

Mediation

Mediation is an alternative way for couples who feel that they are able to communicate with each other to deal with the issues that arise on separation or divorce.

- Mediators are trained to help you resolve your disputes and will see you and your partner together. The mediator will identify those issues you cannot agree on and help you to try and reach agreement.
- Mediators will not take sides in your dispute nor will they give you legal advice on your individual position. It is recommended that you each obtain independent legal advice alongside the mediation process.
- In order for mediation to work, you and your partner must both agree to give it a try. You will need to be able to communicate. Meetings with the mediator take place with both of you in the same room, on neutral ground and are completely confidential.
- Mediation can assist you with various matters that can arise on separation. For example issues such as the basis for the divorce and urgent arrangements for the children can be decided at an early stage.
- If the dispute arises in connection with financial matters, be prepared to disclose your financial situation fully and frankly. You must both be committed to resolving issues constructively and be prepared to make compromises. When both parties have agreed that financial disclosure is complete, the mediator will prepare a summary of the financial information that has been provided.
- Once you have reached agreement, the Mediator will prepare a Memorandum of Understanding setting out what issues have been agreed. This may include what will happen to the family home, maintenance, pensions or where the children will live and how much time they will have with either parent.
- The Memorandum of Understanding, together with the summary of the financial information, will be sent to each of you to discuss with your individual lawyers. After you have both received legal advice and if you are both still in agreement with the proposals, your lawyers will convert the Memorandum of Understanding into a Consent Order which will be sent to the court for approval. Neither of you will need to attend court. Your lawyers will also prepare any documents necessary to implement the order.