

What Divorce Mediation Means for You

The mediator works with both parties to help them find a mutually acceptable outcome that addresses everyone's concerns.

Because the mediator is neither a counselor or a judge, he or she does not attempt to solve the parties' problems for them. The mediator creates a safe environment where the parties can communicate freely to resolve their differences. The mediator does not impose any decision upon the parties. Rather, the mediator helps the parties explore their options and decide what is best for their family.

The mediator controls only the process, not the outcome.

The Parties Control the Outcome

No decisions are imposed upon the parties involved in mediation in the way they would be if their case were handled in court. Even if mediation does not produce an agreement, it gives each party the opportunity to address concerns face to face with the other party. This is often not possible once you enter the courtroom.

Being able to discuss your situation in person can help each party have a better understanding of the other's position in the case and reach a more desirable solution.



Mediation can provide positive alternative to court in divorce settlements

The Kentucky Court of Justice continually looks for ways to provide greater and more efficient access to justice. Crowded dockets create delays and additional costs for our traditional litigation system. The Division of Mediation of the Administrative Office of the Courts supports the mediation process for the citizens of Kentucky.

Our goal is to provide individuals with timely and cost-effective ways to settle their legal disputes, including divorce settlements. As you proceed through the court process, I invite you to use mediation as a positive way to resolve the issues that matter to you most.

*John D. Minton, Jr.
Chief Justice of Kentucky*



For more information, contact:

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What you should know about

Divorce Mediation



Mediation is a powerful and proven tool that can quickly and amicably resolve disputes in a divorce.

Divorce mediation lets parties control their own outcome

There are many benefits to parties who use mediation to resolve their divorce settlement.

Mediation can help parties identify their areas of dispute and develop solutions that are acceptable to all involved. The goal of mediation is to put the parties in control of the outcome so that they, not the mediator or a judge, develop their own solutions. Because the parties come to their own resolution, they will be carrying out their choices instead of those imposed upon them by a judge.

The Mediator

The mediator is a trained, neutral third party who uses negotiating skills to resolve conflicts. Because the mediator remains neutral, he or she does not take sides but rather works with each party to acknowledge their interests and concerns. The mediator recognizes that the parties are in the best position to know what issues are important to their case and what solutions would provide the best possible result.

Your Rights in Mediation

No one can force parties to agree to something that they believe is not in their own best interest. Throughout the process, both parties retain their rights to legal counsel. Each party also retains the right to terminate the mediation at any point and have his or her day in court.

The Cost of Mediation

Mediation typically costs less than resolving a case in court. Reduced mediator fees may be available, depending upon your income. For more information about cost, talk with your mediator.

Mediation Issues

The issues that can be addressed during divorce mediation include child support, custody or co-parenting, visitation or time sharing, property division and other parental rights issues.

The Mediation Process

The process is the same whether parties come to mediation through a court order or voluntarily. Parties will meet with an experienced mediator who is trained to handle the sensitive, emotional issues associated with divorce. The mediator will help the parties identify their needs. They will then have the opportunity to communicate their concerns and desires to each other in an open and safe environment. While individuals are free to discuss their positions, common courtesy must be observed at all times for the process to succeed.

The parties' attorneys may attend and assist by offering legal advice, but the attorney is not there in an adversarial role as he or she would be in the courtroom. Rather, the attorney is there to help the parties and the mediator move the mediation process forward. Just as the courtroom is the attorneys' venue, the mediation session is the parties' opportunity to speak and be heard.

Under no circumstance should the parties be pressured to reach an agreement that they are not comfortable with or that they do not feel is in their or their children's best interest. Parties are strongly encouraged to work toward a solution that benefits everyone involved, but they are not required to reach an agreement. Because the parties control the outcome in mediation, either individual can stop the process at any time and have his or her day in court, where the judge will decide the outcome of the case.

If an agreement is reached that is mutually acceptable to both parties, the mediator will draft a formal agreement, have all parties sign it, then submit it to the judge. Once the judge reviews and signs the agreement, it becomes an order that is enforceable through the court.

Mediation Roster

To access a roster of mediators by county or review the Mediation Guidelines, visit www.courts.ky.gov. Click on Court Programs, then on Mediation and then choose a topic from the right-hand menu.

Benefits of Mediation

There are many benefits to using mediation as an alternative to resolving disputes in court:

Saves time. Preparing a case for court can be time-consuming and costly. Attorneys must contact and interview witnesses, collect documents and other evidence, schedule court dates and follow up on the case after trial. By choosing to mediate, parties can avoid the lengthy steps that attorneys and the courts must take to prepare for a trial.

Saves money. Mediation reduces attorney fees and court costs associated with lengthy court battles.

Maintains confidentiality. The parties' issues and concerns are kept in the strictest confidence. No one, including the mediator, can be ordered to disclose any information to the courts about matters discussed in mediation.

Allows open discussion. Mediation provides a safe environment that lets the parties voice their concerns in a way rarely possible in a courtroom.

Preserves relationships. The stress and strain of winning a case can take a toll on what may be left of the parties' relationship with each other. Because the parties are not having to "win" the case during mediation, they do not need to damage each other in order to prove their case.

Protects the children. Mediation makes it possible for children to heal from the trauma of divorce by knowing that their parents worked together and did not make their children choose between two people they love.

Puts the parties in control. The parties decide how to resolve their important issues rather than having a judge make the final decisions. Because the parties control the process, they are free to offer creative solutions that the court might not consider or otherwise allow.

Provides a binding agreement. The agreement reached in mediation is as binding and enforceable by the courts as a determination reached through a court trial.