



Alternative Dispute Resolution Program Sixth Judicial District

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How Do I Prepare for Mediation in a Domestic Relations Case?

The length of time to successfully mediate a domestic case is determined by a combination of several factors: the number and complexity of the issues, the negotiation styles of the parties and their attorneys, and how prepared the parties are to discuss the issues. For the first mediation session, parties may either coordinate the date, time and choice of mediator or the ADR Program will assign a mediator and schedule the case for the first available time slot. In the event parties choose their mediator, fees are assessed by the mediator's hourly rate and shared equally between the parties. However, if the ADR Program assigns a mediator, the costs of the mediation session will be equally divided and will accrue at the rate of \$100.00 per hour with a one-hour minimum. Anything over an hour will be rounded up to the next half-hour. (Fee waivers or reductions are available to those parties who may qualify. Fee waiver and reduction applications can be obtained from the ADR Office or on-line and must be completed at least **three (3) days prior** to the ADR session.) While parties are only required to attempt one mediation session, additional sessions can be scheduled at the request of both parties. Although some cases are settled with one mediation session, other cases may take multiple sessions to resolve all issues involved.

In order to get the most out of the mediation process and better utilize your time and money, you should be well prepared for the mediation session. Since the mediator's role is to remain neutral and impartial, he/she knows very little about your case prior to the session. The mediator comes to the session with basic information on the parties and an idea of what issues may be in dispute (i.e., custody, visitation, property division, etc.). The mediator relies upon the parties to supply the information necessary for an educated discussion of the issues. For example, if the parties want to decide what happens to the marital home, in order to discuss possible solutions, the mediator and parties must know its current value, what is owed on it, etc. The mediator cannot work without this information. If you do not have it, the mediator may stop the session and reschedule when the information is available. If the first session is canceled and rescheduled for this reason, the parties will still be responsible for the mediation fees.

The best way to prepare for mediation is to gather all the papers that are important to the dispute. In domestic actions (divorce, modifications, contempts, paternity), **depending upon what issues are to be discussed**, you should bring the following:

Issue

Bring the following items:

**Equitable Division
of Property:**

**SWORN FINANCIAL AFFIDAVITS OF BOTH PARTIES ARE
REQUIRED.**

Real Estate

Description and location of the property. Something to show value of property (tax bill, appraisal, Realtor's statement). Statements showing original mortgage amount, as well as current balance, payment, and

interest rate. Any information about second mortgages or home equity loans.

Personal Property Detailed list of all property to be divided and value of each item. (Include all household items)

Vehicles/Boats/etc. Description and current value of item. Include loan information or lease information.

Checking/Savings Accounts; Investments Description of the plan type and amount (i.e. pension plan, profit sharing plan, 401K plan, employee’s stock ownership plan (ESOP), government plan, etc.). Bring a Summary Plan Description - available through Administrator.

Life Insurance Description of types, policy numbers and amounts of all policies.

Debts Statements of all debt including credit cards, store accounts, vehicle payments, personal debt and any other type debt.

Spousal Support: SWORN FINANCIAL AFFIDAVITS OF BOTH PARTIES ARE REQUIRED.

Children’s Issues:

-Child Support Divorce & Modifications **SWORN FINANCIAL AFFIDAVITS AND COMPLETED CHILD SUPPORT WORKSHEETS OF BOTH PARTIES ARE REQUIRED.** With required documentation attached.

-Child Custody/Visitation Bring preferences of the holiday schedule.

Attorney’s Fees: SWORN FINANCIAL AFFIDAVITS OF BOTH PARTIES ARE REQUIRED.

⇒ ***CHILDREN ARE NOT ALLOWED AT THE MEDIATION SESSION.
ALTERNATIVE ARRANGEMENTS MUST BE MADE FOR CHILDCARE***

Most divorce and modification cases involve issues which require you bring a financial affidavit (see above). For cases involving child support, the child support worksheets must be completed on-line and a copy brought to the ADR Session. If you have not completed either document, contact your attorney or this office prior to the mediation session. You may also visit our website at www.adr6th.org where you will find links to both forms. **FAILURE TO BRING THE REQUIRED FINANCIAL INFORMATION WILL RESULT IN A NONCOMPLIANCE WITH THE ADR REQUIREMENT.**

If your case involves a modification of a final decree, please bring a copy of the final decree which has been filed with the Superior Court.

We cannot cover all of the possible issues which may be discussed during the mediation session, nor can we list all the necessary documents which may apply in your particular case. If you have questions about how to prepare for the mediation session, please feel free to contact the ADR Program at above numbers and/or addresses.