

Q: Once mediation is complete, what will we have to show for our efforts?

When the couple successfully completes the mediation process, your mediator will memorialize your settlement of issues in a document known as a “Memorandum of Understanding” (MOU). This is an unsigned document which will serve as the basis for an attorney to use to prepare a Separation Agreement or Stipulation of Settlement. It is the Separation Agreement or Stipulation of Settlement prepared by the attorneys that the couple will eventually sign and which is the contract between the Clients. Your mediator does not prepare a Separation Agreement or Stipulation of Settlement for you. Completing an MOU will not result in a legally binding contract, legal separation or divorce. You will also have the satisfaction of knowing your agreement is the result of committed efforts by you and your spouse or partner, not a judgment or decision of the court.

Q: How do I get started on mediation?

If you and your spouse or partner have made the joint commitment to mediate, you can contact a mediator and request information or an orientation meeting. The couple will jointly attend the orientation meeting and the journey will begin.



The statements contained in this brochure are intended for informational purposes only and do not purport to be an exhaustive review of the mediation process.

For further information please contact:
FAMILY MEDIATION SERVICES at
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Family Mediation Services



Commonly Asked Questions About Mediation

“Mediation is first and foremost a process that transcends the content of the conflict it is intended to resolve.”

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Q: What is mediation and what is the role of the mediator?

Mediation is difficult to define. There are diverse mediation styles and practices, and mediation is used in a variety of contexts.

FAMILY MEDIATION SERVICES focuses exclusively on family conflicts, disputes and issues, including but not limited to: divorce, separation, custody and parenting issues, holiday scheduling, child support and maintenance, couples conflicts, both same-sex and opposite-sex couples, post-separation and divorce issues, valuation and distribution of property issues. We strive to facilitate couples who have expressed commitment to working together towards the common goal of resolving conflicts by communication, compromise and concession.

Other definitions of Mediation include:

- Mediation is a very brief intervention at a time of crisis.
- Mediation is a process by which an impartial third party (a mediator) facilitates the resolution of a dispute by promoting voluntary agreement (or “self-determination”) by the parties to the dispute. A mediator facilitates communications, promotes understanding, focuses the clients on their interests, and seeks creative problem solving to enable the clients to reach their own agreement.
- Mediation is intended to resolve disputes and reduce conflict as well as provide a forum for decision making.

Q: How do I know if mediation is right for me?

Once a couple has expressed a desire to mediate, your mediator will meet with you in an informal orientation meeting and will ask you a series of questions, the answers to which are helpful indicators of whether you are good candidates for mediation.

Willingness on the part of the couple to enter into a cooperative process that will result in an even-handed, unbiased and trustworthy settlement is a good indication that mediation is an option for you.

Q: My spouse or partner and I have been in a high conflict relationship. Does this mean we should not attempt mediation?

For couples who have had violent or physical contact and/or who have an order of protection, it is the practice of FAMILY MEDIATION SERVICES to urge the couple to strongly consider whether they are suited for mediation, which requires the couple to come together in close proximity and to vocalize their thoughts and requests on issues ranging from asset valuation and distribution to parenting arrangements and support issues. If the couple believes they can have effective dialogue in a non-threatening and respectful fashion, and if the mediator agrees that prior interactions do not prevent the couple from mediating, the couple may embark on the mediation process. Any mediation participants who have a restraining order or are the subject of a restraining order should consult with an attorney prior to mediation so as to safeguard his or her legal rights.

Q: My spouse or partner is not sure about mediation. Can I start the process alone or continue mediation if my partner withdraws?

No. Mediation requires a commitment by both parties to the conflict or issue to be resolved. The mediator will not continue mediation if one of the participants withdraws. On the other hand, it is acceptable for the mediator to meet with each partner individually once mediation has begun if the mediator believes such meetings are beneficial and the mediator does not sacrifice neutrality or impartiality by having such meetings.

Q: Can my spouse or partner and I mediate even if we are involved in a court action or proceeding?

Anyone can decide to mediate if the couple makes a joint decision to mediate. Under certain circumstance, it may be beneficial for your attorneys to attend a mediation session, if the couple jointly agrees. Mediators do not take the place of your attorneys and even if you do not have an attorney when you commence mediation, we encourage you to consult an attorney prior to or at the commencement of mediation.

Improving communications to bring about meaningful resolutions

