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How Mediation Helps Unmarried Parents Resolve Child Custody And Child Support Issues

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Divorce Mediator Carmela M. Miraglia discusses how mediation can work for unmarried parents to resolve child support and custody issues.



Although the SSDM blog often emphasizes divorce mediation, the truth is that mediation is also extremely useful for unmarried parents who are looking to amicably

resolve issues including child custody, parenting time, and child support. All of our mediators feel their most important work involves finding solutions for parents who want to resolve their differences *without negatively impacting their children through conflict and litigation*. Indeed, concerns like child support and custody are not unique to married parents, and all of the mediation tools and techniques we use to find child-friendly solutions for divorcing spouses apply equally well to unmarried parents.

Resolving Issues of Unmarried Parents Using Mediation

Just because parents have not “tied the knot” does not mean they cannot benefit from the kinds of services that divorce mediators provide. Legal issues relating to a married couple’s children also apply directly to situations that unmarried parents face. As mediation is a beneficial way to handle legal issues in a divorce, it follows that mediation can also be an effective way to resolve issues when the parents are not married. Indeed, it’s important to note that mediators regularly assist divorced parents with child custody and child support issues that *arise after a divorce has been finalized*. Former spouses are no longer married, and the issues that arise in post-divorce modification actions are generally very similar to those faced by unmarried parents.

Child Custody for Unmarried Parents

Perhaps the most significant legal issue that pertains to a divorce, but can also apply to unmarried parents, is who will have *custody of the child* after a couple splits up. When parents go their separate ways, the questions about how to care for the child are substantially the same, regardless of whether the parents were married or not. The factual scenario is largely the same for both sets of parents: The parents have decided to move on from the relationship and it becomes necessary to determine who will have custody of the child, making the day to day decisions concerning the child, and outlining a parenting plan that works for their family. Although there are some important distinctions between how married and unmarried parents are treated in the Massachusetts statutory scheme, the concerns and stresses faced by parents transcend

marital status. A mediator can aid parents to resolve child-related issues with child-focused solutions.

Unwed Parents Also Have Similar Child Support Issues

Mediating child support issues is largely identical for married and unmarried parents. The costs of raising a child are the same regardless of whether his or her parents are married; figuring out how to allocate those costs between the parties is an issue all parents, wed and unwed, face. The Massachusetts Child Support Guidelines apply equally to married and unmarried parents. Unmarried parents experience just as benefit from the flexibility of mediation, while avoiding the cookie-cutter approach of litigation. And focusing on the child, rather than the emotions of the parents, is always beneficial, regardless of marital status.



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Carmela M. Miraglia
Family Law Mediator

Divorce Mediation Works for Unmarried Couples, Too

Litigation is just as time consuming, stressful and conflict-driven for unmarried parents as it is for divorcing couples. Whether unmarried couples have a high-conflict relationship, or hope to resolve disputes amicably, mediation provides a cost-effective solution that is flexible and voluntary. Resolving child custody and support disputes in a calm, productive, and peaceful way is something that divorce mediation is uniquely suited to accomplish, regardless of whether the parents of the child are married or not.

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 information you obtain at this site is not, nor is it intended to be, legal advice. You should meet with an attorney for advice regarding your individual situation. You are invited to contact our office. Contacting the office does not create an attorney-client or mediator-client relationship. Please do not send any confidential information to the office until such time as an attorney-client or mediator-client relationship has been established. This blog is considered an advertisement for the Law Office of Lynch & Owens, P.C. d/b/a South Shore Divorce Mediation. The Massachusetts Rules of Professional Conduct broadly govern all advertisements and communications made by attorneys and law firms in the Commonwealth. Generally, legal websites and any other content published on the internet by lawyers are considered a type of communication and an advertisement, according to the Comments to Rule 7.2.

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