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How Long Will My Divorce Mediation Take To Complete?

November 30, 2017 | **Nicole Levy**

Categories: **Mediation / Nicole K. Levy**

South Shore Divorce Mediation's Nicole K. Levy discusses how long a typical divorce mediation lasts.



*I am frequently asked, **how long does divorce mediation take?** My answer is always the same: it depends. Each mediation is unique, and the people involved influence the time it can take to reach a resolution is reached. Some mediations involve spouses who have agreed on a basic framework before attending their first mediation session; other mediations involve unresolved issues that require multiple*

sessions. In many mediations, spouses must participate in a handful of sessions before it becomes possible to project the duration of the process. In other mediations, unexpected events can alter the projected schedule.

How Substantive Divorce Issues Affect the Mediation Timeline

*One major factor in how long your mediation will take is the number of issues to be resolved. Some clients enter mediation telling me that they've resolved "all issues." Sometimes this is true. Other times, when we begin discussing specific issues, it becomes clear they have not discussed or fully considered all issues. In many scenarios, spouses have not fully explored all aspects of **child custody, child support, alimony** or the **division of assets**. This is not the fault of the participants, but often just a lack of familiarity with the realities of the Probate and Family Court. For example, I often have people who have worked out a parenting schedule but have not considered holidays, summer vacations, or other issues that tend to result in conflict if they have not been addressed. Having only a few issues resolved at the start of mediation can sometimes extend the duration of the process. Procedurally, each takes time to introduce, explore and resolve. Obviously, when more issues are unresolved, more discussions are needed. However, it is not unusual for spouses to swiftly and easily agree to numerous issues in a single day. Meanwhile, some mediations become bogged down in a dispute over just one or two issues.*

How Interpersonal Dynamics and Relationships Affect the Duration of Divorce Mediation

*It is important to assess each spouse's ability to communicate in every mediation. Even making the attempt to mediate tells us something: you have already made one choice together - namely, **trying mediation** - which tells me that agreement is possible in other areas. Mediating one or two issues can sometimes take longer than mediating many issues simply because tackling every*

issue at once is faster than plodding through each issue individually. For spouses who **struggle with communication**, taking a slower, issue-by-issue approach may be necessary. For **spouses who communicate better**, I often encourage discussion outside the walls of mediation. Personalities matter in mediation. Some spouses return to each mediation session with their homework completed and having discussed the required topics. Other couples find that it is difficult to make progress without the mediator present. Still others simply procrastinate and delay between sessions. Of course, communication outside the mediation forum is not always appropriate. Hot button topics, triggers, and power dynamics come into play, especially if there is a risk that this communication will set the mediation backwards. The dynamic of the parties plays a large role in the mediation itself, as well as how long it will take. In general, spouses with a **contentious relationship** must proceed more slowly and carefully in mediation.

How Each Spouse's Goals and Motivations Affects the Length of a Mediation

Since each mediation presents its own challenges, it is important to discern each spouse's goals and motivations during the process. Many spouses enter mediation with a list of **positions or goals** outlined, such as his or her desired outcome for child custody or the division of assets. It is important to recognize that an individual's goals are a function of his or her interests; that is, the **worries, concerns or beliefs** that motivate the spouse's specific positions. It is important for each spouse to **identify the other spouse's interests** as early as possible in the mediation process. By focusing on interests – rather than positions – spouses can better understand where **both parties' interests overlap and coincide**. From this shared understanding, compromise on specific issues can be quickly achieved. Spouses may enter mediation believing they each benefit from the speedy resolution of their divorce. Other spouses may agree to approach the process slowly and cautiously. They may even agree to delay their divorce until a child graduates, a house

sells, or a loan is paid off. Of course, many spouses don't see eye to eye at all, and the mediator must help bridge the gap between differing opinions. Still other spouses enter mediation before they have fully digested the hurt or sadness that often accompanies divorce; consequently, one or both spouses may not be emotionally ready to ascertain their interests or goals. Emotional readiness can be difficult to predict, and the specific timing of life events vary from case to case. However, every good mediator knows that ascertaining each spouse's mental state, readiness and interests is an important factor in determining the timeline for a mediation.

How Scheduling Issues Impact the Divorce Mediation Calendar

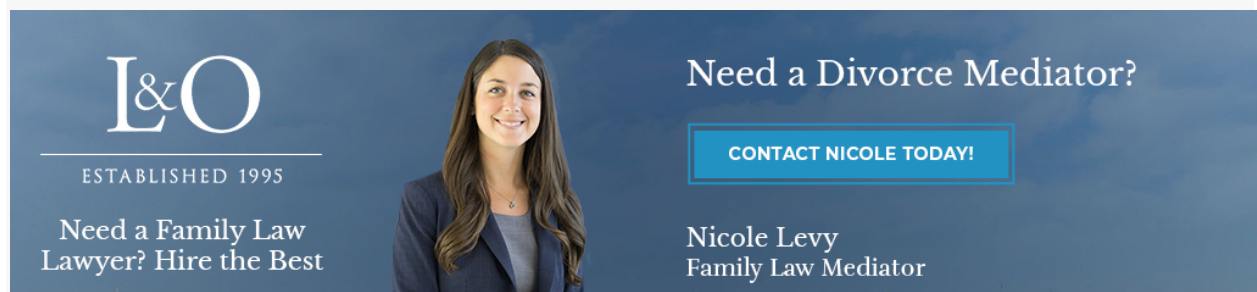
*Prior blogs have discussed that one of the benefits to mediation is that it is a **flexible process that allow you to set your own schedule**. This flexibility relieves the participants of the **pressure imposed by litigation**. I work with mediation clients who can only meet on certain days or at certain times. I have some clients who alternate the days for sessions so that neither spouse misses too much time with the children. I have other clients who prefer biweekly or monthly mediation sessions. As noted above, scheduling is sometimes driven by emotional readiness. Starting mediation early helps spouses **avoid the cycle of fear and uncertainty** that follows a breakup. However, if an individual is coping with depression or an anxiety from the loss of his or her partner, it may take time before he or she is ready to dig into the practical issues that must be addressed through mediation. As noted above, the mere fact that spouses have not agreed on issues in advance of mediation does not doom the couple to a lengthy mediation. Spouses sometimes cruise through each issue raised with remarkable speed. At the same time, even when spouses have agreed on most basic issues, one or both spouse's schedule(s) can present practical impediments to mediation. Unlike litigation, where parties are **required to appear on a certain day at a certain time**, a mediator can work around your schedule and availability. If you are only available once a month, your mediation may take*

longer to reach resolution than those who meet once a week. But it still gets done. Flexibility aside, meeting deadlines and attending scheduled events are important in mediation. Frequent cancelations or a lack of respect for the agreed-upon schedule can signal a lack of commitment that can undermine the entire mediation process.

How Each Spouse's Engagement and Willingness to Participate Affects Divorce Mediation Timing

*Perhaps the most crucial factor affecting mediation timing is each spouse's willingness to commit to the mediation process. Spouses often **begin mediation** with varying levels of emotional readiness. Indeed, some spouses **begin mediation before they have made a decision on getting divorced**. Other spouses enter mediation after **partially litigating their divorce in court**. Each spouse's level of readiness at the beginning of mediation can affect the length of the process. It is important to distinguish between emotional readiness and commitment, however. Mental state matters, and it is important that each mediation participant is emotionally ready to address the challenging issues that will be discussed during a mediation. Individuals experiencing serious depression or anxiety should seek treatment and find stable ground before embarking on mediation. Commitment level is quite different. A spouse who is using mediation to delay the divorce, or who plans on later litigating the divorce, should not be mediating at all. Thankfully, it is relatively rare to find spouses whose main goal is to manipulate the mediation process for their own gains. That said, human beings are complex, and it is not unusual for people to display a mix of motivations. Commitment to the mediation process exists on a spectrum, and it is the mediator's job to engage each spouse, so that each recognizes the value of mediation. Many individuals are uncertain at the start of mediation, only to see their confidence grow with the process. Of course, mediators are not psychologists, and the bottom line in every mediation comes down to each spouse's performance. Every mediations session involves the*

determination of agreed upon scheduling for next events, including future in-person sessions, obtaining and exchanging documents, and a commitment to review and respond to proposals. Deadlines can be flexible, but ultimately, each spouse must display his or her commitment to the process by doing their part to advance the mediation. If a mediation drags on simply because one person refuses to complete an assigned task, it is the mediator's job to explain the individual's responsibilities to him or her in no-nonsense terms. Mediation is totally voluntary and confidential. If one party is not committed to the process, the mediator has the power to suspend or terminate the unproductive mediation.



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Conclusion: How Long Divorce Mediation Lasts Depends on Multiple Factors

There is no one-size-fits-all answer to how long a divorce mediation will take. However, many of the factors described above can be assessed by a trained mediator after a session or two, at which point the mediator may be able to forecast a reasonable timeline for completing the mediation process.

Nicole 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 collaborative law attorney Senior Associate Attorney for Lynch & Owens, P.C., where she specializes in divorce and family law issues. Nicole is a statutory mediator under [M.G.L. Ch. 233, s. 23C](#) and a proud member of the

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