Mediation Process Map - 3 SESSIONS

(Ongoing Financial Support (spousal maintenance) calculation required)

(no pension or business valuations required)

2 MONTHS- approx. £1000 plus vat per person

Note:Only clients of Compass Resolution can access the blue links to our online resources.

Preparation for Mediation

Clients complete and provide mediator with Financial Disclosure Booklets using online Compass support resources with the purpose of making a 'Full and Frank financial disclosure'.

If communication is difficult read/watch the series, preparing to communicate in mediation.

Mediator completes Open Financial Summary ready to discuss in mediation.

Mediation and Memorandum

Confidentiality and Privilege paragraphs

Background

- Names. Dobs. Occupations
- Relationship timeline. Cohab. Married. Separated. Divorce issued?
- Children names. Dobs
- Court proceedings? Important dates

Matters for discussion:

- Divorce process
- Finances including asset division and ongoing financial support (spouse and children maintenance)
  - Urgent aspects to be considered?

First session of mediation

Divorce- Issued? Stage reached?

Compass Resolution
Family Mediation

Child arrangements

Record current arrangements and identify whether any discussions are needed in a separate session focusing on the children (see creating chpt on creating parenting plan)

Finances

- Jointly go through Open Financial Summary spreadsheet prepared by mediator from Financial Booklets (Form Es) provided by clients prior to first session. Mediator makes disclosure notes and creates tasks list (see 'next steps' below).
- Id priorities for outcome (values, interests and needs of each person to be considered)
- Help clients provide each other with an overview of their desired outcomes and approach, including factors (Influencing thinking and approach)
- Interim financial support calculations (interim maintenance) if needed.
- Provision of legal info by reference to Compass Divorce Manual and guides
- Id any neutral expert input required ie house valuations, borrowing capacity

Next steps such as task list to complete before next session.

Work on income/expenses spreadsheets based on housing options to be explored during next session so can decide whether, and how much, ongoing financial support is to be paid as part of the final proposals.

- Work together to agree valuations ie property
- Obtain borrowing capacity reports.
- Read relevant legal info referred to in Divorce Manual and online

Second session of mediation

Exploring Options to meet values, interests, needs x referring to option excel spreadsheet (build future picture).

Continue to build the Open financial summary from information obtained since first session.

Capital division to meet housing needs and ongoing financial support (maintenance) explored.

- Option 1
- Option 2
- Option 3
- Option 4....

If needed, discuss expenditure spreadsheets to determine whether case for ongoing financial support (Spouse and/or Child) which is likely to take up most of this session determining question of interim maintenance and the 5-stage approach to working out spousal maintenance.

https://www.compass-resolution.com/video-support/

Next steps to complete before next session to enable full reality testing and narrowing of options.

Take legal advice regarding options explored and interim maintenance proposals reached.

Third session of mediation

Narrow options and reaching proposals based on information gathered such as borrowing capacity report and legal advice obtained prior to session so that clients are ready to reality test with the mediator from multiple perspectives and reach proposals.

- Option 1
- Option 2….

Proposals reached.

Next steps

Take legal advice regarding options explored and proposals reached ensuring that they will deliver what each person expects them to deliver checking for example who is to pay any costs and fees connected with the implementation of the proposals.

- Main terms of proposals set out by Mediator in Memorandum for mutual understanding.
- Costs: Who is to pay costs and fees for obtaining financial consent order, Divorce Decree Absolute fee, conveyancing fees…
- Tax implications of implementing proposals such as Capital Gains tax on investment property transfers.
- Wills, inheritance and insurances ensuring that these aspects are considered.

Mediator prepares;

- Final Memo setting out proposals and
- Open Financial Summary,

Solicitors prepare Consent Order for Judge to make binding and Decree Absolute applied for.

Consent order implemented.