

BC FAMILIES IN TRANSITION

formerly Separation and Divorce Resource Centre

THE 'EX' FILES

****This is for information purposes only. It does not constitute legal advice.****

Mediation

What is mediation?

When a married couple or a couple who are living together decide to separate or divorce, they're often faced with many issues. Who should the children live with? What about access? How much support or maintenance should the husband or wife pay? Who gets to stay in the family home? How will the assets be divided?

But many couples don't want to fight in court to resolve these questions. They want to work together cooperatively to come to an agreement that suits each of their needs as best as possible, while still maintaining their legal rights. They also want to resolve these issues without paying huge legal bills. One way to do this is through family mediation.

What is a Mediator? And; What happens in mediation?

In mediation, you and your spouse (or partner) work together to identify and resolve the problems in your family due to the separation or divorce. A mediator is a trained professional who understands conflict, as well as Separation and Divorce. A Mediator is someone who has specialized training around conflict, and provides a neutral atmosphere to assist in settling issues. Mediation is not therapy, nor is it a means of reconciliation. It is a process whereby all parties work towards an agreement around how the future will be managed and lived.

A mediator knows how to assist the family to move forward in the least damaging way, especially when children are involved within the family. If you have children, the mediator will help you make decisions that will be best for them. A mediator cannot give individual legal advice, but can give you general information about family law. The mediator listens to what's important to both of you, asks for your opinions on the issues, and helps the two of you come to your own solutions about the future.

How do you prepare for a mediation?

Before you hire a mediator, you and your spouse should try to get clear about what you would like to see happen in the future. Additionally, you can script questions to ask the mediator during phone contact about what you can expect during the mediation process. Mediators can be helpful to get you in touch with all the information you need to make good decisions for your future. Mediators can also give you information or refer you to community programs that are available to assist you through this often emotional time.

How much does mediation cost?

Mediation is less expensive than going to court. Mediators vary their hourly rate similarly to other community practitioners. When you first contact the mediator, (either by phone or by email from their websites) ask them about their hourly cost of mediation. Many have websites which introduce their particular education and areas of specialty. Parties are billed after each session and each is responsible for one-half of the fee (or such other arrangement as the parties and mediator agree upon).

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How long does mediation take?

Mediation sessions are normally two to four hours long. There is normally three to five sessions, depending on how many issues need to be resolved. There may be times when the mediator may meet with each of you separately. The mediator may also give each of you “home work” to identify the issues and help disclose all financial and other matters.

An agreement will be prepared at the end of the mediation

With the results of the mediation process, the mediator will prepare an agreement called a Memorandum of Understanding. While the mediator helps you and your spouse or partner to come to an agreement, you must each still have your own lawyer to advise you at the end. Both lawyers must be satisfied with the decisions you’ve reached before the agreement is signed.

How do you find a qualified and experienced mediator?

- ✓ You can contact Family Mediation Canada at 1-877-362-2005(toll-free) and ask for a list of family mediators in your area. Their website is www.fmc.ca.
- ✓ Another source is the British Columbia Mediation Roster Society, which maintains a list of family mediators. Call 1-888-713-0433 or click on www.mediator-roster.bc.ca on the Internet.

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