

Seven Reasons to Resolve Your Divorce Using the Magic of Mediation



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Welcome Letter



Thank you for your interest in my mediation services. I can assist you in your civil and domestic mediation needs while saving you money over traditional litigation.

I first obtained my law degree when I graduated from Indiana University-Indianapolis Law School and passed the bar in 1980. Although I have decades of traditional litigation experience in Indiana (I have tried over 60 jury trials and an innumerable number of court trials), in 1993, after completing mediation training, I came to believe that mediation was a vastly superior way of handling legal disputes rather than traditional, in-court litigation and I began to focus my practice towards mediation rather than litigation. Since then, I have mediated over 2,000 cases in both civil and domestic matters such as personal injury, divorce, contract disputes, child support and custody issues.

My main focus is to assist you and the other party or parties in your dispute, in coming up with a resolution with minimal involvement by the court system, in a way that works to the benefit of everyone.

I sincerely believe that disputes settled through mediation result in better long-term outcomes than those that are decided by the courts. When the court system is avoided, or only minimally used in legal disputes, the parties end up coming to an agreement which works better for everyone in a way that can help preserve business relationships and personal relationships in the spirit of cooperation.

Mediation involves an investment of time and effort on the part of everyone but there are benefits that can last for years. My goal is to help assist you in reaching an agreement in your legal dispute so that you don't have to deal with the stress, cost and negativity that is usually involved with any legal dispute. Feel free to contact me via phone or email with any questions you may have.

Respectfully,

Steve

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Divorce is often an emotionally painful experience. It can also be difficult financially because both spouses may have expenses or a way of life that is dependent upon two incomes. Adding to the pain that comes with any break-up is the burden of deciding how to divide up property as well as deciding how best to deal with financial issues and child-related issues.



With divorce mediation, a couple can sit down face to face with the aid of a mediator so that each of them can have equal input on how to resolve these issues. By coming up with solutions to these issues relating to divorce together, a couple can keep their private lives off the public record and hopefully make the process a little less painful. A couple who comes up with mediated resolution to their divorce dispute is generally more satisfied with the results than a couple that battles it out in court due to the fact that:

- a. It is generally cheaper;
- b. It is generally quicker to reach final resolution; and,
- c. Since the resolution is a result of their agreement rather than one imposed upon them by the courts, the likelihood of future litigation is minimized.

Here are seven reasons why mediation may be right for you:

1. Deciding What Should Happen to Real Property



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Dividing real property such as the family home or vacation property can raise many emotional issues for both parties in a divorce. It's common for couples to have a hand in paying the mortgage, performing regular maintenance on their home, or even remodeling it. Mediation can assist couples that are going through a divorce to come up with a solution as to how best to deal with the marital residence and any other real property.



The Mediation Alternative

2. Dividing Debts

It is rare that a couple would end their marriage without having some sort of debt. Marital debt can mean anything from credit card debt, to a mortgage, to car payments. By dividing these debts up through mediation the parties can reach a resolution that both parties feel is fair and that will allow their debt to be fully paid. By paying debts that are in both of the party's names, credit for both parties will be maintained when the debts are eliminated. Using mediation can lead to a higher likelihood that these debts will be paid on time because both spouses will have an interest in keeping to an agreement that they have both fashioned. Such an outcome ultimately works to the benefit of both spouses.



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3. Child Custody and Visitation Issues

Child custody and parenting time can be especially contentious during a divorce, which isn't good for anyone. By working together in mediation, divorcing parents can come up with a custody and parenting time agreement that works for everyone. Custody decisions can sometimes involve very emotional and very complex decisions, with everything from where will the children live to who will see the children on which holidays coming into play. Parents that can reach an agreement on these matters through mediation have a better chance of maintaining a civil relationship in the future (which benefits the children). The parties are then better able to each continue to lovingly nurture their children until the children reach adulthood.

4. Child Support Issues



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While child support issues are mostly covered under state guidelines, other issues relating to support can be more complex. Mediation can help parents with debates over who will pay for the insurance, daycare, educational expenses, or medical expenses if there is any. By working together on an agreement about these matters, future disputes can be minimized.



The Mediation Alternative

5. Rehabilitative Spousal Maintenance Issues

Although alimony does not exist in Indiana, there occasionally arise situations where, due to one spouse's disability or one spouse being out of the workforce for a long period of time during the marriage, some short-term financial assistance may be appropriate. There is a definite advantage to having this discussion in mediation rather than in court so as to avoid the bitterness that will most certainly arise if the parties engage in an ugly, and lengthy, court battle.

6. Tax and Retirement Issues

While tax and retirement issues aren't the most exciting things, they are important things to discuss in mediation. Neither spouse wants to be stuck with a tax burden that belongs to both of them. Vested pensions and retirement savings are marital property that, by Indiana law, must be dealt with in the divorce. There are also tax issues relating to children such as which parent claims the children as an exemption in which years. Finally, if a couple is making payments on taxes owed during the marriage or there is any other tax liability, coming to an agreement over how that will be settled is important.



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7. Dividing Personal Property

Dividing personal property may be one of the most complex issues surrounding divorce, mainly because of the amount of possessions that a couple can accumulate during their marriage. Fighting over each and every small piece of property, such as dishes and small appliances, really does no one any good. Mediation can help the couple come together and decide who is going to get what and why each person may want or need certain items. Mediation can also work for larger items such as furniture, cars, boats and campers where one person may have more of an interest in keeping it for themselves, possibly because they use it more or will have a difficult time replacing the item.

If you would like to learn how divorce mediation can help you, call Steven A. Spence at 317.571.1101 to set up an appointment or email sspence@mediationalternative.com



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