

F.A.I.R. Solutions



Family Advocate for Individual Responsibility

MEDIATION

Primarily and Specifically For:

Family and Divorce Mediation to:

- **Prevent Divorce:** Reconciliation with new skills and commitment to communicate and resolve disagreements differently
- **Divorce Amicably:** Divorce Settlement Agreements without the expense, animosity, and long litigious process with two opposing attorneys. The process may use outside experts may be consulted in the process (real estate, financial, etc). Facilitate dissolution with children (*parenting responsibilities & financial decisions & property decisions*) or without children.
- **Post-Divorce Disputes:** Unexpected Conflict Due to Vague or Outdated Divorce Agreements or Changed/Changing Circumstances
- **Inter/intra-family disputes:** (*conflicts with in-laws, siblings, children, parent-adult child(ren), and resolving disputes over how to handle decisions regarding changes and transitions needed for elderly parents or loved one's when more care, different care, or other challenging conversations need to occur*)

(all services provided for both divorced and never married parents)

Additional Services Include:

- ✓ **Parenting Time Expeditor** – upon request by private agreement only
- ✓ **Early Neutral Evaluator** – trained, not practicing
- ✓ **Case Consultant** – for individuals seeking support and assistance to navigate the process and the system when dissolution or separation occur. Case consultant work can not be done if there has been any mediation.
- ✓ **Parent Coach** – to either work with a party to help drive better co-parenting issues, or work with a parent to ensure clear and open dialogue with children if the communication has broken down. Provide parenting time observations.

What is Mediation?

Family Reconciliation Mediation is skill-based, needs-based, and solution-focused, facilitating authentic and honest conversation and communication in a new way that will empower two people to confront conflict in a way that will enhance the relationship rather than destroy it. Mediation is not therapeutic counseling, nor is it psychology based. Mediation is facilitating and teaching communication skills that will de-escalate emotions and lead to win-win client-based solutions.

Divorce Mediation was “birthed” in the 1970’s by Jim Cooper (now deceased). Mediation is a non-adversarial process. While divorce mediation is not therapy, nor a substitute for legal advice and advocacy obtained only from an attorney, a mediator can help divorcing couples amicably arrive at agreements on some or all legal matters required by the court. Mediation is NOT legal negotiation. Mediation is an open process of meaningful dialogue where each party can be heard and understood.

F.A.I.R. Solutions practices client-centered needs-based mediation, which places emphasis on the values, ideas, and unique circumstances of each individual and any minor children, but not at the expense of either. Mediation is relationship focused; and when there are children, child-centered.

Mediators are trained to **create a productive process** in which people can make the decisions they need to make in the face of anger and hurt they might be feeling. Mediation takes the blame out of the equation, but emphasizes personal responsibility, and creatively explore options and create mutually acceptable win-win solutions.

Mediators are professionals sensitive to the problems divorcing families face. Their role is to help you build the “bridge over troubled waters” and create a safe environment to find solutions that are acceptable to both parties and meet their needs with the least amount of conflict as possible.

Mediation minimizes conflict and removes the win-lose mentality of litigation, which often leads to a lose-lose outcome. The **goal of mediation** is a fair outcome that is created with and accepted by both parties.

Mediation helps families establish a plan you can agree on to:

- ✓ fulfill your joint and individual responsibilities in new and more productive ways
- ✓ develop a plan so both parents can effectively co-parent
- ✓ move on as quickly as possible to create a new future
- ✓ independently lead an enriching new life, whether either you stay together or manage separately in spite of the loss of the relationship.

Mediation can help you find solutions that help you be a better and stronger individual and parent, and **preserve your best self** during a tumultuous time.

Typically resolution can occur in 6-12 hours or much longer, depending on how many issues are in dispute. The length of process depends on amount of conflict, how much of the assignments are completed and prepared by the individuals between appointments, and how much you agreed on prior to mediation. Often people meet 2 hours at a time, but it can be done all in one day. Length and frequency and total number of sessions are scheduled to fit your needs. The process of mediation is done at your pace. You will not be taken through the process faster than you are comfortable with.

Outcome

For Divorce Mediation, upon completion of the discussions, the mediator will then write up the official agreement, which is then taken by the parties to court. Pro-se filings are common.

For Family Reconciliation Mediation, you leave with new skills and new hope for your future. Written recaps and action items available upon request.

During This Difficult Time ... You Decide!

Relationship problems are painful. Where there are people, there will be conflict. There are many pressures on relationships. The key question is: are you both committed to making things better? The next question is: are you committed to de-escalate the conflict and find a solution together – whether married or not.

All mediation roads do not lead to divorce. But some do. Divorce is complicated with high levels of hurt, anger, distrust, and confusion. **Restructuring your family** is likely something you never expected you'd have to do.

What Can Mediation Help With ... You Decide!

1) **Save Marriages/Restore Relationships**. Mediation can be used to **rebuild and repair a broken relationship**. Mediation empowers you to communicate more effectively, learn new skills, and find a win-win way to resolve your conflict, and help prevent more conflict in the future.

2) **Divorce Amicably/Never-Married**. Mediation can be used for an entire **divorce settlement agreement** or just some of the issues needing resolution. Mediation is more efficient, more effective, more empowering, more equitable, and less costly than hiring two attorneys. Divorce mediation can achieve a win-win, while outcomes using attorneys and the court are more often lose-lose. Divorce mediation is available for any one or all of the following disputes:

- ◆ Property Division: how marital and non-marital debt and assets will be split
- ◆ Expense/Budgets required to co-parent
- ◆ Income/Child Support/Spousal Maintenance: how finances will be shared between two different family households
- ◆ Living arrangements
- ◆ Parenting Time (Co-parenting Schedules and Parenting Plans)
- ◆ Legal/Physical Custody Determinations (the label & its meaning)
- ◆ Any other disputes

3) **Resolve Post-Divorce Conflict**. Mediation can be used for evolving parenting plans, required as the children get older, and the needs of the family, and the needs of the children, change. Mediate issues that weren't previously considered.

How Mediation Works ... You Decide!

Mediation seeks to empower two people in conflict to create a more positive future with or without the other partner. (It's important you both agree which future you prefer and tell your mediator.) The role of the mediator is to help others in conflict resolve their issues, cooperate to reach an agreement, and find their own solutions. A mediator does not take sides and does not make decisions. In order for mediation to be successful, both parties must make a commitment to focus on the future, rather than being swept away by the disappointments of the past, and the emotions of the present.

Mediation is confidential by law. This means that discussions, notes and proposals made in mediation cannot be disclosed to the court in the event that mediation does not work out (10%-20% of cases). This makes it safe to make generous offers to settle the case -- without worrying that a proposal would be used against you later on. You don't give up any rights by trying mediation.

Litigation, Counseling, or Mediation ... You Decide!

Litigation? Conflict and "Entitlement" Oriented. Focus: Win-Lose.

"Divorcing couples express *overwhelming dissatisfaction* with the *adversarial* approach to divorce. A prominent study found that 50% to 70% of litigants thought that the legal system was "*impersonal, intimidating, and intrusive.*" In another study, 71% of parents reported that the court process *escalated* the level of *conflict and distrust* 'to a further extreme.' Divorcing couples were also disappointed because the process was too *lengthy*, too *costly*, too *inefficient*, and *not sufficiently tailored* to their needs.

These are *not attributes of a system that would be helpful to families ...*"

William and Mary Journal of Women and the Law
William and Mary School of Law
By: Nancy Ver Steegh, Vol 9, Issue 2, Winter 2003
Law Professor William Mitchell Law School

Counseling? Talk Oriented. Focus: Therapeutic/Diagnostic.

People are sometimes afraid of counseling, or the stigma of counseling. The four little words "*we need to talk*" can sometimes frighten men more than anything else. Many men often go kicking and screaming (if only internally) to couple's counseling. "What's the point of going over and over it," they think, "haven't we talked about the issues endlessly for years?" Men (and sometimes women too) may feel this way not because they don't like to or don't want to talk, but because they seek solutions. Sometimes, even for couples who spend lengthy time in counseling, they still find that ending their relationship is the only answer for them. Therapists see people who they advise "*since it appears divorce is inevitable, but you wish to do so amicably, you are good candidates for mediation.*"

Mediation? Solution Oriented. Focus: Win-Win or No-Lose.

Mediation is "an *alternative way* of helping families *make decisions* that rightfully belong to them, rather than depending on the legal system to make such decisions."

By: Dr. Margie J. Geasler
Associate Professor of Family and Consumer Sciences
Western Michigan University

Mediation is a process that finds the perfect balance of getting to the "heart" of the matter while at the same time using your "head" for creative problem solving to find win-win alternatives, in a timely and cost effective manner.

F.A.I.R. Solutions Contact Information: (mailing and contact info)

Molly K Olson
F.A.I.R. Solutions LLC
Woodbury/Stillwater area

651/276-5566, cell
molly@mollykolson.com
www.fairsolutions-LLC.com

Alternative Meeting Locations:
2868 Middle Street
Little Canada, MN 55117

(unless otherwise agreed – ask about other locations)
(meetings by appointment only – no drop-in's)
(phone mediation also an option)