What is Mediation?

Mediation is a voluntaryprocess in which two parties meet with a neutral person (mediator) to reach agreements regarding an issue. It is considered as an alternative to litigation.

Divorce mediation involves parents of a child or children who meet together with a mediator to make arrangements for the future and immediate well-being of the child concerned. The goal is to prepare a settlement or parenting plan.

Why would I consider mediation?

* Parents recognise the importance of their parenting in the lives of their child and their obligation by law to ensure their welfare.
* A parenting plan is designed and implemented as part of the parents’ commitment to ensure that their children will be raised with love and care.
* In mediation, parents learn to communicate positively and collaboratively regarding their children. The development of a working relationship between the parents is a vital goal of mediation.
* Parents are facilitated in the process to make decisions about the children’s living arrangements, health, education, financial obligations, legal matters and discipline.
* It is an alternative to litigation by legal professionals, often taking less time than litigation.
* Mediation is a cost-effective alternative to litigation.
* Parents can be directly involved in decision-making processes and are not reliant on the legal system (i.e, courts) to make decisions regarding aspects of their children’s lives.

Mediation is useful when:

* The parties know each other
* The parties need to maintain or establish a working relationship to achieve a common goal (such as raising a healthy, adjusted child)
* Issues are complicated and there are emotions involved
* One of the parties may feel uncomfortable confronting the other party without another person being present
* Decisions need to be finalised within a shorter period of time
* There may be other people affected by the decisions that will be made (such as children)
* Parties would prefer to avoid litigation

How does the process work?

Usually the mediator meets with each parent individually before joint sessions occur. However, in high conflict scenarios, mediation can occur between parents in different venues or at different times if they are not comfortable being in each other’s presence.

Aspects of parenting are discussed and negotiated.

The child or children may be referred for a psycho-legal assessment to determine care (custody), access (residency) and contact schedules. This information is vital for decision-making processes.

A draft of the parenting plan is provided to the parents who can share the findings with their legal representatives should they wish to do so.

The final parenting plan can be registered with the Children’s Court where it can be made an order of the court, thus becoming legally enforceable.

Who can I approach for mediation?

Suitably trained social workers, psychologists or legal professionals can mediate divorce matters. Ensure the person has the relevant additional training and is aware of all legal processes involved as well as the developmental needs of children at different stages and ages. It is important for the mediator to have an in-depth understanding of the emotional impact of divorce on parents and children.