The FIT
DIVORCE
Mediation Program

Serving Boston, Winthrop & Surrounding Areas
617-539-1010 | 617-742-2020
www.amarallaw.com
Thank you for considering mediation to settle your divorce. By doing so, you have chosen to preserve the good things that may still be left in your relationship with your spouse without creating a wedge that can be caused by a contested and litigated divorce. You will also be avoiding the exposure of your children to a lengthy, drawn-out process with uncertain outcomes and financial strain. Mediation is a highly reliable and effective way to resolve your divorce and it’s fast, inexpensive and most important, thorough.

As a neutral facilitator and divorce mediator, I will empower you to reach a full agreement with your spouse, in a safe and informal environment, that will resolve the unique challenges of your case. Having litigated, negotiated and mediated hundreds of divorces over the past 23 years on issues concerning the division of property, custody, child support, alimony, parenting plans, ante-nuptial and post-nuptial agreements, allocation of debt, and complex financial matters, I can offer the necessary insight as to how a judge might decide your issues and how best to draft the divorce agreement which will govern your lives, and that of your children, for many years to come.

Edward L. Amaral Jr.
Attorney at Law

246 Revere Street
Winthrop, MA 02152
Phone: 617-539-1010
Fax: 617-539-0505
Email: edamaral@amarallaw.com
Website: www.amarallaw.com
Divorce mediation is one of the most efficient and effective ways to end a marriage. It is less expensive and less time consuming than litigation, and it allows divorcing couples to preserve a non-romantic relationship – especially important when the divorcing couples are parents.

The law office of Amaral & Associates, PC has enhanced the standard mediation process. Their FIT Divorce Mediation program capitalizes on all of the great benefits of mediation and takes them a step further, ensuring that divorcing couples attain a civilized divorce as affordably and quickly as possible. What is FIT Divorce Mediation?

Edward L. Amaral Jr. has spent the majority of his career working with divorcing couples. He saw the damage divorce did in a family and understood why many couples would be desperate to find a better way to end their marriage. Some couples even went as far as living miserably and avoiding divorce, just so they did not have to put their children and themselves through the contentious process of divorce litigation.

Attorney Amaral wanted to find a way to make the process more dignified, quicker, and less expensive. His ultimate goal was to prevent the complete dissolution of the relationship between a husband and a wife, especially when those roles also included mother and father. His approach was innovative and he called it FIT Divorce Mediation.
FIT stands for Fast, Inexpensive, and Thorough. FIT Divorce is done for a flat fee. There is no need to worry about billable hours piling up. The FIT program has been used by hundreds of couples that were able to transition from unhappy marriage to divorced couple without sacrificing their sanity, dignity, or bank accounts.

The FIT process is comprised of three steps:

1. The first step is attendance at a free consultation.
   This provides you and Attorney Amaral the chance to discuss your situation, determine if mediation is truly the best option in your case, and decide whether or not you want your spouse to attend a second consultation. The fee for the process is divided evenly between you and your spouse, and includes three hours of in-person mediation time that allows spouses to discuss potential resolutions regarding children, financial matters, and division of property.

2. Step two is to perform the mediation.
   This includes discussion of all issues associated with your divorce or other family law related matters. It enables divorcing couples to settle the case by working out a fair and thorough agreement during face to face mediation sessions. Once all issues are resolved, divorcing couples review and sign the divorce paperwork that will be filed with the court.

3. The third and final step of FIT is to file for divorce with the court.
   This includes a brief meeting in front of a judge in the Probate and Family court near your home.
There are very few negative aspects of a FIT mediation and mediation in general. The most common is when a divorcing couple is unable to come to terms enough with their situation to participate. One spouse might want a peaceful, speedy resolution to the end of their marriage, and the other spouse might be resistant. Often, a skilled mediator is able to help divorcing couples overcome this obstacle, but not always. If your spouse is unwilling to take part in a FIT mediation, you will need to pursue traditional litigation for your divorce.

Another benefit of FIT is the ability it gives couples to work together in the future. Since couples control their destiny during the divorce, nobody feels cheated or betrayed as a result of the divorce settlement. A skilled mediator is able to bring spouses together and empower them to work as a team. This not only makes the divorce process easier, it opens the door to the couple being able to make decisions as a team down the road. Parenting is much easier for couples that used FIT mediation to divorce and the lives of the children involved are much more stable and happy.
Determining whether or not mediation, and specifically FIT Mediation, is the right choice for you and your family might raise a few questions. It does not matter if your family has sizeable assets or none at all, or if you have children or not, we can accommodate your needs. And if it turns out your divorce settlement is unreachable through FIT Mediation, you have the option of stopping the process and pursuing traditional litigation. As a matter of fact, couples are given the freedom to stop the mediation at any time and pursue a different avenue if they believe mediation is hopeless.

WHAT ARE THE BENEFITS OF MEDIATION?

- Mediation helps preserve a good relationship with your spouse and reducing the tension for the sake of the children.

- Spouses who mediate their divorce typically are better able to communicate and cooperate and to keep tensions down for the sake of the children.

- The mediation experience builds a base for future cooperation between the parties and teaches you how to resolve issues in a cooperative manner.

- Typically the parties are more satisfied by having arrived at their own "solutions" to the problems as opposed to having a judge make the decisions.

- The parties' children typically benefit from such a collaborative approach.
Greater Overall Satisfaction

- In Mediation the parties are assisted by a mediator to reach an agreement developed by the spouses themselves, not one imposed by a judge or the court system.

- Typically those spouses who mediate their own settlement are much more satisfied with their divorce.

- In addition, children of mediated divorces may adjust better to the divorce of their parents than children of litigated divorces.

AREAS OF MEDIATION

The mediator will typically mediate the following issues:

- Child Custody and parenting plan
- Support including:
  - Child Support
  - Spousal Support
  - Family Support
- Property division

BASIC MEDIATION GUIDELINES

Custody

- Typically the mediator will try to ensure that both parents have frequent and continuing regular contact with their children
- The mediator will also want to foster a positive environment for the children in which both parents are flexible and foster a relationship with the other parent.
- It is important that both parents are respectful of the other and that they never make negative remarks about the other parent.
Disclosure

- Mediation can only work if each spouse is honest and openly discloses all facts, records, and documents required to ensure an informed and fair agreement.
- If a mediator believes that such disclosure is not taking place they will take steps to ensure that it does, and if there still a disclosure issue the mediator may decide to terminate the mediation.

Fairness

- It is important that both parties feel that mediation is a fair forum in which to resolve their concerns and differences.
- The mediator does not represent either party and will not take a stand on any particular opinion.
- The mediator must ensure that the forum is fair and that neither spouse is being pushed, threatened or bullied into reaching an agreement.
- Both parties must feel comfortable with the agreement.

Use of Consulting Professionals

- The mediator may request that the spouses consult with other professionals during the proceedings, such as an accountant who may be needed to address tax issues, or an appraiser, to establish the value of a residence.
- Each spouse is highly encouraged to consult their own attorney to have them review the written agreement or settlement which results from mediation.

Confidential

- Everything that occurs during mediation is fully confidential.
- The mediator will not divulge anything the spouses say to him or her to the other partner or to anyone without the written permission of the other spouse.
- The mediator may not be brought into court.
Commitment to Success

- In order for mediation to succeed each spouse must be committed to working towards an out of court resolution of their divorce.
- The parties must cooperate and focus on reaching resolution rather than personally attacking the other.
- The parties must be respectful, listen to each other, and not interrupt one another.
- Mediation is not for everyone. Spouses who want to attack or punish each other, who think that their lawyer “can get them a better deal,” or who have been abused in the marriage should not become involved in mediation.

Do you think FIT divorce mediation is right for you? Are you looking for a dignified way to bring your marriage to an end without months spent battling your spouse in court? Edward L. Amaral Jr. can help. Attorney Amaral has practiced family law in the Boston area for more than 23 years. He is a proven, respected litigator, but also an active supporter of dispute resolution through mediation or direct negotiations. He believes every effort should be made to save our divorce clients the stress and costs of litigation whenever possible.

Contact Edward L. Amaral, Jr. at 617.539.1010 or by email at edamaral@amarallaw.com to schedule a consultation.