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## ***How to Find a Mediator?***

To locate a family mediator who meets the qualifications of the Fourth Judicial Circuit, ask the Circuit Clerk of the county or your attorney. Family mediators are social workers, counselors, attorneys and others who have been trained to be family mediators.

If you cannot afford a mediator, ask your attorney to ask the court to refer you to a pro bono mediator. If you do not have an attorney, ask the court yourself.

## ***What if More Legal Advice is Needed?***

Be sure to talk with your attorney before coming to mediation. Your attorney should be available to explain your legal rights and obligations, review any agreements you reach before they are final, and answer any questions you may have. Usually, attorneys are not involved during the actual mediation session, so it is important for your attorney to provide legal advice before the mediation. The mediator cannot give legal advice.

## ***What if no Agreement is Reached?***

It is okay to reach some agreements during mediation and have the court decide other issues. If you do not reach a complete agreement on all issues, your lawyers will try to negotiate. If they do not resolve the issues, you will go to court. The judge will then decide how your children will be parented.

Keep in mind, however, that mediation is a unique opportunity for you to decide what is best for your children and is often preferable to a judge's decision.

## ***Is Mediation Confidential?***

The mediator will treat these sessions as confidential, with certain exceptions. Those exceptions will be explained to you prior to signing the Agreement to Mediate. This Agreement will ask both parties to agree not to call the mediator to testify for them.

**Mediator's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Appointment Date:** \_\_\_\_\_

**Appointment Time:** \_\_\_\_\_

**Call your mediator by this date:**  
\_\_\_\_\_



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***State of Illinois***  
***Fourth Judicial Circuit***

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# **Divorce and Family Mediation**

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***How to Prepare***  
***What to Expect***

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**Christian County**  
**Clay County**  
**Clinton County**  
**Effingham County**  
**Fayette County**  
**Jasper County**  
**Marion County**  
**Montgomery County**  
**Shelby County**

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## ***What is Family Mediation?***

Family mediation is a chance for parents to discuss how they will take care of their children after they divorce or separate. The ultimate goal of mediation is to help parents reach an agreement about how to care for their children. An agreement both parties can live with will not necessarily mean both parties are 100% happy. During mediation, parents can work toward:

- ◆ Reaching an agreement that is in the best interest of their children;
- ◆ Learning to communicate and cooperate with regard to their children;
- ◆ Benefiting the children by reducing conflict and stress;
- ◆ Reducing the time it takes to get matters resolved during a divorce or separation;
- ◆ Retaining control over decisions about their children;
- ◆ Learning how to handle the problems that will occur after the separation.
- ◆ Reducing stress and conflict, often resulting from the court process.

The alternative to mediation is a judge-made decision. It is difficult to predict what a judge will decide. Mediation is a chance for you to find solutions that are right for you and your children.

The mediator will not tell either parent what they should do and will not take sides. Also, keep in mind what mediation is not: Mediation is not therapy, couple's counseling, nor an attempt to reconcile the parents' relationship. Simply put, mediation is the chance for parents to decide important decisions in a way that will best benefit their children.

## ***Why Does the Court Require Mediation?***

A judge does not know you or your children as well as you do and cannot make as good a decision about your children as you can. Studies show that some of the benefits of mediation are:

- ◆ Parents better comply with agreements they work out together;
- ◆ Parents do not come back to court as often after the divorce;
- ◆ Parents can save money and time by taking control of their decisions;
- ◆ Children often do better when their parents can cooperate.

## ***How do I Prepare for Mediation?***

It is important to keep an open mind and a positive attitude about the mediation process. Some things to keep in mind are:

- ◆ What your children need;
- ◆ What is best for your children;
- ◆ What are you willing to do to see that your children's needs are met;
- ◆ Willingness to listen, think of many options and consider which options best meet your children's needs.

If there has been a history of physical or emotional abuse, or if you are currently concerned for your physical health and safety, inform your lawyer and the mediator. Mediation should be a process in which both parties feel safe and comfortable. You may not be able to reach a fair agreement if you do not notify your lawyer or the mediator of any past or current issues of physical or emotional abuse.

## ***Who Will Attend Mediation Sessions?***

The parents will meet together with the mediator. The mediator may meet with each parent individually as well. Typically, the children will not attend nor should anyone else, including current girlfriends or boyfriends, or other family members. If other people need to attend in order to reach a fair agreement, you should discuss this with the mediator at the first mediation session. Generally, the attorneys do not attend.

## ***How Long Will Mediation Take?***

Each mediation session usually lasts one to two hours. By court rule, a minimum of three total hours is required. You may then choose to attend more sessions if both parents and the mediator believe this will achieve an agreement.

The court sets a time frame in which the mediation must be completed. Therefore, it is essential that you cooperate in scheduling the mediation and appear on time. You should treat the mediation just as you would any court hearing.

## ***What will be Discussed?***

Be prepared to discuss how you will decide:

- ◆ Children's health, education, and religious training;
- ◆ Where the children will reside and the time they will spend with each parent;
- ◆ Transportation for the children;
- ◆ Activities, discipline and any additional day-to-day concerns;
- ◆ Holidays, vacations and school breaks.

You are not required to discuss issues regarding child support, property, debts or financial concerns.

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