

# Divorce Mediation in Utah – Utah Code 30-3-39

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A contentious divorce can take a very long time to finalize and it can be extremely expensive. When very serious and complicated issues are involved, like child custody, spousal support, problems with asset divisions, etc., people often reach a frustrating impasse. Especially when the spouses are not communicating or are making extreme demands. Divorce mediation can often provide an alternative that is more conducive to reaching more acceptable outcomes for *both* parties. That's shown in higher divorce settlement rates from mediation compared to litigation.

## Collaborative Law and Divorce Mediation

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Collaborative law combines a lawyer's legal knowledge and client advocacy role with the negotiating and mutual problem-solving objectives of divorce mediators. The parties agree to disclose all relevant information, communicate with each other respectfully, address each other's best interests, and hire experts (such as real estate appraisers in asset divisions, psychologists in child custody disputes, etc.).

The parties, their divorce attorneys, and the mediator work together through a series of meetings focused on creating solutions that satisfy both parties' best interests. The collaborative lawyers act as negotiators instead of competitive litigators with the goal of keeping the process productive and discussions respectful.

## Divorce Mediation Program – Utah Code 30-3-39

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Here are the specifics of Code 30-3-39 that mandates the Utah divorce mediation process for couples seeking a divorce in Utah:

1. Mandatory mediation is to help reduce the time and tension of the divorce process.
2. The parties are required to participate in one session with a qualified domestic dispute mediator, per [Utah Code 78B-6-205](#).
3. The parties will split the cost of mediation unless the court orders otherwise or the parties agree on a different payment arrangement.
4. Either party may be excused from the mediation requirement for good cause.
5. Mediation will be conducted by the Utah Rules of Court-Annexed Alternative Dispute Resolution.

Your divorce mediation lawyer can provide you with contact information for qualified divorce mediators. Or, you may know someone who has participated in mediation and can recommend a mediator for you.

## **Benefits of Mediation for Divorce**

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If you are going through a divorce in Utah, you should prepare for mediation, depending on the details of your situation. Here are some of the important benefits of successful [divorce mediation](#):

- Solutions are based on personal decisions instead of impersonal legal criteria.
- Higher rates of settlement are reached through the court trial process.
- Proceedings are confidential, with no public record of the discussions in mediation.
- You and your spouse can control the process, vs. giving all control to the court.
- Your lawyer can still participate in the process if you wish.
- It [costs much less than a court trial](#) or multiple courtroom hearings.
- It can help improve communication to avoid future confrontations with your ex.

In cases where decisions on temporary support or protective orders are needed, mediation may not be the best first approach. Going directly to court for those matters is likely to be more effective. Then, you can use mediation to move forward on other issues in the divorce.

## **How Does Divorce Mediation Work?**

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In mediation, your mediator will ask a series of questions and have you and your spouse sign a few forms. Then, he/she may meet with you separately first. Then, both you and your spouse will have an opportunity to express your thoughts and positions on the situation in a session together. You can determine during that meeting whether you should bring your [divorce mediation attorney](#) to upcoming sessions.

The mediator will work with you and your spouse on a plan to move forward with steps to break down the problematic issues to understand how to reach solutions. You may need to gather more information to bring to mediation, especially if [property division](#) or child custody is being contested. Your mediator will work with you to decide what information you need to obtain and ask you and your spouse each to commit to bringing the needed items for the next meeting.

## **Reaching Agreement Through Mediation**

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Your mediator may start with working on easier issues to get as much accomplished as possible through mediation and help build some trust by encouraging compromise on the tougher problems. It's not necessarily a linear process. The divorce mediator will help keep it on track and provide guidance for the brainstorming session to identify the best solutions.

Both parties will be encouraged to express their thoughts and stay open to compromise. You'll be helped to listen to each other in new ways that help make achieving fair outcomes through mediation easier.

Often, through mediation, a reasonable agreement can be reached on the most difficult points and submitted to the judge for approval as part of the divorce, all without going to court.

## **For Divorce Mediation Help – David Pedrazas, PLLC?**

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For over two decades, Attorney David Pedrazas has been helping people through the difficulties of divorce here in Utah. He is one of Salt Lake City's top divorce attorneys — obtaining many, many favorable outcomes in child support and asset division cases and making it possible for families to move beyond divorce as quickly as possible to happier times.

**For help with divorce mediation, call the Law Office of David Pedrazas, PLLC, or contact us here online to schedule a consultation to discuss your situation and options.**

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## **CALL US (801) 263-7078 for an Attorney Consultation in Salt Lake City, UT**

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No one should have to face a difficult family law situation such as divorce without experienced guidance and an effective advocate to stand up for his or her rights and best interests. Our law firm provides family law and criminal DUI legal services to anyone through the Salt Lake valley.