

## At Mediation

Come with an open mind to listen and talk about what's best for your children, yourself, and the other party.

Mediation is meant to be a safe environment for everyone. Mediation involves a respectful discussion about the topics that need to be talked about.

Usually, the parties (and attorneys) sit at a table with the mediator. You can also ask to meet with the mediator alone. Tell the mediator if you have a Protection from Abuse order, have been abused by, or are afraid of, the other person.



## Decisions in Divorce Cases

If your case is a divorce, you have important decisions to make, including:

- ◆ If you own a home or other real estate, what will happen with that property?
- ◆ How will you split up bank accounts, property, pensions, and other resources? How will you split up debts and bills?
- ◆ Will one of you pay support to the other spouse? If so, how much? Spousal support often depends on the length of time you were married and how much each person makes.
- ◆ Do you want to change your name?

Tell the mediator if there are other issues you want to talk about.

## Decisions about Minor Children



If you have any children under the age of 18, you and the other parent have important decisions to make. At mediation, you will talk about:

- ◆ How will parental rights and responsibilities for the children be shared or divided? How will you make decisions about medical treatment, education, and religion? Who will have access to their records?
  - ◆ Where will the children live? Where will the children go to school?
  - ◆ What schedule will work best for the children? When will the children spend time with each parent (if appropriate)? How will the children get to school?
  - ◆ What holidays, special occasions, and vacations are important to you? To the other parent?
  - ◆ How will you and the other parent support the children? Will child support be paid? If so, what amount do the Child Support Guidelines specify?
  - ◆ How will you and the other parent pay for the children's health insurance and medical expenses?
  - ◆ What childcare is needed, and how will you and the other parent pay for it?
  - ◆ How will you and the other parent handle tax exemptions for the children on your income tax forms?
- If there are any other special child-related issues about your children that need to be decided, tell the mediator.

# How to Get the Most Out of Mediation In Your Family Case



## Court Alternative Dispute Resolution Services (CADRES)

State of Maine Judicial Branch  
Office of Court ADR

P.O. Box 4820  
Portland, Maine 04112-4820  
Tel. 207-822-0719  
Fax 207-822-0781

◆ You are scheduled for mediation in your Family Matters case. A trained, neutral mediator will be there to help you try to resolve your case before trial.

◆ To get the most out of your mediation session, come ready to make decisions about your future. Be prepared to try to reach agreements and settle your case. Mediation is a chance for you to make joint decisions about your family instead of having the Judge or Magistrate make decisions for you.

◆ Please be on time for your mediation session. You will need to find parking and find the mediation room. Arrive at the courthouse 15 minutes early.

◆ If you can't attend mediation, contact the Clerk's office as soon as possible. The Clerk will explain how to make a written request for the date to be changed. The Judge or Magistrate will decide if mediation can be rescheduled for another day.

◆ You must pay your mediation fee. If you can't pay the fee, see the Clerk for instructions.

◆ If you reach agreement in mediation, you will need to see a Judge or Magistrate before the agreement becomes a final judgment or order.

### What to Bring to Mediation

If you have a lawyer, prepare for mediation by talking with him or her **before** the day of mediation. Prepare for mediation by getting information about your children's needs and your finances.



### If you have minor children:

At mediation, you and the other parent will talk about how to support your children, how to share parenting duties, and how to create the schedule that works best for your children.

Bring with you:

- A school calendar.
- A **Child Support Affidavit**, if you have not already filed it with the court. If one parent was already ordered to pay child support but has not paid all that is due, find out how much is owed.
- Documents that show how much you pay for health insurance for your children (not for yourself or another adult).
- Documents that show how much you pay for daycare.
- Proof of your current income (paystub, W-2 form, past three years of tax returns) and other support you receive (such as disability, social security or worker's compensation).

### If you are getting divorced:

At mediation, you will talk about how to split your marital property and debts. You may discuss whether one of you should help to support the other after the marriage ends. You will need financial records and other documents. Check the list below and bring the information that applies to you:

- Banking and other accounts
  - Checking and savings accounts
  - Retirement and pension plans, IRAs, annuities, trusts, and stocks
- Monthly bills
  - Rent or mortgage payment and property tax
  - Heat, water, electricity, cable/dish TV, phone, and cell phone
  - Food and clothing
  - Car payments and care expenses (gas, repairs, car insurance)
  - Health insurance
- Debts
  - Credit card balances
  - Car/vehicle loans and personal loans
  - Medical bills

- Taxes – federal and state income tax, personal tax, or other taxes, including any back taxes owed
- Life insurance or retirement plan loans
- Any other debt owed by one or both spouses
- Real Estate
  - List of marital home and any other real estate owned by either spouse (such as land, time shares, rental homes, vacation homes, camps, business property, etc.) and the fair market value of each property
  - Mortgage statements and balances of any mortgages
  - Deeds (with book and page numbers from the Registry of Deeds)
  - Tax assessments or appraisals
- Personal Property
  - List of household items in marital home and their value
  - Year, make, and value of all vehicles, including cars, trucks, ATVs, snowmobiles, boats, RVs, and campers
  - Value of collectibles, special equipment, machinery, tools, jewelry, guns, stamps, etc.
- Other assets
  - Name and value of any business interest, including home or side businesses, and cash drawn from it yearly
  - List and value of cash, coins, etc.
- A **Financial Statement**, using the information you have gathered, if you have not already filed it with the court.
- A list of items you would like to keep.

You can get the **Child Support Affidavit** and **Financial Statement** forms online or from the Clerk's office.

Blank Forms:

[www.courts.state.me.us/fees\\_forms/forms/index.shtml#fm](http://www.courts.state.me.us/fees_forms/forms/index.shtml#fm)

Interactive Forms: [www.ptla.org/all-court-forms](http://www.ptla.org/all-court-forms)