

# Divorce Mediation Services





# Who We Are

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*At California Divorce Mediators, Our Main Goal Is To Help People Resolve Their Differences Mutually and Reach a Peaceful, Effective Settlement.*



With an experienced and skilled team, we work with a strategic approach alongside our clients and act neutrally in all types of legal disputes to resolve any disagreements in the most effective manner.

Divorce is a painful and stressful time not just for a couple but their entire family, and thus we try our level best to mediate not just the separation but any other conflicts yet to reach the litigation stage. These include division of property and family assets as well as child custody and alimony.

A majority of our team, including the Founding Member Gerry Maggio, are trained divorce mediators and experts in handling these cases with the best approach. Holding advanced degrees as well as armed with years of experience in dispute resolution, we assist our clients in going through the ordeal of divorce in a calm and strategic manner so that both the parties communicate with a mature approach and put their points forward to reach a mutually beneficial decision that is in the best interest of everyone.

We know that divorce can be an expensive and lengthy process, and our mediation services are tailored to cut down on the time and hassle involved and help you cope with the situation with minimal stress and hassle. We are committed to provide you personal support and complete confidentiality so you can discuss all matters without any bounds and make way to a fair, peaceful and effective resolution easily.



# What is Divorce Mediation?

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*Custody mediation or divorce mediation is a process to resolve the differences and disagreements between both the parties involved in the separation and helps in reaching a more favorable outcome.*

*Unlike litigation or court procedures where the judge holds the final verdict, the only people making decisions in divorce mediation settlements are the individuals directly involved in the dispute.*



During divorce mediation, the spouses both meet for a joint conference along with a neutral mediator to discuss their differences and disagreements on matters related to the separation. The mediator will not only assist both parties in addressing their points but also provide suggestions and advice on how to reach common ground and resolve differences in a way that facilitates both parties positively.

The mediator will also draw up a mutual settlement agreement for you and make sure all the points regarding the settlement, finances, and child custody are addressed fairly for the best interests of both parties. Couples who don't want to go through the emotional distress and financial burden of it all or those who wish their children are not caught in the middle should consider mediation and avoid lengthy and painful public confrontations in court.

Mediation can be equally beneficial for cooperative couples as well as entire families with highly conflicting differences. Both financial and emotional issues rear head after a decision of separation. Mediation aims to reduce the stress and pressure involved in the situation and with a skilled mediator, couples and their families can negotiate for fair and just settlements on their own and also avoid any conflicts and disagreements in the future.



# Our Mediation Team

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*At CDM, our experienced panel of mediators professionally guides you throughout the process, acting as attorneys to provide you thorough legal advice and mediators to ensure a fair environment of mutual respect.*



Working with a step by step process, our team delegates divorce settlement and all the issues related to it in a calm and peaceful manner, helping both the parties communicate their points effectively.

Instead of resorting to heated arguments and accusations that actually do more harm than good, we first identify the key barriers limiting the level of interaction and then propose solutions that are acceptable to everyone on board.

At the end of the day, our goal is to ensure that your needs are aptly met and all the differences and misunderstandings between the couple and their family are resolved without the need of a one-on-one confrontation publicly in court.

We act as your support throughout the process, making sure that you are able to open up and discuss your views without any hesitation. Our team of mediators strives to maintain the privacy of our clients and provide them a supportive and amicable atmosphere.



# Who Should Consider Mediation?

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*Anybody facing a divorce should go for mediation because it can not only save you money and hassle of litigation but also reduce the emotional trauma and stress associated with divorce.*



Divorce mediation cuts down on the time and stress that is usually involved with divorce and also helps you put behind the unpleasant prospect of confrontations and accusations as quickly as possible.

Compared to litigation and court proceedings, mediation is custom designed as per the couple and their family's unique circumstances and the arguments are discussed and resolved with a more thoughtful and calm approach.

Divorce mediation is especially helpful in serious conflicts as the arguments are addressed using tact and reason and both parties are able to negotiate their points in the presence of a professional neutral mediator who facilitates the interaction.

Another main advantage that makes divorce mediation a viable choice is its personalized nature – couples can avoid the risk of public exposure and fighting in the court, preserve family relationships as well as save their children from the emotional and psychological stress of it all.

At CDM, we are committed to create an informal and comfortable environment for our clients where they can expect mutual respect and trust and look forward from a painful past to building their life for the future.

While court litigations can result in bitter accusations that forever destroy family relationships, mediation allows both parties to look past their differences and reach a mutually beneficial agreement.



Mediation tends to heal wounds and create a more productive vision for both spouses, especially when children are involved in the equation.



# Reasons to Go For Mediation

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## **You are in Control**

The issues to be discussed, how they are discussed and how long they are discussed for are all in the control of the clients which results in a tailored solution that effectively addresses individual concerns rather than a decision by the judge.

Settlements are not dictated in case of a mediation, rather than court litigation where one party loses the argument. Mediation decisions offer more control and compliance because clients work on their own proposed solutions and an agreement is reached only when both parties say yes.

## **Less Time Spent**

As the final outcome does not depend upon court timing and session schedule, the proceedings can be completed in a shorter time helping both parties move past the ordeal and build their lives anew again.

Also, as mediation focuses on creative and mutually beneficial solutions to facilitate the couple rather than polarizing debates and heated arguments, the settlements can be reached faster saving the couple and their family from prolonged stress and emotional trauma.

## **Less Money Spent**

The cost of mediation is in the hands of the client as opposed to the litigation process and thus the overall expenses are usually three times less than the usual divorce proceedings.

## **Flexible, Custom Solutions**

Decisions in litigations can be unexpected and impractical that may affect the couple and their family for years to come.

On the other hand, the whole point of mediation is to involve both the couple and their family into reaching a mutually beneficial and effective decision that is better tailored to their individual situations and circumstances. Mediation helps make a divorce less painful, less stressful and less difficult for everyone involved in the decision.





## **Confidential and Private**

Unlike court litigations that involve arguments and accusations in front of a crowd, mediation maintains the privacy and comfort of the clients and helps them avoid public exposure and humiliation. Also court files are public and anyone can view them, while a mediator's documents are private and confidential.

## **Improved Family Relations for the Future**

Looking at the divorce from a family perspective, mediation improves relations and enhances communication between both the parties in the long term.

While court litigations usually involve bitter accusations and heated debates that damage relationships, divorce mediation promotes healthy interaction that is extremely helpful when kids are involved in the equation. With mediation you can avoid fiery debates and establish a favorable and cooperative relationship with your spouse for the benefit of your children.

## **Ability to Voice Opinions & Be Heard**

Even if one of the spouses is more vocal and controlling and the other is scared to express their views, mediation can help in balancing out the communication between them because of the presence of a neutral mediator.

The mediator facilitates equal level of interaction between both the spouses so that everyone gets to have their say and express their concerns. In court litigations, if one of the lawyers is more vocal and negotiating, the other party is usually at a disadvantage but this does not happen in mediation.

## **Chance to Litigate in the Future**

Mediation is flexible, and clients can also go for reality test periods where they see whether the decision is working for them or not and if any further changes need to be made.

Also, in case both parties are not happy with decisions made in mediation, they can always opt for litigation in the future. However, after litigation, it is usually difficult for spouses to trust each other again and settle differences because of the emotional damage already done during court proceedings.



## **Sense of Satisfaction in the Long Term**

Mediation is a collaborative way to propose solutions and reach an effective outcome, which not only helps avoid lengthy confrontations and reduces possibilities of conflicts in the future but also ensures peace of mind and satisfaction.

While divorce in itself is indeed a painful decision, mediation gives both parties the time and atmosphere they need to ponder over their choices and finally reach a decision that is most satisfying and beneficial.



# How Does Divorce Mediation Work?

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The team at California Divorce Mediators is committed to provide you the support you need to get through a divorce and resolve all matters related to the issue such as child custody, division of assets, spousal support, etc.

## The Divorce Mediation Process

### Step 1 - Selecting a Mediator

Choosing a mediator is one of the most important steps of the way and a professional, competent mediator can make all the difference in the final decision.

### Step 2 - Initial Meeting

Once both the parties involved in the divorce have agreed to go for mediation rather than hire an attorney, an initial discussion session or orientation meeting is scheduled to get the opinions of both the spouses in perspective. At this session, the clients can inquire about the mediation process and put forward any question, queries and suggestions they might have about the entire scenario. After discussing the key goals, the mediator will draw up the necessary documents and also instruct on bringing certain documents or assign individual task to the clients.

### Step 2- Chalking Out Preceding Meetings

Exactly how many sessions are needed for the final agreement depends upon the overall number of issues to be negotiated and both of the spouses' ability to agree to a solution. A series of conjoint meetings are conducted in the presence of a mediator, but sometimes the mediator may schedule individual meetings with one of the spouses as well.

While sometimes just verbal discussions are enough to reach a settlement, a lot of times more information and documentation is also needed before the session can be commenced. In such cases, a time frame is given to each party for gathering the required information or speaking to an attorney, tax officer, etc. and the frequency of meetings is decided on the basis of the time both spouses need to think over things and reach a settlement. The best thing about mediation is that the decision is not rushed but instead moves forward with a pace that both parties feel comfortable with.



### **Step 3 – Signing the Agreement Document**

During each session, your mediator will take notes of the discussion and jot down all the points that have been agreed upon. Once all the issues have been discussed and arguments have been resolved, the mediator will draft a final agreement document enlisting all the points that have been agreed upon by both parties. Before the signing, the mediator will ask both spouses to go through the document once again or take it over to a consulting attorney for a second opinion. As soon as the papers have been signed, they are sent to the court where a judge approves them and finalizes the divorce.



# Key Highlights of Mediation

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## Honest Disclosure

One of the most important factors to make divorce mediation successful is the level of disclosure on both spouses' part. For a fair and mutually beneficial decision, it is required that both parties openly discuss the facts and provide the required information or documentation without holding anything back. If that's not happening, the mediator should first try their level best to bring both parties on the same page and if the issues are still there, the mediation may be terminated.

## Fair Reasoning

To make mediation work, it is essential that both parties are confident that the proceedings are fair and transparent and designed to resolve their differences and concerns using a neutral stance. This means that the mediator should not side with any of the spouses and ensure that nobody is being forced or pushed into taking a decision against their choice.

## Privacy and Confidentiality

Unlike litigation, the key advantage of mediation is its confidential nature. The mediator is not liable to go to the court and the information discussed is not to be divulged until and unless written permission is granted by the client(s) in question.

## Cooperation and Respect

The main idea of mediation is to stay away for vile comments and unnecessary accusations and instead resolve differences with an air of maturity and respect. For a mediation to be jointly successful, both parties will need a touch of patience and regard and cooperate in reaching an out of court resolution rather than personally attacking one another with hurtful comments or interruptions.



## **Child Custody**

Child care and custody responsibilities are perhaps the main point of discussion in any divorce. During mediation, one of the key agendas addressed is that a child needs attention of both parents; therefore, it is important to ensure that both parents get regular and frequent chances of interaction and spending time with their children.

Apart from having contact with the children, divorce mediation also encourages the spouses to set their differences aside and build a more flexible and amicable relationship with each other to facilitate a positive environment for the kids.

## **Professional Involvement**

For accuracy in results, mediation may require consultation by professionals other than the mediator. These include an appraiser to evaluate the property value to be divided, a tax professional for accounts information and a personal attorney for each party who can review the final agreement of settlement and address any other specifics.



# Why Choose Divorce Mediation over Divorce Court?

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## Time and Scheduling

- Court sessions can be lengthy and time-consuming, but even still the judges may listen to what you have to say for sometimes less than 5 minutes and you may sometimes get a minute or two to justify your stance.
- Divorce mediation on the other hand depends upon you. You are in control of the schedule being followed and the issues being discussed.

## Costs

- Everything from the scheduling conflicts to the court and attorney fee can result in quite a hefty bill. Even if no progress is made, the attorney will usually bill you by the hour and this may make the entire affair a lot more expensive than your anticipation.
- Divorce mediation lets you decide on the total costs of the process which is usually a fraction of what you would have paid in case of court proceedings.

## Flexibility of Decision

- In court proceedings, you may be required to make the decisions about everything from the settlement to child custody on the spot, often in front of a crowded audience and the outcome may be unpredictable as well.
- On the other hand, divorce mediation lets you decide with a calm and relaxed approach as per your own schedule, because these are decisions that will affect you and your family for the rest of your life and a little rush can cost you in more than just dollars.



## Privacy and Confidentiality

- In courts, not only your family matters are exposed to a room full of strangers, but all court files are also public and available online and anyone can see them.
- Divorce mediation is fully confidential.

## Emotional Situation

- Divorces in courts are stressful in nature- there may be arguments, heated discussions and even personal attacks that may result in emotional wounds for the spouses as well as children that take years to heal.
- Mediation is faster and a much better option for families as discussions are held in the presence of a skilled mediator and healthy communication is encouraged between both parties. Plus, if things don't work out, there is always an option to go to court for the final decision.





# Our Services at a Glance – Comparing Family Law Court with Mediation at California Divorce Mediators

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## **When you arrive at the Court...**

You will be waiting at a gloomy long corridor until you are called forward with your case and decisions are made at the last minute with loads of people watching the crowd, the stress, the situation, it can definitely take toll on your nerves.

## **But, at California Divorce Mediators...**

You will be greeted by a receptionist and then directed to a comfortable seating area.

Once both parties and the mediator arrive, the meeting will take place in a comfortable, private conference room where you can relax and take your time in reaching the decision that you think works best for you.

No snap decisions and no extra pressure – you are in control of the divorce with mediation and the sense of security and satisfaction this provides is immense.

**Don't spend everything you have – from your savings to the beautiful memories you have collected over the years - over a messy divorce.**

**Consider DIVORCE MEDIATION to cut down on the time, costs and stress of it all.**



# FAQ

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## 1. What Is Meant By 'Mediation'?

Mediation is a voluntary process where both parties at a conflict participate jointly to reach a mutually beneficial settlement in the presence of a neutral third party mediator. The job of the mediator is to facilitate the conversation, let both parties present their points, address any misunderstandings and arguments that are barring the resolution and then help both parties reach a settlement based on the mutual agreement of everyone involved.

## 2. Why is Mediation a Better Choice than Court Proceedings?

Mediation is essentially more effective because:

- You can talk out differences and try different solutions before the judge makes the decision final.
- You can fully discuss the issue before agreeing to a final decision.
- You have a better chance at communication and a lot of baseless arguments and lengthy confrontations can be avoided.
- You can have multiple sessions instead of one and think over every solution possible until you make your choice.
- You can change your decision or consider alternative solutions before the finalizing of divorce in court.

## 3. How Does Mediation Help Save Money?

Mediation is a much affordable and cost effective choice than a court decision because:

- It's faster, more direct and both the parties actually consider mediation to communicate better and resolve issues rather than spending hours arguing over small issues in court.



- Court discussions usually involve attorneys talking to each other, which not only gives you less control but also results in expensive attorney fee. Many are paid by the hour and thus you may have a hefty bill even if there isn't any actual discussion happening.
- For mediation, even though attorneys can be involved, they will be just finalizing your decision rather than litigating in court and spending hours in front of a judge, hence their fees are lower.

#### **4. What is the Difference between Mediation and Arbitration?**

The main difference is the time and control both parties have over the decision. Mediators facilitate communication, but don't impose the solution or dictate the decision. They only help both parties settle their differences with a mature air and avoid baseless arguments and hurtful exchanges.

#### **5. What Will Be The Role Of My Attorney In Case I Go For Mediation?**

At California Divorce Mediators, we work closely with your attorney who can advise you, help draw up documents and agreements and also clarify legal issues. The end goal is to reach a resolution quickly and make sure that it is in your best interest.

#### **6. What is The Fee of Mediation?**

Mediators are paid on an hourly basis, either by one or both the parties (depending upon the agreement). They won't receive a percentage or part of the settlement.

#### **7. Is The Settlement Decided After Mediation Legally Binding?**

Yes, the mediation decision is sealed with a legal document signed after consultation with attorneys for both the clients.

#### **8. What Is The Difference Between Mediation And Collaborative Law?**

During collaborative law, it is the attorneys of the opposing parties that facilitate a joint meeting and work for an agreeable settlement to reach a compromise. Each of the attorneys is representing one of



the clients and thus they put their client's interests above everything else. On the other hand, mediation is held in the presence of a neutral mediator who isn't representing any one of the parties but working for a solution that is in joint interest of everyone on board. Mediators can also hold private meetings with each of the clients and support them in making a choice that actually helps them in the long term. Mediators also have a list of other options that aren't available to lawyers.

## **9. What if Mediation Does Not Work for Me?**

If you fail to reach a decision after mediation you are free to go for litigation in court without any issues. As mediation is confidential, the details of your argument remain private and the mediator cannot be called to the court for testifying as well.



# About California Divorce Mediators

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**California Divorce Mediators** consists of a team of experienced attorneys, therapists, and other professional experts with a goal of making divorce easier with the help of voluntary negotiation over separation, property division, or child custody agreement.

We believe that working together and discussing issues can help families reach mutually beneficial decisions that help everyone in the long term. Our professional mediators are trained to assist and support spouses reach

sustainable decisions quickly, easily and effectively without the emotional trauma that is usually inevitable in case of litigation.

California Divorce Mediators is headed by **Gerry Maggio**, a trained divorce mediator as well as an experienced family law and divorce attorney. Mr. Maggio understands that litigated divorce and child custody cases are not necessarily the best option to resolving differences and can result in a painful and depressing transition for the entire family past divorce.

With his experience in successful litigations as well as amicable out of court settlements, he believes that divorce and custody disputes are best resolved when both parties are empowered with the right tools and information and communicate with each other to solve their differences.

According to Mr. Maggio, going to the court should be the last resort option and he established California Divorce Mediation with the same vision – helping couples stay away from the pain and stress inflicted by lengthy court litigation.

***Disclaimer:*** *The download or distribution of this booklet does not create an attorney-client relationship. This booklet is simply offered to provide general information.*





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