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# What's Your Divorce Mediation Preparation Checklist?

September 22, 2021 | **Nicole Levy**

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*Mediator Nicole K. Levy reviews the steps every spouse should take before their first divorce mediation.*

*Divorce mediation is the most widely recommended approach for reaching marital dissolution settlements in Massachusetts. Family law attorneys, judges, guardian ad litem (GALs), and mental health professionals consistently agree that the cost-effective mediation process can mitigate the emotional and financial impact of divorce while achieving legal outcomes that are as good or better than the litigation process. However, reducing the overall emotional strain associated with marital dissolution doesn't fully eliminate the stress of divorce. Spouses must still engage in fruitful and often difficult negotiations during the mediation process. At [South Shore Divorce Mediation](#), our experienced Massachusetts family law mediators find that organized clients who prepare for their mediation sessions often see the mediation process run smoother, and can spend more time on energy on the substantive issues that need to be resolved, instead of having the mediator spend time getting the clients organized. Our mediators recommend setting aside time to thoroughly prepare for your first mediation session by considering the following preparation tips and checklist.*

## *1. Anticipate Multiple Sessions & Schedule Accordingly*

*Mentally preparing for your divorce mediation is as important as gathering documents. Even the most amicable spouses may not reach*

settlements in a day. Indeed, many spouses are not aware of the full range of issues that must be addressed in a divorce until their mediator has reviewed a list of issues with the clients. The average mediation process generally takes four to twelve weeks, with multiple sessions throughout this period. However, each mediation is unique. Some divorces may resolve in a shorter period of time, while others may need less frequent sessions and take longer overall. Rushing to end your marriage may seem tempting, but patience is often an important element in the mediation process. Moreover, it is important to remember that while mediation may take months, *litigation can take years*. We recommend scheduling at least two sessions with your mediator in advance and blocking out time before and after your sessions to gather documents, meet with private counsel and/or a therapist, and conduct some basic research on the divorce process. By understanding the time commitment required to reach a mutually beneficial divorce settlement, spouses can avoid coming to sessions unprepared and spending time and money needlessly.

## 2. Consider Desired Outcomes & Applicable Family Laws

Spouses should consider their *divorce-related goals* before attending their first mediation session. It's important to discuss your desired outcomes with one another, if you are able, such as retaining sole control of your business. If discussing specific divorce outcomes proves challenging, we recommend that spouses strive to understand one another's interests, where *a spouse's interests tends to drive his or her positions* during the mediation. Ideally, spouses can enter mediation with some understanding of the basic areas of agreement, clear disagreement, and the negotiable and non-negotiable issues where compromise may be achieved. Consider some the following topics that spouses should generally address during mediation as an example only:

- The terms and enforceability of *prenuptial agreements*, if any;

- *Value and classification of property, i.e., premarital, family or business assets, if any;*
- *Division of assets between spouses;*
- *Child-related goals, such as parenting schedules, support, and future decisions;*
- *Communication preferences and dispute resolution procedures;*
- *Child custody, including legal custody and physical custody;*
- *Alimony (spousal support);*
- *Assignment of debts and tax liability;*
- *Additional child related expenses, i.e., purchasing vehicles or paying for extracurricular activities; and,*
- *Income calculations, especially if spouses have substantial assets, are self-employed, or have income not reported on tax returns.*

*Divorce mediators – normally experienced family law attorneys – work to help divorcing spouses understand how to prepare and enter an agreement consistent with Massachusetts' domestic relations laws and identify the primary areas of dispute and resolution between spouses.*

### *3. Prepare for Unexpected Disagreements*

*Even spouses that begin mediation in complete agreement about child custody and property distribution can find themselves disagreeing about unexpected issues that. Sometimes it is not even a disagreement between the spouses, but a third party, like a bank or an educational institution, that creates an issue with the agreement. For example, sometimes one or both spouse's preferred child custody or child support arrangement is inconsistent with common practices or is unlikely to be approved by a judge. In many instances, spouses will agree on a broad legal principle - such as a "50/50 division of assets" - only to find some differences of opinion on related sub-issues, such as which party will keep the marital home following the divorce. It's the mediator's job to help spouses develop detailed divorce settlements that will be approved by a judge and also minimize the risk of future*

litigation. As such, expect the mediator to raise issues you or your spouse may not have considered. Many spouses find they unexpectedly disagree about certain income calculations, the value of individual assets, and child-related sub-issues, such the [children's holiday or vacation schedule](#). This is a normal part of the divorce mediation process. By anticipating some level of disagreement, spouses can [overcome negative emotions during the mediation process](#). Meanwhile, identifying areas of disagreement early in the mediation allows the mediator to balance areas of cooperation and disagreement in a manner that allows spouses to build trust and positive momentum before tackling the hardest issues.

#### 4. Calculate your Post-Divorce Budget

Each spouse's financial position generally changes during and after the divorce process. Most spouses must now maintain separate households (sometimes large enough to accommodate children) and reestablish their financial independence. Unanticipated financial stress is the top reason ex-spouses petition courts to [modify spousal or child support obligations](#) or litigate the divorce itself. It is important for spouses to Consider working with a [financial professional](#) together to aid you throughout the mediation if necessary. This can assist you both in avoiding potential tax consequences, and ensuring that you are making a decision that is overall the most beneficial. Also consider working with financial professional independently to calculate your post-divorce budget before beginning mediation. This can prevent you from waiving [transitional alimony](#) or sacrificing certain marital property rights. Individuals should also [consider the potential tax consequences](#) of divorce. For example, co-parents must generally alternate who claims dependency benefits and file individual tax returns. Health and life insurance premiums might also increase after divorce. While our experienced Massachusetts divorce mediators can help spouses understand the customary financial impact of divorce, it's important to understand your future financial needs before [signing divorce settlements](#). This includes considering the individual cost of housing, home maintenance, utilities, insurance, after-school activities,

food, childcare, pets, vehicles, retirement contributions, holidays, birthdays, and vacations.

## 5. Gather Financial Documents & Vital Records

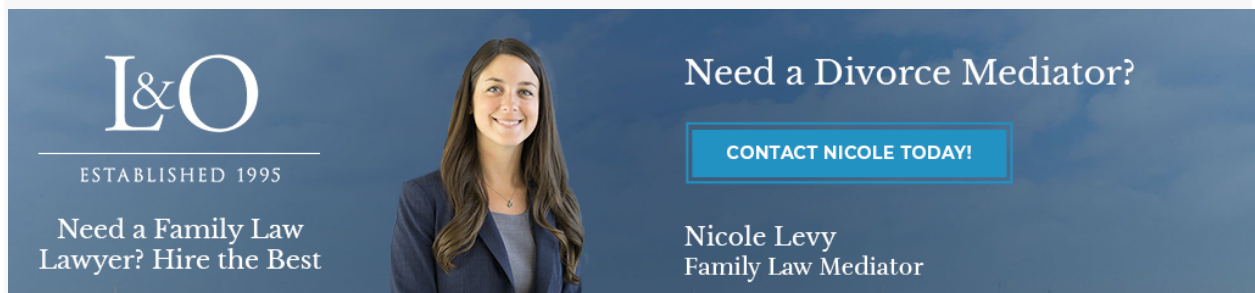
Mediation can be delayed when spouses must review certain income, tax, ownership, and identity documents before finalizing their divorce agreement. Locating and copying/scanning official copies of the following documents *before the first mediation session* can accelerate the mediation process:

- The past 3-5 years of federal and state tax returns
- W-2s, 1099s, and paystubs
- Home deeds
- Joint bank account statements
- Mortgage and loan information
- Private student loan and debt statements, i.e., financed home appliances or cell phones
- Vehicle ownership and registration documents
- Credit card, bank, and individual assets statements
- Retirement/pension account statements and insurance declarations
- Children's health and school records (if relevant)
- Children's birth and adoption certificates
- Marriage certificate and name change orders
- Previous court orders related to custody, divorce, and alimony
- Utility bills
- Medical bills and health insurance declarations
- Wills, healthcare proxies, and trust documents
- Prenuptial or marital contracts

These documents help certified divorce mediators clarify and confirm the status of property, estimate child support, and calculate potential alimony.

## 6. Consider consulting with a Mediation Coach

We have blogged on many occasions about the [benefits of using a mediation coach](#). Mediation coaches assist spouses with everything from [understanding basic legal arguments](#), to aiding negotiations in [high conflict divorce mediations](#). Mediation coaches help offset the advantages of a spouse with greater knowledge or sophistication of financial issues, help spouses plan their mediation goals, and provide valuable advice to spouses about how to negotiate in the mediation context. Although many spouses successfully mediate their divorce without a coach, hiring the right mediation coach can significantly improve a spouse's understanding of the mediation process while increasing the chances of a favorable negotiation.



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## Get Help Preparing for Divorce Mediation

The experienced mediators at [South Shore Divorce Mediation](#) might help spouses schedule and prepare for their first divorce mediation session. By considering the above mediation checklist, spouses may accelerate divorce settlement proceedings. Discuss your divorce with our dedicated Massachusetts mediators by calling (718) 253-2049 or connecting with us [online](#). **Schedule a mediation with [Nicole K. Levy](#) today at (781) 253-2049 or send [her an email](#).**

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**Nicole is a divorce mediator, conciliator and mediation coach for South Shore Divorce Mediation, with offices in Hingham, Massachusetts and East Sandwich, Massachusetts. She is also a**

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