

MEDIATION

What is mediation?

During mediation people negotiate directly with each other with the assistance of a neutral third party, the mediator. The mediator's role is to help both parties reach an agreement without taking sides or giving advice.

Mediation can assist parties reach agreement on issues such as:

- Separation - how a marriage should be dissolved, or a couple separate.
- Children- sorting out issues of parenting, contact and residence.
- Finances- how assets and debts should be divided, and agreeing maintenance.
- Property- what should happen to the family home, and where each party should live.

Couples will normally need to attend 4 to 6 sessions. The costs can be less than asking legal advisors to negotiate on your behalf, or issuing court proceedings.

The advantages of mediation for family clients

The parties are more in control. This often empowers both parties allowing them to concentrate on making plans for the future, rather than dwelling on the upsets of the past.

All agreements reached at mediation are negotiated directly between the parties. Therefore, each agreement is specific to those party's circumstances.

Full disclosure of both party's finances and circumstances are an integral part of mediation.

While the mediation process is taking place parties are encouraged to seek legal advice, this ensures that they are aware of whether the court is likely to accept their proposed arrangements as being fair.

Mediation discussions are "privileged" which means that what is said cannot be used in court and should not be disclosed to anybody else (other than to your legal advisor).

Agreements reached at mediation are not legally binding. Therefore these agreements are usually incorporated into a 'separation agreement' or 'consent order', whichever is appropriate in the circumstances.