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HUFF POST DIVORCE

MARRIAGES COME AND GO, BUT DIVORCE IS FOREVER



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Divorce Confidential: Preparing for Child Custody Mediation

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One of the ugly realities of divorce is that you and your spouse have to divide your time with your children. Instead of the luxury of having your children in one home at all times, shuttling your children back and forth between two households is now a new reality. This is never an easy process, but many families are making it work. Getting to this point however, requires a lot of patience, compromise and communication with your ex-spouse so that a mutually-agreeable parenting schedule is firmly set in place. While some parents are able to establish a workable parenting schedule without the need for court intervention, there are other parents who need the assistance of the court to help establish an agreeable parenting plan.

In San Diego where I practice family law, if parents are unable to agree on a parenting plan with each other and instead seek court intervention, the court will set a mediation date where both parents meet with a professionally trained counselor who will then recommend a parenting plan for your family. The court will then take this recommendation into consideration when ordering a child custody and visitation plan. Each jurisdiction will differ on how the court's handle these mediations and how much importance they weigh the recommendation in their decisions, so it is important to research and seek assistance from a professional to understand how orders are issued related to your children.

It is important to take child custody mediation seriously because the court may place significant importance on a mediator's recommendation and this parenting plan will become a regular routine for you and your children's lives for many years to come. With that being said, here are some helpful tips on how to prepare for child custody mediation:

1. Know Your Concerns and Know What You Want: Before you attend child custody mediation, prepare an outline of your top concerns, along with what you are proposing

for a child custody and visitation schedule. Being prepared for mediation and writing down your concerns and proposals will help you stay on track especially if you become nervous or overcome with emotion during the mediation. It is important to keep in mind that some court appointed mediations do not allow you to bring extraneous documentation such as witness testimonies or even photos to show to the mediator. That is why it's important to check your local court rules before you submit or bring documents to the mediation. If your child has special needs, you may also want to consider bringing a list of collateral contacts. Collateral contacts are those individuals such as teachers, doctors and psychologists that you will want the mediator to contact following mediation, in order to help clarify any questions the mediator may have about you and your children. Each jurisdiction has different rules so again be sure to talk to a professional and know the rules before you attend mediation.

2. Meet With a Professional Counselor Before Mediation: One thing to consider if you have funds to do so, is meeting with a professional counselor who is trained to help prepare you for court mediation. As a family law attorney, I see value in meeting with a trained professional counselor because half the battle in a child custody mediation is knowing how to present yourself especially when you are overcome with emotion. A counselor who is trained at helping prepare you for court mediation will provide you with helpful tools on how to present your position, get important points across to the mediator and how to counter any personal attacks by your ex-spouse during mediation just to name a few. If you do not have the funds to pay for a mediator, then write out your points on a piece of paper as I noted above and use it to help you stay on track and get your voice heard during mediation.

3. Consider Talking to Your Spouse Prior to Mediation: It may seem counter-intuitive to try and talk to your spouse prior to court mediation since the lack of communication is what got you to litigation in the first place. However, it may be worthwhile to reach out to your spouse prior to mediation to discuss outstanding issues and see if there's anything you can agree on. If you agree on certain points prior to mediation, the mediation process may become less painful and daunting and instead more productive and efficient.

Finally, remember that while the goal of court appointed mediation is to come to an agreement regarding child custody and visitation, you should not feel pressure to sign an agreement that you are not comfortable with. If you need time to think about the parenting plan before you sign an agreement, then speak up and take the time to reflect before making any decisions. The goal is to establish a parenting plan that is in the best interests of your children, so keep that in mind throughout this whole process.

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