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Four Negotiating Tips For Divorce Mediation

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Mediation Coach and Divorce Mediator Carmela M. Miraglia provides four divorce mediation negotiation tips.



One of the main benefits of [divorce mediation](#) is that it minimizes the impact that lawyers have on the outcome of your divorce. However, there is a drawback to the attorney-free environment: without lawyers present during mediation sessions, you must advocate for your own [positions and interests](#). Understanding how to successfully negotiate on your own behalf can be an important element in ensuring your mediated divorce settlement is fair and reasonable. Below are four suggestions for effectively negotiating during

mediation sessions that can help you achieve the outcome you want in your legal separation from your spouse.

Set Specific Goals for Your Divorce Mediation Before the First Session

The first step in any negotiation is knowing your goals. What constitutes a “good” outcome in your divorce? On what issues are you willing to compromise? What areas are most important to your spouse? Most divorce cases come down to four possible issues: (1.) child custody and parenting time, (2.) child support, (3.) the division of marital assets/debts, and/or (4.) alimony. A spouse who approaches mediation with clear goals in each of these four categories is likely to excel, while a spouse who does not know what he or she wants is likely to struggle.

Preparation is Key: Arm Yourself with Knowledge and Facts

*Being prepared for each mediation sessions is the easiest and best way to ensure success in divorce mediation. There are a number of topics you should understand before setting foot in a mediation session. First and foremost, **know your legal rights in the divorce**: Do your research; read up on the divorce process and the Massachusetts’ divorce statute and how the statute is applied during the divorce process. Explore the **Massachusetts Child Support Guidelines** and experiment with an **Massachusetts alimony calculator** before your first session. Having a general idea of how a divorce would be resolved in court after a trial can prevent you from accepting an unfair settlement. Second, and no less important, **know your financial situation**. Make copies of your tax returns, bank statements and retirement account statements. Try to calculate the annual gross pretax income for you and your spouse. Determine your mortgage balance(s) and estimate the fair market value of your home with online resources like **Zillow.com**. If you don’t know your financial standing or your monthly household expenses, review your recent bank and credit card statements, noting the*

expense categories listed on a [Massachusetts financial statement](#). Add up your credit card balances and other debts for both you and your spouse. Pull your [free annual credit report](#) for an overview of your credit score. Knowing your income, expenses, assets and debts is a key piece of obtaining a positive financial divorce settlement. Third, and equally significant, [know what your spouse wants](#). While predicting exactly what your spouse will do during the divorce mediation sessions might be impossible, knowing what is important to your spouse may help you identify what direction they will take during negotiations.

Don't Rush the Process: Avoid Mistakes Through Diligence and Care

Separating after a marriage is complicated whether you have been married 20 months or 20 years. The devil is in the details and this rings especially true of any divorce agreement that you negotiate and end up signing. Adequately prepare for the mediation discussions. Reflect and evaluate what was said during prior the mediation sessions, and what is likely to be said in future sessions. Be certain you understand all the implications and consequences of any potential agreement you are negotiating. Rushing through the mediation process is how mistakes are made. In the context of a divorce settlement, these mistakes can be costly. If you allow yourself the time to review and evaluate your decisions during the mediation process, you may avoid having “buyer’s remorse” once the agreement is finalized and accepted by the Court.

Keep Your Eyes on Your Prize

Knowing and focusing on what constitutes a “good outcome” is key for the divorce mediation preparation process. However, it is easy to lose sight of your goals and become distracted by the many other elements of a divorce during the negotiation process. Issues like [negative emotions](#) can crop up, throwing one or both participants off track. If the most important issue to you is maximizing your parenting time with your children, then negotiating too

*aggressively during discussions about **dividing the marital assets** may be counterproductive, because when the talk turns to **child custody** and parenting time, you may have already spent many of your bargaining chips. Keep your focus on what is most important to you and concede those things that are less important. You don't need to win every battle to walk away with a victory and a fully negotiated separation agreement that is both fair and reasonable is a victory for both sides.*



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The Role of Mediation Coaches

*These suggestions are easier said than done, and many spouses find themselves overwhelmed with the task of representing themselves during mediation sessions. This is where a **mediation coach** can come into play. While mediation coaches cannot be at your side during a mediation session, they can give you invaluable behind the scenes support and advice right up until the moment you sit down at the negotiating table.*

*Carmela is a divorce mediator and mediation coach for South Shore Divorce Mediation, with offices in Hingham, Massachusetts and East Sandwich, Massachusetts. She is also a Senior Associate Attorney for Lynch & Owens, P.C., where she specializes in divorce and family law issues. Carmela is a statutory mediator under **M.G.L. Ch. 233, s. 23C** and a proud member of the Massachusetts Council on Family Mediation. To read more from Carmela Miraglia, check out [her author page on the Lynch & Owens Blog](#). Disclaimer: The*

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