

Why mediation in divorce proceedings is the best way forward

Marriages don't always end as smoothly as you might want it to and sadly, 42% of marriages in the UK, end in divorce.

Apart from the obvious costs involved, divorce brings with it huge emotional turmoil. Before the introduction of the no-fault divorce, a person making a divorce application had to give one of a handful of reasons why they needed a divorce, including unreasonable behaviour or desertion. Softer reasons, such as having 'grown apart' wouldn't be strong enough to secure a court's agreement to divorce.



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The Problems?

When the law required separating spouses to find reasons for

'unreasonable behaviour', it changed the tone of the split and added conflict to an already emotional experience. Issues that could have been resolved quickly became acrimonious and made trying to agree child arrangements or financial matters much harder.

This is where mediation comes in. It is very different from hiring divorce solicitors, and in general it makes for a more amicable settlement process.

What is Mediation?

As part of the divorce process there's typically the need to create a financial order, which divides the marital assets in a fair way and makes arrangements for your children. If this escalates into a court battle, problems become drawn out and expensive.

Mediation is hugely successful in creating resolution without the need for litigation.

During mediation both parties meet, while an independent mediator helps create fair resolutions that both parties agree on.

It's done in a confidential setting.

Mediation encourages open communication and collaboration between parties, leading to less conflict and animosity between divorcing spouses. And compared to traditional litigation, mediation is typically more cost-effective. And quicker too.

Better Control

In mediation, you'll have more control over the outcome of your divorce. Agreements can be tailored to your specific needs, rather than having decisions imposed upon you by a judge. But perhaps most importantly, when children are involved, mediation can help preserve the relationship between

parents. This is vital post-divorce.

In Mediation Children Are The Priority

Perhaps it's children who experience the toughest times when parents are splitting up. With the emotional attachment you have as a parent it can be hard to remain impartial. And it's not unheard of for parents to want to use children as a means of getting back at a spouse.

Mediators will recommend solutions that prioritise the children involved and depending on the age of the child and the qualifications of the mediator, the children can even be spoken to for their opinion on what they want.

How Is Mediation Different?

During a divorce, you might hire your own divorce solicitor. Solicitors represent their client and their wants, so both will fight hard to get what their clients want to get out of the divorce.

If an agreement can't be reached the only solution is court. And hiring barristers is expensive.

By having a mediator, it's easier to set-up meetings. Resolutions can often be made in just one or two sessions. Solicitors write letters and wait for replies, which adds time to an already stressful situation.

The mediator's role is to create a beneficial situation moving forward, rather than one that looks at redressing the problems of the past.

A mediator's responsibility is to reach a compromise between the two parties involved, in terms of the division of marital assets, child custody and visitation rights. Because they are neutral, the mediator will remain objective in helping to arrive at possible solutions and create the right outcome for both parties.

It's also worth noting here that a legally qualified mediator is different to a qualified mediator. A qualified mediator is positioned to help you resolve problems by looking at assets and circumstances. But in the UK and Wales they are not allowed to give legal advice, unless they are legally qualified, like these [solicitors in Ipswich](#).

That means if you and your partner come to an arrangement for the contents of a court order, for example, a non-legally qualified mediator cannot advise on matters of its legality and whether a court would see it as unfair.

Is Mediation Always the Right Answer?

Mediation is designed to create an impartial situation so that both parties can reach resolutions that are fair and agreed on.

But while mediation is a beneficial approach for many divorcing couples, there are situations where it may not be suitable.

If the level of conflict between the parties is exceptionally high, mediation may not be effective. In cases where there is a history of domestic abuse, mediation will not be appropriate. The safety of vulnerable parties is always a priority.

Mediation also may not be suitable for divorces involving complex legal or financial issues that require expert analysis or interpretation. Here it may be necessary to involve lawyers or other professionals with special knowledge.

Final Thoughts

Mediation is hugely effective when it's appropriate. And often resolution can come in just one or two sessions. What's more, if you are going through a divorce a court might expect to see you have tried mediation before any litigation takes place.