

Separating: mediation, how does it work?

You have chosen mediation to handle part of your separation or divorce by mutual consent.

As mediators, we are an independent, neutral, and impartial third party who help you develop tailor-made solutions that meet your needs for each of the different aspects of a separation (living arrangements of the children, contributions to the children’s expenses, parental authority, dividing community property, alimony, etc.). So that you can turn the page in the best possible conditions and, despite your separation, remain good parents to your children.

Coming to mediation is not an easy process. It is probably even a moment that you are dreading. Here we show you how we work with you in mediation. To help you better prepare for it and perhaps help allay any apprehensions you may have.

Are we going to settle everything during the mediation?

Yes. Concretely, at CoMédiation, as we explained to you during the Discovery session, we have designed a package (Divorce without hurting) which has one goal: to help you develop concrete solutions that respect your needs on all aspects of your separation, within a reasonable time frame.

The package we have designed, both financially and in number of sessions, was created for a couple of reasons+. First, because we know that separation is a time that brings its share of uncertainty and confusion, and that anything that can bring you clarity is welcome. Secondly, because this is a time in your life when it is often difficult to be together in the same room, even in the presence of benevolent third parties. By limiting the number of sessions to a maximum of 6 (with some exceptions) to settle everything and by giving you the tools to prepare for the sessions, we limit as much pain as possible associated with discussions which are obviously going to be difficult.

Concretely, we address the different aspects of separation during the sessions and, when necessary, we ask you to prepare for the sessions in advance for greater efficiency. For example, the budget for the children's expenses: it is often useful to have a good idea of it before discussing it, or the practical arrangements (joint account or not, etc.).

What do we start with?

There is no set order. You determine the order in which we will address the various topics to be covered. If a certain topic is occupying your thoughts, it would be difficult to deal with a different topic first. For some, the absolute priority will be the house, for others the financial contributions or the way in which the children’s living arrangements are organized. Therefore, we always ask you what you want to start with, while obviously paying attention to ensure that all the topics find their place within the process.

If you are still living under the same roof when you start the mediation process, chances are that one of the very first things we will discuss together will be how to temporarily organize your separation. Because once the separation is announced or decided, cohabitation often becomes (even more) difficult. And yet, you need to find some serenity first in order to be able to participate fully in the mediation process and to rebuild yourself. Grieving the relationship in front of the other person is simply not possible. We are therefore taking the necessary time to see how you can organize yourselves in the following weeks: will one of you stay in the house temporarily while the other finds temporary accommodation? Or perhaps you will decide to alternate time in the house with the children to start with? Who is going to pay what over the next few months when expenses are likely to increase because of having to pay for a second accommodation? How are we going to communicate during this extremely difficult time, etc.? The goal is to materialize the separation, to help relieve the pressure where possible, and to remove as many sources of tension and misunderstanding as possible.

Things are extremely tense. I don’t want things to blow up during a mediation session.

For most people, separation or divorce is a veritable emotional tsunami. And this is quite normal: on the scale of psychological suffering, separation takes second place after the loss of a loved one. It is therefore safe to assume that you are feeling quite overwhelmed, be it anger, sadness, fear or pain, or even all four.

What you are feeling is OK: an emotion cannot be controlled; it is simply there. No need to deny or downplay it, because trying to contain it will only make it worse and sooner or later the dam will break.

The emotions you are feeling are welcome in mediation. Why? First, because in mediation you are in a safe environment. You can not only *feel* but also *express* your emotions, because we make sure that this happens in the fairest possible way, inviting you to express them in “I” and to avoid as much as possible the blameful “you”. We are all well aware that if one does not control an emotion, one is responsible for the way it is expressed.

As long as you are overwhelmed by your emotions, you are simply not in a state to come up with concrete solutions for questions as sensitive as the children’s living arrangements for example, or even the determination of the financial contributions of both parties.

In mediation, our role is to help you express what you feel deep within yourself, whether it is for example, a deep feeling of injustice or a fear of missing out. Because left unexpressed, emotions will block you and the first step to freeing yourself from them is to express them.

A few questions you probably have

*Do I need a lawyer?* Lawyers are not present during the mediation sessions. But if you want to seek legal advice between sessions, please do so without hesitation. We also sometimes advise you to consult a tax attorney - but in this case, together - towards the end of the process, for example, to optimize the tax consequences linked to income and the type of living arrangements chosen.

*Is it always the two of us during the mediation sessions?* Yes, most of the time, because it takes two to work out solutions. But sometimes we ask to see you alone, for example, to resolve a particularly sensitive or tense issue. In this case, we take the time during a session to see you both separately for, say, a quarter of an hour, then we all resume the session together*.*

*How long does it take to reach an agreement on all points of a separation?* There is obviously no single answer to this question. In some cases, everything can be resolved in 2 months, just as it can take up to 6 months to reach an agreement. This actually depends on you. But your needs will not always be aligned. For example, quite often the person who has announced his or her intention to separate seems to be in a "greater hurry" than the other person. This is normal: when one announces one's intention to separate, it is the culmination of a reflection that sometimes began several months earlier; the mourning of the relationship has therefore already begun, while the other is still under the shock of the announcement, sometimes in a state of complete astonishment. One of our very first roles therefore consists in tuning in to your rhythm and, above all, to bring you both to the same pace: neither too slowly, at the risk of prolonging a painful process unnecessarily, nor too quickly at the risk of being too hasty without taking the time to be attentive to your real needs.

*And after the mediation, what happens next*? Once an agreement is reached on all the points of the separation and have decided to divorce, you will simply file a petition at the Family Court Registry prepared by us, so that the judge can pronounce the divorce based on the divorce by mutual consent agreements that you will have signed. This is a written procedure, so unless there are exceptions, you do not have to do anything else. Depending on the backlog of court cases, the divorce will be pronounced within 3 to 6 months of filing the petition. If, however, at the time of filing the petition you are still joint owners of a property, you will have to go through your notary who will authenticate the agreements you have signed before filing the petition. If you are legal cohabitants, it is the same process, except that you will not have to go through the family court process, but simply terminate the cohabitation at the local town hall.

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We hope that this information has helped you to better understand the mediation process before you. We are obviously at your disposal during the sessions to continue to enlighten you in the details of the process and to help allay any fears that you may have.

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**Valérie Claeys & Yves Dinsart**

**Certified mediators and couples coaches**

***Together we counsel and offer support to couples having problems***

Valérie : 0473 61 14 66 (FR EN)
valerieclaeys@comediation.be

Yves : 0476 39 11 90 (FR EN NL)
yvesdinsart@comediation.be

Avenue des Celtes 20 bte 4
1040 Bruxelles (Métro Mérode)
[Open in Google Maps](https://www.google.com/maps/place/Comediation/%4050.838493%2C4.3981203%2C15z/data%3D%214m2%213m1%211s0x0%3A0x8675e293bf4e20c1?sa=X&ved=2ahUKEwiPzbWgqMnjAhUBPFAKHV3DBigQ_BIwCnoECA0QCA)

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