Court Updates:

- [*Coronavirus News: Mass. Probate & Family Courts Release Tidal Wave of New Rules \(4/9/20 with multiple updates\)*](#)
- [*Coronavirus News: County-by-County Info for Massachusetts Probate & Family Courts \(3/26/20 with multiple updates\)*](#)
- [*Massachusetts Trial Court Announces Comprehensive Response to Coronavirus for MA Courts \(3/15/20 with updates\)*](#)

Mediation and Coronavirus:

- [*Mediation is the Best Divorce Option During the Coronavirus Crisis \(4/15/20\)*](#)
- [*Court Filings and Covid-19: How to File Agreements in MA Probate & Family Courts During Crisis \(4/9/20\)*](#)
- [*Surviving Coronavirus: Video Mediation for Divorce and Family Law Issues \(3/19/20\)*](#)

Other media featuring Lynch & Owens and coronavirus:

- [*NY Times: For Divorced Parents, Navigating Coronavirus Is a Balancing Act \(3/27/20\)*](#)
- [*Boston Globe: For divorced couples with children, coronavirus creates added challenges \(4/10/20\)*](#)

- *ABA Journal (coming soon)*



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Coronavirus Mediation Services

*We are continuing to serve our clients during the coronavirus pandemic with specialized services including video mediation, filling assistance with pleadings and agreements, and mediation of temporary orders and other non-emergency issues that are not presently being heard by Massachusetts Probate & Family Court. For more information, please visit our **Coronavirus Mediation Services Page**. **Schedule a mediation with James M. Lynch today at (781) 253-2049 or send him an email.***

Jim Lynch is a divorce mediator and mediation coach for South Shore Divorce Mediation, with offices in Hingham, Massachusetts and East Sandwich, Massachusetts. He is also the managing partner at Lynch & Owens, P.C., where he specializes in divorce and family law issues. Jim 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 Jim, check out his **content 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.**

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