

# dodds

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## **Separation and Your Well-being – Mediation**

You've made the decision to separate or divorce from your partner? Have you thought about all of the questions you need to get answers to such as where the children live, how much time they spend with the other parent, what happens to the family home and who will remain there or will it have to be sold?

How do you get answers to these questions without there being arguments, bitterness and hurt for you, your ex-partner and ultimately, your children?

**The answer is Mediation.**

**What is Mediation and how does it work?** Mediation helps couples facing an actual or possible separation or divorce to work out agreed arrangements for themselves and their children, both in the short and longer term. It is to help both partners work out decisions and arrangements for the future that they can both accept.

Mediation is an entirely voluntary process. Nobody is forced to take part and great care is taken to ensure that neither party feels under pressure or at risk from the other. When mediation is accepted by both parties, joint meetings are arranged with a family mediator, who is often also a qualified family lawyer, or with two mediators.

Mediation encourages you and your ex-partner to come up with your own ideas and solutions. Sometimes these are ones that neither had thought of before. Mediators do not advise on or make decisions, but they can help to open up new options and may offer suggestions. Those taking part in mediation are not put under any pressure to agree to something against their will. Mediators seek to keep the discussions on track and try to make the atmosphere as relaxed and constructive as possible. The discussions are informal and each party has opportunities to explain priorities and concerns.

**Why choose Mediation?** Before any court application can be made about children or financial matters, you must attend mediation. There are certain exceptions where there is domestic abuse or it is an urgent matter. Mediation lets you and your ex-partner with the help of a Mediator reach your own agreement. Because you and your ex-partner have reached the agreement yourselves you are both more likely to stick to the agreement which makes for a better future for you and your family. There need be no animosity, bitterness or conflict. The process makes your separation less stressful and easier for you, your ex-partner and your children. There is no stranger in the form of a Judge making decisions about your personal life and finances which you have to live by. It's a much quicker and cheaper process than the Court process, so you and your family can find closure to this difficult time more quickly.

Mediation not right for you? Consider the Collaborative Law process which we talk about in our Collaborative Law Factsheet.