

Eleventh Judicial Circuit of Illinois Mediators Association

Frequently Asked Questions

What will we discuss in mediation? The parties will discuss, with the help of the mediator, allocation of parental responsibilities and parenting time. There are various topics related to parenting which are addressed by the Illinois statute, which must be in a parenting plan. All of these topics will be discussed in mediation.

Will the mediator make decisions about my children or case? No. The mediator is a neutral party, who facilitates communications between parties, and helps the parties explore options and discuss parenting in a setting that encourages open, honest communication. The parties, together, make all the decisions. Any agreement you reach in mediation may then be filed with the court. You should speak with your lawyer about how this works and what your options are. The court will review the agreement to assure that it conforms to Illinois statute and to standards that have been established. It is also important to remember that even if the mediator is a lawyer, the mediator is not acting as a lawyer and cannot give legal advice or represent either person in the divorce.

How much will mediation cost? The cost of mediation varies depending on the mediator and the specific needs of the clients. While the cost of mediation may seem high at times, it is considerably less than the cost of contested litigation. Unless the parties agree to a different arrangement (or the court orders a different arrangement), the parties will equally divide all mediation fees.

How many sessions will mediation take? Court ordered mediation for child related issues typically requires three one-hour session. However, clients can schedule more sessions if needed. Occasionally, mediation will be terminated prior to the completion of three sessions.

How long are sessions? Mediation sessions are normally scheduled for one hour but can go longer if both parties and mediator agree.

Do I have to be physically present to mediate? Sometimes one or both parties are not able to physically attend one or more sessions for a variety of reasons. If both parties and the mediator agree, a client may attend via video or teleconference. There may also be situations where the parties will meet with the mediator separately to work on an agreement.

Is there anything we will not discuss in mediation? Unless you are participating in *financial* mediation (either by court order or voluntarily), parenting mediation will not involve discussions about child support and other expenses, unless both parties are in agreement.

Who else can attend the mediation sessions? Most often mediation is attended by the two disputing parties but additional individuals may be invited if both parties agree that they are important to the mediation process.

Is mediation confidential? Mediation is a private process, not open to the public. You will be asked to sign a confidentiality agreement before beginning mediation. The mediator is required to keep confidential what is discussed in mediation.

Do I have to participate in mediation? You must attend mediation if it is court ordered. The court will almost always order mediation in cases where issues of parenting time or parental responsibility are at issue.

What if the other party and I agree on some issues, but not all issues? Is our time in mediation wasted? Any agreement reached in mediation is one less issue for the judge to determine in court. If you agree on some parts of your parenting plan, but not all, your agreements will help narrow down the issues which are still in dispute, thus reducing your time, expense and stress involved with the court deciding the other issues.