

WHY YOU SHOULD USE A

MEDIATOR

..... *w h e n*

**CONTEMPLATING
A DIVORCE**



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Welcome



Congratulations for taking the first step in finding a more amicable way of getting divorced. You are embarking on what is sure to be a very trying time in your life. Most people in your situation run to an attorney to “file for divorce.” That opens a legal case in the court system, and all further proceedings and filings will be available for public viewing.

There are alternatives to litigation. Mediation is a less taxing process for most divorcing couples. It usually requires fewer resources in the form of money, time and energy. With the assistance of a trained and

experienced mediator, a couple can decide what is best for them and their family. They do not have to stay within the bounds of suggested guidelines, but can create the best financial and parenting plans that work for them.

With almost 40 years of experience and knowledge of business, the divorce process, and financial matters, I can assist a divorcing couple and their attorneys to reach an amicable and workable settlement. Please call me at 305-495-2179, or email me at harriettfox@alum.mit.edu to schedule a free consultation.

Thank you.

Harriett Fox, C.P.A.

*Forensic Accounting, Mediation,
Collabortive Financial Services*



Why You Should Use a Mediator When Contemplating a Divorce



Divorce is one of the most personal legal processes that someone will have to go through. It is also one of the most emotionally taxing. When heading to court to litigate divorce issues, a couple runs the risk of being granted a divorce order that doesn't work well for their family. Issues such as distribution of the marital assets and debts, child support, shared parenting and alimony will be decided by a judge or court official who probably won't know the parties very well. What might seem like a fair and equitable resolution to a judge, may not work for anyone in the family, and may cause more financial and emotional pain to the parties.

When a couple decides to use mediation as an **alternative dispute resolution (ADR)** process, they will participate in making the decisions that affect their family's future. They have a say in the financial matters, the creation of a shared parenting plan, and any

other issues presented in their divorce. Using mediation as a process for divorce, a couple would enlist the aid of a mediator to assist in developing a settlement agreement that will work best for the family.

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Financial Division and Mediation



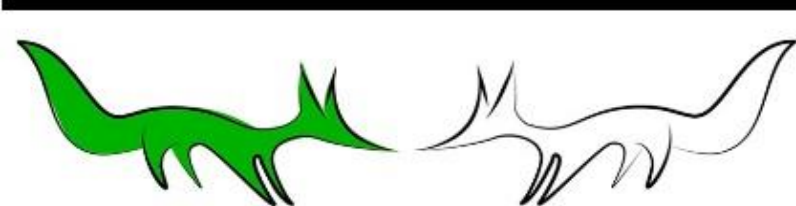
One of the most contentious issues in a divorce is the division of marital assets and debts. Many couples have jointly held assets, such as bank accounts, investments, the family home, and household goods.

Additionally, either or both spouses may hold assets that are marital property despite being in only one spouse's name. And, there may be debts in one or both spouses' names that are marital debts, such as

credit cards or a mortgage.

While a judge or court official will be able to distribute the marital estate, assets and debts, there are legal restrictions on the judge's flexibility. An even distribution of assets and debts, 50% to each spouse, might be the legal standard, but it might not work for every situation. When a couple engages a mediator, they can control the distribution decisions and devise a settlement agreement that the parties feel will work best for them.

Most divorce mediations include a significant portion of time on division of financial assets. In most cases, it is second only to issues involving children in terms of importance and time allotment. Some couples hire financial or real estate experts to offer guidance during the financial division process. Since financial issues are complex, it can help to have someone who understands the nuances of retirement and savings accounts, selling of property, investments, insurance policies, and other financial issues.



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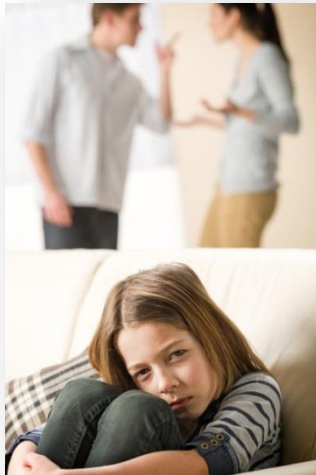


Even if financial experts do not play a role in mediation, the process of dividing assets is time consuming. It is expected that each spouse will be forthcoming with financial information and share with the mediation team all important information. If either spouse feels as if the other is holding back, it can bring negotiations to a halt.

Finally, other matters will be taken into consideration when dividing assets. For instance, if one spouse has significant non-marital assets, it may make more sense to divide the marital assets unevenly, rather than be bound by the legal standard of 50% to each party.

Financial issues are some of the most complicated in divorce, but a skilled mediator assists couples in making practical and mutually satisfactory decisions without interference from the court.

Child Issues and Mediation



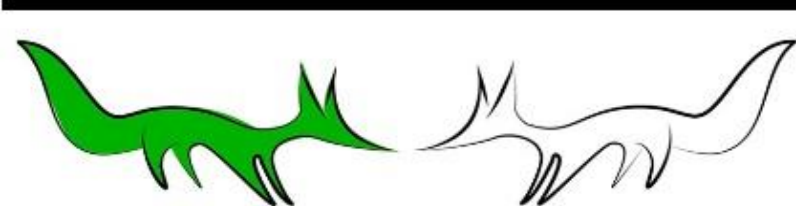
Another emotionally taxing area of divorce is the children's issues. Although judges have experience, and they intend to make the best decisions for the family, they may not have all the relevant information, and they most likely have never met the children. In addition, they are bound by the limits of the law, and must rule within those limits. These elements can lead to an outcome that doesn't work for anyone, especially the children.

When parents use mediation as a divorce process, they will participate in creating the parenting plan. With the assistance of the mediator, the parents will negotiate a plan that works best for all parties, including the children. The parents are getting off to a much better start when it comes to the lifetime of co-parenting that they have ahead. Issues such as which holidays the children spend with

which parent, who pays for health insurance, who claims the child(ren) on their taxes, can be dealt with in mediation. When parents are cooperative from the beginning, it is far more likely that they can work together in the future, and reduce much of the stress and animosity that comes with raising their children post-divorce.

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Mediation and Your Divorce

When you first contemplate getting a divorce, the last thing you want to consider is cooperating with your soon-to-be ex. However, mediating can save you money, time, and distress in settling your divorce. Instead of paying legal fees and court costs for hearings and judge's decisions, you can decide the divorce issues directly with your spouse and the help of a mediator.

A mediator does not make decisions for you in your divorce, but rather guides you and your spouse to settle the financial, parenting and other matters together. When you and your spouse work on these issues with a trained mediator, it is far more likely that you will both be willing to accept the outcome. It will improve the chances that you and your spouse will cooperate when following the settlement agreement.

If you are thinking about divorce, think about alternatives to litigation.

Call Harriett Fox at 305-495-2179 today, or email her at harriettfox@alum.mit.edu.

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