



Custody/Divorce Mediation *Strategy*

GUIDE & WORKBOOK

A practical tool for successful mediation.

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Each chapter of the book will have a name and usually has a chapter number.

INTRODUCTION



My name is Tracey Bee,

I am a former family law attorney, strategist/coach, mediator, parent coordinator, blogger and public speaker. I have spent almost two decades in the field of family law on a wide range of divorce/custody cases.

I represented children, as a Guardian ad Litem, as well as parents in cases ranging from abuse/neglect to severe cases of parental alienation. I have written several published articles, given speeches as well as conducted workshops on issues related to family law.

Today I specialize in providing services geared specifically towards self-represented litigants in Family Court. Being pro se is no longer a death sentence!

It only took a few years of working in the Family Court arena for me to realize some key things. These are:

- 1) application of the law is arbitrary;
- 2) fairness is treatment is elusive;
- 3) keeping families intact is not a priority;
- 4) resources are limited;
- 5) the system is destructive and
- 6) the process is outdated.

I used my observations to come up with a process that ensures that litigants get the outcomes they want most. The key is STRATEGY!!!!



**"PEACE IS NOT THE ABSENCE OF
CONFLICT BUT THE ABILITY TO
COPE WITH IT." MAHATMA
GANDHI**



A. Mediation Explained:

Mediation is an alternative to the court litigation process. It is usually less adversarial, less expensive and less stressful than court.

It is facilitated by a neutral, trained professional who does not make decisions. The process usually takes place upon consent, but some states make it a requirement.

The setting is usually in the courthouse, mediator's office or somewhere neutral to the parties. The parties usually split the costs to pay the mediator.

There is no time limit on how long the mediation meeting can take unless set beforehand.

Mediation aims to get the parties to come to a mutually suitable, legally binding agreement. It takes each party's needs and desires into account while balancing the other's.

One primary of mediation is to lessen the overburdened Family Court system. Cases that are not the most high conflict are the ones that tend to benefit most from mediation.

The parties find a mediator they want to work with. They pay the fee and set up a meeting. Attorneys are allowed. The parties work at negotiating their terms.



B. The Goal of Mediation:

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*Peace cannot be kept by force,
it can only be achieved by understanding."*
Albert Einstein

D. Things to Keep in Mind:

1. You need to be honest but reasonable with yourself. You should go into mediation with unrealistic goals. It's important that you give everything some thought.
2. You have to "listen" carefully. Mediation only works if you listen and communicate effectively. You're able to get "answers" when you listen.
3. It's not all about what you want. If it were that easy there would be no need for mediation. The other person deserves some of what they want.
4. You will not get everything you want, both of you will be disappointed. But it's okay.
5. You don't have to decide everything today but you should at least have an idea of what you want and why.

If you have an attorney then you should meet with him/her beforehand to discuss the expectations, the details and the logistics for the actual meeting. Your attorney should explain what you are entitled to by law and the probability of you getting what you want. You should also discuss the costs associated with pursuing mediation, settlement at mediation and the process if mediation is unsuccessful.

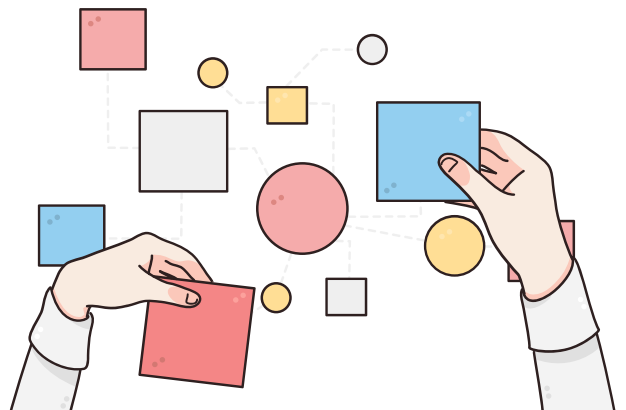
E. Pre-Mediation Prep:

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G. Mediation as Part of Your Strategic Plan:

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F. The Mediation Meeting

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DIVORCE MEDIATION WORKBOOK

1. What are my financial, personal and work/professional goals? 1 year, 3 years, 5 years, etc.?

2. What resources do I have to reach my goals? Which ones can I get to reach my goals?

3. What am I willing to give to reach my goals? Make a 3 column list from Most to Least flexible items.

PART TWO



4. How can the other party contribute to me reaching my goals? Legally, financially or personally?

5. What are the other party's goals? Use previous discussions to answer this question.

6. What is the other party willing to give up to reach their goals? Use previous discussions to answer this question.



PART THREE

7. What am I legally entitled to? According to the laws, rules & caselw of jurisdictional state.

8. What will it cost me to get what I am legally entitled to?

9. How far apart is what I want vs. what the other party is willing to give vs. what I am entitled to?

DIVORCE MEDIATION CHECKLIST

Bring your 3 Column list

Bring court documents

Bring your list of assets, debts & property

Bring your Financial Affidavit

Be relaxed, be alert & be realistic

Have your calculations done already

Bring your receipts, invoices, etc.

Have a proposed Parenting Plan &/or
Agreement ready

NOTES:

What we offer:

- **Strategy Session:** Book a virtual discussion for your divorce or custody with the Strategist/Coach to discuss all aspects of your case. Discuss motions, Discovery, gathering information, trial prep and more. Book half-hour or full-hour sessions.
- **Unbundled Services:** Choose a specific task that you would like us to help you on. We can prepare Motions, Subpoenas, Petitions, etc.; conduct research; help you vet attorneys and so on.
- **Pro Se Family Court Membership Program-**Join the only program specifically geared towards helping self-represented litigants navigate their way through the Family Court process. Get support, have access to helpful resources and attend workshops.
- **1:1 Consulting:** Need help with every single aspect of your case with more direct guidance? This is the best option for you. One, Three and Six Month packages available.