

## Divorce Mediation in 10 Steps

- 1 Certified Mediator and Advanced Practitioner Linda Gryczan will have a confidential phone call with each party to describe her approach, so you can decide if mediation fits your situation and if she is the mediator you would like to see.
- 2 Linda sends a letter asking for contact information, with a few background questions. To ensure a balanced negotiation, she asks everyone to have a look at a survey that measures any power imbalance. If it doesn't apply, go to step 4.
- 3 If there is history of a violent or controlling relationship, Linda explains that you are free to opt out of mediation, even if a judge has ordered it. If you think mediation is the best way for your family to make decisions, Linda will discuss how to make the meeting emotionally and physically safe.
- 4 To put the children first, Linda asks you to go to *UpToParents.org*, a confidential and interactive website that asks you to consider parental conflict from a child's point of view. In one exercise, you will list ten compliments or memories about the other parent that you promise to tell the children.
- 5 **The first meeting**--Putting children first and setting the table for cooperative agreement. Show pictures of your children to put in the middle of the table. What makes them special? Linda may ask you to list your mutual goals for them. Go over the agreement to mediate. Set ground rules for communication. With your permission, read your 10 compliments exercise out loud. This will put everyone in a good space for cooperative negotiation.
- 6 **The Children.** You will each have time to speak uninterrupted about what you think is best and what you want out of today's meeting. Do you have any immediate needs? How will the children get the best of both of you? How will you raise them together in separate houses? How will you care for them financially? At this stage you can make temporary agreements and see how they work. Or you can start adding your agreements to the state forms.

"The mediation was a very positive experience though it was a difficult subject. I appreciate all you've done to help us move toward resolution. [Our son] will benefit from the work you did with us."

**B.D.**, Mom, Helena, Montana

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**The Property.** Again, you will each have time to speak uninterrupted about what you think is best. Are there any immediate financial needs? How will you support yourselves and the children after divorce? Where will you live? If you have few assets and debts, you can enter your agreements on the state forms. If you have a house, retirement and other assets or debts, you will decide on a day to value everything. Linda will write a Memorandum of Understanding (MOU), to attach to the state forms.

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**Child support.** Both parents fill out the Child Support Guidelines Financial Affidavit included in the packet. Linda will calculate child support and help you negotiate any gray areas. You may pay child support through a monthly automatic deposit or go through the Child Support Enforcement Division (CSED).

You may choose to follow a system called “Children’s Checkbook,” a joint account where each parent deposits X dollars every month, decide on how the money can be spent, and pass a debit card back and forth with the children.

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At the end of each two hour meeting, you will decide on next steps and leave with a list of information to gather for the next meeting. Linda may recommend you consult with other professionals such as an accountant to determine the tax consequences of your decisions and how to keep the most money in your family. You may visit with your lender to discover options for refinancing. While each family is different, divorcing parents typically meet with Linda three times before filing.

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When all the decisions are made and the paperwork is filled out, you will invest in an hour or two with separate attorneys who will ensure your agreement says what you intend. You will ask, “What am I getting in this agreement,” “What am I giving up?” “How will it affect me the day after divorce?” and “How will it affect me at retirement?” You may file the paperwork yourself, or one attorney can draft it into a legal document while the other reviews. With a Joint Dissolution, you will schedule a short 15 minute hearing.

“When people brought in do it yourself, pro se divorce paperwork, we knew if they worked with Linda Gryczan, it would be a fair agreement that was finished and accurate.”

**Michele Peterson-Cook**, former law clerk, 1<sup>st</sup> Judicial District

“I believe your services as a family mediator are unsurpassed!  
Your methodology is so unique and thoughtful, it disarms so much of the hostility felt by people experiencing the painful process of ending their marriage.”

**Roberta Cross Guns**, Attorney, Helena, Montana