

Mediation Frequently Asked Questions

How can mediation help in divorce?

When you are unable to sort things out between yourselves, then it is worth considering mediation. Mediation is a means of talking to your partner in the presence of an independent professional. It should not be confused with counselling or marriage guidance which deal with your emotions and your relationships. If you go to mediation, it assumes that your relationship has broken down and that you both wish to attempt to sort out any disputes you may have regarding your children, your home, finances or legal practicalities. Mediation looks at ways of resolving disputes as a result of your relationship break-up. Mediation is seen as a way of avoiding the court process. It can avoid much stress, time and money.

Are there winners and losers?

At the end of mediation, you should feel that you are neither a winner nor a loser, but that you have come to a sensible arrangement that you can both live with arriving at a workable compromise.

What is the advantage?

Mediation can help to reduce tension, anger and misunderstandings and improve communication between you and your partner. And communication is, after all, vital when trying to reach a settlement. This is especially important if you have children as you will probably have to co-operate over their care and upbringing for some years to come.

Would mediation suit me?

You can use mediation whether or not you are married and whether or not you have children. It can be used at any stage in your negotiations if you both feel that it could help. A mediator is trained to create and maintain a sense of balance in your discussions but if domestic violence is an issue, you should consult a solicitor for advice. You both have to come to the negotiating table on equal terms and be willing to share information with each other. If you want to use mediation but don't want your partner to know your address or phone number, you should tell the mediator at once.

Would I still need a solicitor?

In most cases, yes. Mediators can give you general information about the law but they cannot give you personal advice. It is best to see a solicitor before and during the mediation process so that he can tell you what your rights are and where you stand on financial issues. It could be a thankless task if you reach agreement without independent legal advice as this could be challenged in court at a later date. You may be losing patience with all these procedures and may wish to bring them to a conclusion but always rely on your own personal lawyer. You will also need a solicitor to draw up any agreement at the end of this process. This could then be made into a court order.

If you would like to discuss any issues raised in this update or any other family related matter please do not hesitate to contact our Family Team on 01279 755777 or email family@nockolds.co.uk

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What can I expect at the first mediation meeting?

Meetings take place in a private and safe place. Usually there is only one mediator (sometimes two) and you together with your partner. The setting is informal and first names are normally used. The mediator would explain the process to you and answer any questions. You would then be asked about the issues you may wish to discuss. A list may be drawn up and you may both be asked to supply information for the next meeting. A mediator is unable to make decisions for you but can facilitate an atmosphere where you can both explore different solutions. They will not take sides and will try to ensure that you are both heard on equal terms.

How many sessions can I expect and how much will it cost?

This of course depends on the nature of the problems but, generally, two to four sessions, each lasting about an hour and a half.