

Preparing for Divorce Mediation in Tampa

What should you avoid in mediation? What should you do before mediation? Get answers to these questions and more by reading through our divorce mediation preparation checklist.

1. **Make sure you and your spouse are on the same page regarding mediation.** Pre-suit mediation is voluntary. You don't need to be best friends in order to mediate, but you both must be willing to have meaningful and civil conversations about the relevant issues, and to make full and frank financial disclosures.
2. **Understand the process.** In order to get ready for mediation, you need to understand the mediation process and the role of your mediator as a neutral facilitator. If you have inquired about mediation, you were probably sent [Divorce Mediation – FAQs](#), written by Attorney/Mediator Beth Reineke. If not, this information is available on our website by clicking the link above. If you have already scheduled mediation with Beth Reineke, you should have received a letter concerning your mediation session. This letter describes the role of the mediator and the mediation process in detail.
3. **Be realistic about the amount of time it will take to complete the full mediation process.** Mediation, particularly if you reach an agreement in the first or second session, is much faster than litigation. Contested litigation is not only expensive, but it can also take a year or more from the date of filing to the date of trial; two to three months to receive the judge's ruling (the final judgment of divorce); and then one party could appeal. However, even mediation takes time. It takes time to reach an agreement, and then it takes time to get your agreement in writing, reviewed, signed, and filed with the court. Once filed, 20 days must pass before the court can set your final hearing with your judge or magistrate. When that hearing will take place depends on how clogged your judge's calendar is. Typically, it takes about 60 days from the date of filing to get to a final hearing. So, the full mediation process from start to final judgment of divorce could take 3 or 4 months to complete.
4. **Understand the costs of mediation.** According to USA Today, the average cost of a divorce in Florida is \$13,500 without children or \$20,300 with children. And that's just the average. Some couples spend over \$100,000 getting divorced. You and your spouse can avoid spending a substantial amount of money on your divorce if you reach an agreement using Attorney/Mediator Beth Reineke's pre-suit mediation settlement process. Attorney Reineke's hourly rate is about half of what a litigation attorney with her background would charge for a contested divorce. Additionally, most attorneys require a sizable, nonrefundable retainer (deposit) upfront. The average retainer is between \$2,500 and \$5,000, but it can be much more depending on the attorney and the contested nature of the case. Once that retainer is gone, another retainer is required, and so on and so forth; sometimes until you run out of money and your attorney withdraws. When you are mediating with Attorney Reineke, mediation sessions are booked in two-hour blocks, and you pay for each mediation session at the end of the session. If you don't settle, you have only paid the cost of your mediation session(s). The only

time you pay a lump sum is once an agreement is reached, at which point you prepay for drafting your contracts and court documents. The total cost of the mediation process from start to finish will be a small fraction of what you would pay the majority of attorneys for the hours of work Attorney Reineke does for you.

5. **Gather your documents.**

- a. **Assets & liabilities.** If you are getting divorced, you will spend a good amount of time in mediation discussing your assets and liabilities (obligations) because the mediator will need to know not only the value of each asset and liability, but also the nature of the asset/liability and how the asset/liability is titled. Some clients like to bring a detailed list of both parties' assets and liabilities and the most recent account statements, backing up the values stated. Additionally, some clients bring in appraisals on their homes (official appraisals, real estate comps, or website estimates), and bluebooks on their cars, boats, etc.
- b. **Support.** If the mediator will be calculating child support or if there will be discussions about alimony, the mediator will need documents pertaining to each party's income. Usually, a couple of pay stubs and W-2s will suffice. However, if you or your spouse is self-employed, a profit and loss statement and historical loan applications that set out estimates of income may prove helpful in addition to recent income tax returns. You will also need to bring information concerning the cost of your health insurance (health, dental, and vision insurance) – the projected cost for each party individually (“employee only”) and the cost for you and your children (“employee plus children”). You may have to get this information from your respective HR departments or estimates from the web.
- c. **Alimony.** As of July 1, 2023, alimony in Florida may now be calculated using a formula. (see Senate Bill 1416 (2023)). The formula is 35% of the difference in the parties' net incomes, so income is important, but alimony is still not just about income. Even with the changes to the alimony statute, the baseline is still the recipient's need for alimony and the payor's ability to pay alimony. So, in addition to your income, your expenses during your marriage, your current expenses, and your individual projected, post-divorce expenses, are also important to the discussion. Your mediator will probably ask you and your spouse to provide proof of income and to complete a draft of the expense section of a [Long Form Financial Affidavit](#). (This form is available on the [LINKS PAGE](#) of our website.) Your mediator will tell you whether she needs all three types of expense data from you, but often the more information you can provide, the easier it will be for your mediator to assist you and your spouse in coming to an agreement regarding the type of alimony, the amount of alimony, and the term during which alimony will be paid.

6. **List of key topics.** There is so much to discuss during mediation, it is easy to forget things. Consider preparing a list of important topics you want to discuss. Topics often include –

- a. **Marital property division and debt allocation.** During your negotiations (mediation), your mediator will help the two of you determine what belongs in the marital estate and what, if anything, belongs to the individual spouses. Once this has been accomplished, your mediator will help you and your spouse determine how to divide your marital assets and marital debts (those that belong to the marital estate). Fair and equitable may mean 50/50 and it may not. Every situation is different.
 - b. **Division of retirement benefits.** Apart from the marital home, retirement accounts are often a couples' largest assets. Both spouses must disclose all their retirement benefits (IRAs, 401Ks, 403Bs, Pensions, etc.). Some of these benefits may have been earned or awarded prior to the marriage, and some during the marriage. Your mediator will help you sort this out.
 - c. **Child support and spousal support (alimony).** See above.
 - d. **Timesharing (visitation).** If you have minor children, time will be spent during your mediation session talking about various timesharing schedules that may meet your family's needs.
 - e. **Parenting issues (shared parental responsibility).** You and your spouse are getting divorced, but you are not divorcing your children. Typically, both of you will retain the same rights and obligations you currently have as parents. So, are there parenting issues that are unique to your family that could be a source of conflict, either now or in the future? If so, now is the time to address them; when you are communicating productively.
 - f. **Insurance coverage.** You will want to discuss ownership, cost, and value of the various insurance policies you have – health, life, vehicle, personal property, umbrella.
 - g. **Future communications.** Be prepared to discuss how you and your spouse will communicate with each other, your children, and with your mediator going forward.
 - h. **Anything else.** Think about issues that are unique to your family. Make a note of them.
7. **Have clear goals.** This can be the hard part; identifying what is important to you. Determine what things you cannot live without, what are acceptable terms for negotiation, and what things you absolutely will not accept. Always remember, this is a negotiation, so you won't get everything you want.
8. **Conclusion.** Hopefully, at the conclusion of your mediation session(s), you'll have agreed upon some, if not all, of the pertinent issues for your divorce settlement. If you have selected Attorney Beth Reineke as your mediator, she will draft your contracts and all of the court documents you and your spouse will need to sign and file with the court for an uncontested divorce. Attorney Reineke will send you the drafted contracts before you meet to sign them, so you have the opportunity to review the drafts and take them to an attorney for review, if you so desire. You will then meet with Attorney Reineke a final time to review, discuss, and finalize your financial affidavits, contracts, and court documents. She will then provide you and your spouse with instructions about filing your court documents with the court (dropping them off at the courthouse), and about scheduling your uncontested final hearing with your judge or magistrate. Typically, these hearings are mostly a formality and last only about 5-10 minutes.

****Attorney Reineke drafted the above content as a guideline for informational purposes only. Attorney/Mediator Beth Reineke's process is different from other, less qualified mediators, and you should ask your mediator about what to expect during your mediation.***