Mediation in Family Law

By K. Dean Kantaras and Maurice Q. Thurman

K. Dean Kantaras, Esq.

For many families, the prospect of a divorce invokes images of an emotional and confrontational legal battle involving protracted and costly litigation. Thankfully, private mediation is available as an alternative to family court as a method of resolving legal disputes. In fact, mediation is a key component of family law that is now mandatory in most Florida family law cases.

Mediation is a confidential process in which family law disputes can be settled outside of court with the assistance of a neutral mediator. Mediators receive specialized training and are certified by the Florida Supreme Court before participating in the mediation process. Mediators must also adhere to high standards of professional conduct that are mandated by the Florida Supreme Court. Many mediators are licensed attorneys who practice family law. However, mediators may not offer participants legal advice, cannot take sides, nor provide counseling to families involved in mediation.

When a person elects to participate in mediation, the participants must begin the process by mutually selecting a mediator. If the participants cannot mutually agree on a mediator, one will be selected by the court to mediate the family law dispute. Many courts also offer mediation services at a reduced cost for families who meet certain income requirements.

The mediation process may be used to settle all or some issues that are pending in a family law case. If the mediation session is successful in resolving one or more issues, the mediator will assist the participants in drafting a settlement agreement. Alternatively, the participants may elect to end the mediation at any time if the session is not productive. At the conclusion of the mediation, the mediator will file a notice with the court describing the overall outcome of the mediation session.

There are several advantages to resolving family law disputes through mediation. One major advantage of mediation is that it offers participants the flexibility of crafting a custom agreement that works best for the participants and control over the resolution of their case without court intervention. Additionally, settlement agreements that are reached during mediation are enforceable by the court. The issues discussed during mediation are confidential, and therefore mediation allows participants to speak openly and frankly in order to resolve family disputes.

Another advantage to mediation is that it is a more expeditious and cost effective method of resolving family law disputes in comparison to in court litigation. Finally, many mediators are skilled at presenting participants with alternative perspectives on family disputes. This is a helpful skill that empowers participants to resolve their legal matter without the necessity of protracted court litigation.

K. Dean Kantaras is a certified family mediator serving families throughout the Tampa Bay area. For more information on the Florida mediation process, contact K. Dean Kantaras, P.A., (727) 781-0000, or *mediations@kantaraslaw.com*. ▦

EDITOR'S NOTE: K. Dean Kantaras has been licensed to practice law in Florida for more than 24 years. Mr. Kantaras is the managing partner of K. Dean Kantaras, P.A., a firm handling cases in family law and immigration. Mr. Kantaras is board certified in marital and family law by the Florida Bar, a distinction held by less than 1 percent of all attorneys licensed to practice in Florida. He is "A" rated by Martindale-Hubbell, the highest possible rating. He is a member of the Supreme Court of the United States, the United States Court of Appeals for the 11th Circuit and Middle District, The Florida Bar, and the Clearwater Bar Association. Maurice Q. Thurman, Esq. is an associate attorney at the firm. He is a member of the Florida Bar, Clearwater Bar and Canakaris Inn of Court. Their offices are located at 3531 Alternate 19, Palm Harbor, 34638, (727) 781-0000 and 1930 East Bay Drive, Largo, 33771, (727) 544-0000, kantaraslaw.com.