

Information Sheet

Mediation

Family mediation is completely **confidential**. It is also legally privileged and 'without prejudice', so that if you are not able to come to an agreement in mediation neither of you will be able to rely on what you have discussed in any court proceedings that might follow. This means you may each speak freely and without fear when discussing your options for the future.

Family mediation enables you to **make your own decisions** about your financial future and the future arrangements for your children. If you were to go all the way through the court process, the end result would be a solution imposed on both of you which might not suit either of you. Mediation helps you make arrangements that you both consider fair and which suit your particular circumstances.

Family mediation involves an **impartial third party**, your mediator, who is trained and experienced in helping people in your situation communicate. The mediator will not take sides and will ensure that each of you has the chance to speak and be heard in discussions. These open, constructive discussions can help to **reduce conflict** between you and open new channels of communication for the future.

But how does it work in practice?

First, your mediator will invite you to come in for an individual 'intake' session so you can explain what you want to talk about.

During a mediation session, the two of you and the mediator will usually meet in one room. You can use the meetings to discuss the terms of your divorce or separation, the financial issues that arise, and any arrangements for the children.

Your mediator's job is to guide you both towards a settlement on which you both agree. The mediator takes the roles of information gatherer and process manager. Your mediator will help you to identify common ground and come up with ideas and options for settlement.

A specific advantage of mediation with **CFLP** is that your mediator will also be an **experienced family lawyer**. Your mediator will not be able to advise either of you as to the specific implications of you taking a certain path to settlement, but he or she will be able to provide **neutral information** to both of you about the way the family courts would be likely to approach your case. This helps to reduce the time (and costs) each of you spends with your own lawyer during the process, although you are each advised to **take separate legal advice** before your agreement is finalised and approved by the court.

Mediation allows you to **be creative** in resolving your issues. Your CFLP mediator can assist by suggesting ways forward that you might not have thought about previously but which might be acceptable to both of you.

Mediation is not to be confused with conciliation or relationship counselling. The aim of the process is to come to an agreement that enables both of you, and other family members, to move forward separately in the most constructive way. Mediation is not about saving the relationship.