

DIVORCE WITHOUT ATTORNEYS THE DIVORCE MEDIATION PROCESS - STEP-BY-STEP

Divorce is not something that anyone plans on experiencing. It isn't unusual to feel like there is nowhere to turn for help.

It is part of the human psyche that we tend to avoid confronting matters that cause us pain or discomfort.

All too often when people find themselves in a divorce, their emotions begin dictate their decisions and they typically begin to make unwise choices about their financial future and the future of their children.

In Florida, couples can obtain a divorce without retaining attorneys. Divorce Mediation is the best alternative if you and your spouse are willing to work together to minimize your losses both financially and emotionally. We refer to this type of alternative dispute resolution as "**PRO SE**" **Divorce Mediation**.

If each of you has decided to engage in the mediation process, the following outline will guide you through a typical Divorce Mediation Process:

1. The first 3 hour joint mediation session is scheduled. Typically all issues are addressed and a Marital Settlement by Mediation Agreement is drafted. In most mediations, the Marital Settlement by Mediation Agreement is signed and we continue with the filing process. However if you wish, you may take the draft, unsigned, and have it reviewed by an attorney. The cost for the initial 3 hour mediation session is \$800.00. If negotiations go beyond the 3 hour session, the services will be billed on an hourly basis. ***Payment for Mediation is due on the day of Mediation-cash or check made payment to Mediation and Counseling Consultants, Inc.***
2. Some divorces, due to an extensive amount of assets, negotiation of alimony, or those requiring the need to consult with tax or accounting professionals, will need to be set on an hourly basis and a retainer will be collected. Again, most mediations conclude with the first initial 3 hour session.
3. In the State of Florida, all assets and liabilities acquired during the marriage are considered equally owned. Child Support is calculated based on your combined income and the number of children. It is always advised for each of you to have a consultation with an attorney prior to coming into the mediation process. This way you will have a better understanding of Florida Law and what your legal rights are with regard to the distribution of assets and liabilities, alimony and child support. Mediation & Counseling Consultants can schedule a 1 hour 'educational consultation' with an attorney that will talk with you both regarding your divorce. If you choose to incorporate this service, the fee for this educational consultation is \$300.00.
4. Once the Marital Settlement by Mediation Agreement is signed, other pleadings need to be prepared in order to file your divorce with the Clerk of Courts. If you wish our office to prepare the pleadings packet for you, the cost is \$400.00. This is due prior to the pleadings being prepared. It typically takes 5 business days to complete your pleadings packet. You can come in

together or separately to sign your individual pleadings. ***Payment for the processing of this paperwork is due prior preparation.***

5. If you have children together under the age of 18, you will both be required to take a parenting course and file the certificate with your petition. You can register at Florida DCF Approved Course at- <http://www.familyfirstfl.com>

You can take this course prior to mediation if it is convenient for you.

6. When the Marital Settlement by Mediation Agreement is signed and all of the pleadings are signed, the packet will be taken to the Clerk of the Courts for filing. Your divorce will be filed as an uncontested divorce. A filing fee must be accompanied with your pleading packet when it is filed. There is a filing fee of \$408.00, ***made payable to Stacy M. Butterfield, Clerk of the Court, that must be in the form of cashier's check or money order.*** – You can bring this money order in when you come back in the office to sign your pleadings.
7. After your case is filed with the court, you will call 863-534-4015, to set your final hearing. The hearings are typically scheduled about 6 to 8 weeks from the time you call. This all depends on how heavy the court docket is at that time.
8. Whoever decides to be named the petitioner will have to attend the final hearing. The other party may attend or waive their right to attend. The hearing will last approximately 5 to 15 minutes and your divorce will be granted. Your Final Judgment will reflect exactly what was agreed to in your Marital Settlement by Mediation Agreement.
9. In some cases, additional services may be required to complete the division of assets. For example, if you have a 401k retirement plan, a Qualified Domestic Relations Order (QDRO) may be required to equitably divide that account. This service is referred out and there will be an additional charge by that attorney to handle that process. You may need a Quit Claim Deed prepared for your marital home or other properties that you own. This can be handled through our office after your Final Judgment is entered.