



Family mediation divorce & separation case study

Family mediation, a divorcing couple entered into mediation whilst their divorce was going through, to see what they could decide amongst themselves to keep costs low whilst having to go through the inevitable divorce. Reconciliation was not an option, division of property and custody of their children was of key concern to them.

The mediator worked hard with each side which accumulated in a series of private and joint meetings where difficult conversations were had. Initially the husband wanted the matrimonial home to be sold and the proceeds divided somehow amongst the couple, the mother did not want to disrupt their children and could not really afford to buy another house. After a very emotional morning, it was agreed that the wife would stay in the home with the children and would take over the full payment of the mortgage.

The couple had a number of joint investments, which one had paid for solely, jointly, equally and unequally. A large part of the day was spent looking at who had what and who had paid more into than the other. An early suggestion of a 50% share each was not feasible for the husband as he felt he had paid more than the wife had, equally he was signing over the house to her.

From going through the finances, each side highlighted what was important to them and why, i.e. it had been their idea, they had put up most of the deposit, made most of the re/payments. Where both of them had equally invested it was agreed that they would split the proceeds on sale / cashing in, swap it for something they wanted more favourably. It took some doing; however a list of items was generated, highlighting who would have what and why.

It was agreed from the beginning that the mother would have custody of the children; however the couple were in dispute over the father's access rights and indeed his families. It was agreed until he purchased a new house / permanent place to live, he would visit the children at their home every second weekend, to include excursions and activities away from the home.

As the mother did not want any of her in laws to come to her home anymore, it was agreed that the children could visit their grandparents and so forth during the fathers access times. School holidays would be split equally once the father purchased a new house / permanent place to live, until then with prior arrangement the father could visit.

Although the parties did not get exactly what they wanted when they arrived, i.e. I am not in the wrong, so I want more, should have more, they achieved an agreement which they could both realistically live with. Their agreement was then drawn up and finalised between their solicitors at a later date giving them a legally binding agreement, neither of which attended the mediation to save the parties costs.

Facts & figures

- **The mediation took 11 hours compared to the 16 months this family dispute had already gone on.**
- **The mediation cost each party £500.00 each compared to the thousands they had already spent on legal fees and the thousands they would have had to spend had they continued with Court action.**