



Shoeblog.com

Settlement Options for Dividing Emotional Assets in Family Mediation

Deborah Beylus
www.southfloridamediationservices.com
(561) 789-0710

South Florida Mediation Services

Settlement Options for Dividing Emotional Assets in Family Mediation

What is an Emotional Asset?

- An asset that is not just about the money
- An asset to which a party is emotionally attached

Settlement Options for Dividing Emotional Assets in Family Mediation

Why Do We Care as Mediators

Florida rules for Certified and Court Appointed Mediators

Rule 10.220 Mediator's Role

“The role of the mediator is to reduce obstacles to communication, assist in the identification of issues and exploration of alternatives, and otherwise facilitate voluntary agreements resolving the dispute. The ultimate decision-making authority, however, rests solely with the parties.”

Settlement Options for Dividing Emotional Assets in Family Mediation

Why Do We Care as Mediators

Rule 10.230 Mediation Concepts

Mediation is based on concepts of communication, negotiation, facilitation, and problem-solving that emphasize:

- (a) self determination;
- (b) the needs and interests of the parties;
- (c) fairness;
- (d) procedural flexibility;
- (e) confidentiality; and
- (f) full disclosure.

Settlement Options for Dividing Emotional Assets in Family Mediation

Two Step Method to Dividing An Emotional Asset

1. Value of the financial asset: Details and Credibility of Valuer.
2. Develop a process rather than outcome to divide.

A Plan Does Not Have to Be Equal to Be Fair

Settlement Options for Dividing Emotional Assets in Family Mediation

A House Divided: The Marital Residence

Value of the financial asset: Details and Credibility of Valuer.

- 1.
- 2.
- 3.
- 4.

Settlement Options for Dividing Emotional Assets in Family Mediation

A House Divided: The Marital Residence

Develop a process rather than outcome to divide.

- 1.
- 2.
- 3.
- 4.

Settlement Options for Dividing Emotional Assets in Family Mediation

A House Divided: Calculating the Marital Portion of a Pre-Marital Residence

Value of the financial asset: Details and Credibility of Valuer.

- 1.
- 2.
- 3.
- 4.

Settlement Options for Dividing Emotional Assets in Family Mediation

A House Divided: Calculating the Marital Portion of a Pre-Marital Residence

- Value as of date of marriage
- Mortgage outstanding as of date of marriage
- Passive Appreciation
- Active Appreciation
- Value as of date of divorce
- Mortgage outstanding as of date of divorce

Settlement Options for Dividing Emotional Assets in Family Mediation

The Family Pet

Value of the financial asset: Details and Credibility of Valuer.

Develop a process rather than outcome to divide.

Settlement Options for Dividing Emotional Assets in Family Mediation

Contents of the Marital Residence

Value of the financial asset: Details and Credibility of Valuer.

Develop a process rather than outcome to divide.

Settlement Options for Dividing Emotional Assets in Family Mediation

Other Assets

Value of the financial asset: Details and Credibility of Valuer.

Develop a process rather than outcome to divide.

Settlement Options for Dividing Emotional Assets in Family Mediation

Liabilities

Value of the financial asset (liability): Details and Credibility of Valuer.

Develop a process rather than outcome to divide.

Settlement Options for Dividing Emotional Assets in Family Mediation

Thank you for your time.

Deborah Beylus – Mediator/CDFA

South Florida Mediation Services

301 Yamato Road, Suite 4110

Boca Raton, Florida 33431

Ph: [561-789-0710](tel:561-789-0710)

www.southfloridamediationservices.com

info@southfloridamediationservices.com

