



FAMILY LAW MEDIATION

AND

HOW IT CAN WORK FOR YOU

**A Presentation By Northern
Beaches Mediation**

Written By

Lidy Seysener

Family Law Mediation

And

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Lidy Seysener 

Lidy is the principal of Northern Beaches Mediation and Northern Beaches Counselling a very successful Counselling and Family Law Mediation practice at Mona Vale on the Northern Beaches of Sydney, Australia.

Have a look at her business websites at www.northernbeachesmediation.com.au and www.northernbeachescounselling.com.au.

Lidy is also the creator of a website designed exclusively for those entering into or who are already in a relationship. Here you will find a place to ask your own questions about relationships as well as a link to Lidy's blog and other relationship tools that maybe helpful for you. Check out what's new this week at www.acouplesjourney.com and www.relationshipremedy.com or subscribe to her newsletters to find out what's new.

Among her many areas of expertise, Lidy is a Counsellor/Psychotherapist, Hypnotherapist and an NLP and Time Line Therapy Master Practitioner. She is also a qualified Transactional Analyst, Educator and Alternative Dispute Resolution Practitioner as well as a Child Consultant accredited with The Family Court of Australia.

If you wish to contact Lidy you may do so via any of the above websites or email her on: lidy@northernbeachesmediation.com.au.

Disclaimer

The author of this booklet has made every effort to ensure that the information contained within is complete and accurate. However the information and advice contained in this book are not intended as a substitute for consulting a professional specialist in regards to any action that may affect your wellbeing or the wellbeing of others. Individual readers must accept responsibility for their own actions, safety and health. The author will not be liable for any loss, injury or damage allegedly arising from any information or suggestions in this booklet.

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Video 1

Introduction to Northern Beaches Mediation

(Slide 1) Introduction

Hello, my name is Lidy Seysener. I am the principal of Northern Beaches Mediation.

Here is the first of six videos I've put together describing the process of Mediation in Australia and what it can offer you.

You may also have a copy of the manual that accompanies these videos. If you do you can choose to watch the videos and follow along in your manual or you can watch the videos and/or read the manual separately.

If you haven't acquired your manual you can do so now by going to the download box on the website. It's a good reference to have and it's free.

You will also notice as you read the manual that the parts in bold directly relate to the information on each slide in this series while the parts in plain script is additional material.

And rather than chapters, this manual is divided into Slides as per the presentation.

I'm happy to be sharing this information with you and hope you find it helpful.

At Northern Beaches Mediation our mission is to "**help people find solutions for themselves, their children and their future**". This set of videos is intended to help you do just that.

So let's get started with Part One. In this video I share with you the current legislation rulings and as well I discuss how the separation process happens.

(Slide 2) Current Legislation

The Current Legislation in Australia allows for no fault divorce granted after 12 months of separation.

The Family Law Act amended in 2006, emphasizes children's needs as paramount and shared parental responsibility.

Other changes to the Act regard terminology – so what was once called custody, and then contact, is now called living with and spends time with. Access and guardianship has become residence, and parental responsibility, which is now referred to as shared parental responsibility, is intended to portray the meaning of the Act to emphasize that both parents need to assume responsibility equally for the care of their children.

(Slide 3) The Separation Process

The Separation process is shown here on this slide as several stages that a person goes through when they are in the process of separating. As you can also see in this slide the process can be different for different people often dependent on who is the first person in the couple to be considering separation.

In this example Person A, let's call him Allan, becomes disillusioned by the marriage. By the way this is normal for all relationships. However most often couples find a way to work through this disillusionment and rebuild their relationship on firmer ground than before.

Sometimes though the disillusionment becomes overwhelming and propels one of the couple, and in this case Allan, to finally say something to Person B, let's call her Barbara. Upon hearing the news Barbara's first response is confusion, quickly followed by denial.

In the meanwhile Allan is on his own rollercoaster of feelings including frustration and depression.

At the point of separation Barbara is still in shock and has still a way to go to catch up with Allan who is now experiencing guilt, anger and sadness though he does finally get to the point of moving forward.

All this is happening while Barbara is now dealing with her own feelings of confusion, depression and anger and finding it hard to understand why Allan seems now to be OK while she's still on her rollercoaster ride.

What this is indicating is that very rarely are the two people in a couple at the same place at the same time during a separation. Invariably one will still be unaware of the level of detachment by the other until it all seems too late and by then it most often is.

(Slide 4) Finding Resolution

In slide 4 the good news is that like everything that happens in our lives the pain does eventually come to an end. Most find resolution as they come to terms with what has happened and accept responsibility for their part in the separation. This then opens the way to move forward in whatever way that might be.

(Slide 5) A Place Called Separation

In "**A Place Called Separation**" shown here on slide 5 you will see some of the considerations couples have to make when separating including:

"What and when do we tell the children?"

"How do we build a workable relationship as parents?"

"Where will we live?"

"How will we manage community support services including Counselling, Centrelink and The Family Court?"

And most importantly:

"How will we manage the children in two different households?"

(Slide 6) A Place Called The Future

In "**A Place Called The Future**" as seen on slide 6 the way forward is like being on an emotional rollercoaster.

There are naturally so many things to consider including:

"Who am I?"

"How can I be a single parent?"

"I feel so lonely."

"Who can I keep as my friends?"

"I think I like being single."

"How do I get back into the dating game? And,

"How do I introduce a new special friend to my children?"

(Slide 7) When Couples Separate

Separating can be a difficult and painful experience for the whole family. But it can also be a time for new beginnings and attending Mediation can lead to solutions that suit the changing needs of all those involved.

Separation requires you to come to terms with change and to review your dreams and hopes for the future.

It's important not to expect too much of yourself. Seek counselling as you need it and allow yourself to embrace the opportunities that this difficult time can provide.

That's it for this video. Click on Video 2 to hear more about the mediation process. Make sure you also check out our website at www.northernbeachesmediation.com.au for lots more information.

And while you're there why not sign up for our newsletter to be kept up to date with everything that is happening at our place.

Video 2

The Mediation Process

Hi and welcome to Video 2. In this video I talk about the mediation process and why it is a better option to using Solicitors alone or going to The Family Court of Australia to have your matters heard.

(Slide 8) The Traditional Path of Managing Separation

The traditional path of managing a separation goes something like this:

Each party finds a Family Law Solicitor.

The Solicitor takes over the case and writes a letter of demand to the other party.

The Solicitor of that party responds with his client's counter claim.

The battle has begun because separation and divorce are seen as legal issues, the Solicitors the experts, and the courts the only place to resolve these issues.

**THIS PATH CAN ONLY LEAD TO LOSS OF ENERGY, MONEY,
AND GOODWILL**

There is an alternative and that is using Mediation.

(Slide 9) What Is Mediation

Mediation is a problem-solving process which is aimed at helping you reach agreement on the issues that are important for you.

Mediation can provide you with help to:

- ◆ **Decide which areas are in dispute**
- ◆ **Explore each other's needs and interests**
- ◆ **Explore possible solutions and**
- ◆ **Clarify agreement**

Mediation offers a co-operative problem-solving process so that you can find agreement without needing to go to court.

(Slide 10) The Mediation Process

The Mediator is really a bit like a referee.

(Slide 11) Why Mediate?

Mediation provides a safe and informal environment for you to talk to each other to sort out your problems.

Studies show that over 80% of mediations result in an agreement being reached. This is because you make your own decisions and as such may be more committed to the outcome.

Even if agreement cannot be reached there has been the opportunity to clarify the issues and understand each other's point of view.

(Slide 12) Why Mediation Works

Mediation Works because:

- ◆ **The process of mediation is collaborative rather than confrontational.**
- ◆ **Mediation reduces the financial and emotional costs of a legal battle.**
- ◆ **Your continuing relationship as parents is likely to work better when you can come together in a spirit of goodwill.**
- ◆ **You are able to move forward and make a new life for yourself.**
- ◆ **You set the time-frame in which to settle the disagreement.**
- ◆ **Issues are broken down into "bite size" pieces.**

(Slide 13) More on Why Mediation Works

And here are some more reasons why mediation works.

- ◆ **Mediation acknowledges and values all human needs.**

- ◆ **Mediation encourages creative remedies.**
- ◆ **Mediation is future oriented.**
- ◆ **Mediation allows both sides to see the problem as a whole.**
- ◆ **Mediation allows you to “fine tune” a result or change your mind.**
- ◆ **Mediation encourages you to actually tell the whole truth.**
- ◆ **Mediation connects you to each other through understanding.**
- ◆ **Mediation lets you compromise and save face.**
- ◆ **Mediation avoids the legal enforcement of consent orders.**

(Slide 14) A Timely Truth

And here's a timely truth:

**"An unhappy kid with mum and dad can be a
happy kid with mum and dad."**

So that's it for this video. Click on Video 3 to hear more about the services we offer, how we do Mediation and make sure you also check out our website at www.northernbeachesmediation.com.au for lots more information.

And while you're there why don't you sign up for our newsletter to be kept up to date with everything that is happening at our place?

Video 3

Northern Beaches Mediation Service

Welcome back. Here is Video 3. In this video I'll share with you the variety of ways that we at Northern Beaches Mediation work with our clients via the services we offer.

I'll also talk to you about how we manage a mediation process which you might notice is somewhat different to how other organisations manage it.

(Slide15) When Does Mediation Work/Not Work

Mediation works whenever you come to the table in “good faith” and are willing to negotiate freely and with full disclosure.

This may not be possible however if:

- ◆ **One of you does not wish to come to Mediation to find a workable agreement.**
- ◆ **There are threats or fear of violence.**
- ◆ **One of you is under a constraint which prevents you from coming to an agreement such as when there is an Apprehended Violence Order (AVO), or**
- ◆ **One of you lacks the power or ability to negotiate on your own behalf such as when inhibited by drugs or alcohol or when there is a psychological disorder, emotional illness or a high level of emotion.**

(Slide 16) Who is Northern Beaches Mediation?

Here's a little information about us:

Northern Beaches Mediation (NBM) was established for two main reasons:

Firstly many matters are being taken to court which could be more efficiently dealt with in another way.

And secondly the capacity of the courts to deal with anything other than factual information is very limited. Yet, in order to be resolved, many

disputes need an opportunity for the couple to express the high levels of emotion they feel.

Mediation allows for this.

(Slide 17) The Services We Provide

Dispute Counselling

Northern Beaches Mediation provides a number of services including Dispute Counselling:

Sometimes couples are not ready to make a decision to separate. In this context the first intervention may be counselling to clarify what the issues might be so you can decide what actually is the best way forward for you.

Sometimes the decision may be to undergo more counselling.

Sometimes the decision is that it is time to separate. We then discuss with you your options for future sessions.

(Slide 18) Facilitation or Mediation

Facilitation of disputes is where the full process of mediation may not be appropriate or necessary. It might be that you only want to use the services of Northern Beaches Mediation to determine what might be the issues for you with or without the other person present.

Mediation is what happens when people come together to discuss the issues in dispute and want to come to an agreement.

When contacting Northern Beaches Mediation we will firstly speak with each of you separately regarding your concerns. We will ask you about what has been tried and what happened. We will also discuss with you your options.

We will also speak with you about the things you will need to consider before proceeding with mediation.

We do not provide legal advice, though we can assist you by providing information on organisations that do.

The Mediator manages how the Mediation session is run. The people in dispute then decide what is discussed and what is agreed upon.

(Slide 19) Divorce Support

Divorce Support is another service offered by Northern Beaches Mediation. Sometimes the parties may wish to use another service for their Mediation or it may be that the case is bound for, or is already being heard in The Family Court.

In these circumstances a person may employ us to be with them during this process to offer emotional support.

So to summarise: The difference between Counselling and Mediation is simply this:

Counselling reviews past or current issues in order to understand them and facilitate change between the couple.

Mediation's primary function is to assist couples make decisions about the issues in dispute to create agreements, either verbal or written.

(Slide 20) Disputes Suitable For Mediation

The kinds of issues that are suitable for Mediation include:

For Couples and Families – this could include parenting plans, property settlements, step families, de facto and same-sex relationships, parents and children, siblings with siblings, grandparents and parents, and families and carers.

For Neighbourhood Disputes – this could include such issues as boundaries and fences, trees, noise, pets, children, access, and music.

For Workplace Disputes – the issues might include difficulties with clients, staff, contractors, payments, discrimination, and harassment.

(Slide 21) When Someone Doesn't Want To Attend

Mediation is a voluntary process and can only work when everyone agrees to meet and discuss the issues.

As with any dispute it takes two to find a good resolution. However sometimes one person may not wish to attend mediation.

Northern Beaches Mediation cannot force anyone to attend nor can we enforce agreements which have been reached.

Before each and every mediation session we have a private conference with each of you to ensure that you understand exactly what the process is, what you can expect to happen and to answer any questions or concerns you might have.

If you do not wish to attend mediation we will discuss other options available to you in counselling or in law.

If the other person declines to attend, for whatever reason, our involvement ends with that person, but not necessarily with you.

(Slide 22) When Someone Refuses To Speak

Sometimes the other person might refuse to speak with you. This is not altogether uncommon.

However refusal to speak with you may not necessarily mean a refusal to attend Mediation. The other person may be prepared to speak with you in a safe and neutral environment, or they may discuss the issues with us.

Some people are also reluctant to accept an invitation, from the other person in the dispute, to come to Mediation. If this is the case, we at Northern Beaches Mediation can send a letter of invitation on your behalf.

(Slide 23) The Best Time for Mediation

Mediation can be held at any time during a dispute, even when legal proceedings have commenced.

Mediation doesn't have to be a 'last resort'. It might even break a deadlock in friendly discussions as well as in hostile ones.

Not everyone may be ready for Mediation at the same time.

Before you decide whether Mediation is right for you:

- ◆ You may need time to consider other options.
- ◆ You may need to obtain more information about your

situation.

- ◆ **You may need time to overcome negative feelings that may prevent you from being fully present for mediation to be successful.**

(Slide 24) Reaching Agreement

For the mediation process to help you reach a decision, it is best if both of you:

- ◆ **Are willing to reach a mutually satisfying agreement. It has been found that if you can reach an agreement between yourselves then you are more likely to stick to it.**
- ◆ **Secondly you must have the ability to negotiate on a reasonably equal footing**

So that's it for this video. Click on Video 4 to hear more about what happens during Mediation and make sure you also check out our website at www.northernbeachesmediation.com.au for lots more information.

And while you're there why don't you sign up for our newsletter to be kept up to date with everything that is happening at our place.

Video 4

What Happens During Mediation

Hello again. In this video I will go through the stages of a Mediation process. What you will notice here is that there is as much, or as little, hand holding as you need.

People may feel very vulnerable at this time in their lives so we design our Mediation to support you as much as you need it. This is most often best done just one step at a time.

(Slide 25) What Happens In Mediation

Mediation can proceed in a number of ways but it generally goes like this:

- ◆ **You will meet with the Mediator, that's me Lidy Seysener, in an introduction to Mediation first, to ensure you are fully informed of what's ahead of you. This session usually takes about 1.5 hours.**
- ◆ **Then in the Mediation Session, you will each have an opportunity to have your say so your issues can be identified and discussed.**
- ◆ **Options will be developed and assessed until a workable solution is found.**
- ◆ **A draft of your agreement will be put in writing for you to consider prior to signing.**

(Slide 26) The Pre-Mediation Meeting

At the pre-mediation session I will explain the features of Mediation; its voluntary and confidential nature, and my role as a neutral third party facilitator, not an adviser or decision-maker.

You will be told that as Mediation is voluntary, it can be terminated at any stage by either party, or even by me, without the need to give reasons.

I will outline the stages of the Mediation process. I will also give you some directions on how best to employ your Solicitor.

(Slide 27) Preparing For the Mediation Session

In preparing for the actual Mediation Session I will make sure that everyone is ready. An Agreement to Mediate will be signed by all those participating in the Mediation including myself.

A timetable will be set for all the issues to be discussed at the Mediation and what you will each need to do beforehand. Included in this may be the preparation of and/or exchange of documents.

(Slide 28) The Mediation Session

At the actual Mediation Session I will ask you if you would like to make a brief opening statement about anything on your mind.

An agenda for the session will then be established.

This session may take a few hours to complete and it may be necessary to have more than one session to finalise the Mediation depending on the complexity of what is discussed.

My role is to facilitate the communication between you, and discussion of the issues to encourage formulating an agreement.

If necessary I may hold private and confidential conferences with each of you either by your request or by mine.

You will be asked to create the wording of the agreement which will be developed as you proceed

(Slide 29) The Mediation Process

So here it is again. You'll also notice here a reference to 'private sessions' which I have referred to earlier as private conferences. These are the sessions that you or I can request at any time during the process to discuss options or concerns you might have about what is happening.

(Slide 30) Expectation of the Parties

As the Mediator I expect that you are attending Mediation in 'good faith' with the intention of seeking a resolution to the issues in dispute.

In preparing for the Mediation Session it is very helpful, for the success of the Mediation if you maintain realistic goals when entering negotiations.

You can prepare yourself for the negotiations by ensuring you do your calculations and background work beforehand and bringing all the relevant documents to the Mediation Session.

(Slide 31) Rules for a Constructive Mediation

In setting the scene for a constructive Mediation Session you can make it easier for everyone if you observe the normal rules of courtesy and listen to each other in a fair and open-minded way.

Even if you do not agree with what is being said, it will be helpful for you to listen to each other's point of view.

Be willing to maintain a positive attitude and also be prepared to give and take. Sometimes you might even be encouraged to find a compromise if there is no easy agreement.

(Slide 32) Considerations for Couples Using Mediation

When you are both ready to proceed the individual conferences will be followed by a joint session.

In considering what you will discuss at this joint session think about what are the possible issues you might have for care of the children or for property or financial agreements.

I will give you as much help as you need here.

At the beginning of the actual Mediation I will establish an agenda to help structure the discussion to get the best outcome for both of you.

That's it for another video. Click on Video 5 to hear more about Mediation and how to make the best decisions about the care of the children as well as learning about how to conduct a Mediation for a property settlement.

Make sure you also check out our website at www.northernbeachesmediation.com.au for lots more information.

And while you're there why don't you sign up for our newsletter to be kept up to date with everything that is happening at our place.

Video 5

Children and Property/Financial Mediations

Welcome back. Here is Video 5. Just one more to go! I hope you are finding these presentations helpful and informative.

In this video you will learn about the things you must take into account in making decisions about the future care of your children.

Additionally I talk about Property and Financial Agreements.

(Slide 33) Mediation and Children

In a Mediation about children it is important to keep the following in mind:

- ◆ **The needs of children are the most important consideration.**
- ◆ **Unresolved conflict in your family can be harmful for your children.**
- ◆ **Children should not be made to choose between parents.**
- ◆ **Parents can and do make the best decisions for their children.**
- ◆ **In some circumstances it may be appropriate to have the children involved in the mediation process.**

(Slide 34) Whose Home Is "Home"

It's important to let children know they are wanted and loved and always have a place to call home.

(Slide 35) Issues Regarding Children

Things to consider when discussing the children:

- ◆ **Where the children will live?**
- ◆ **How often will each parent see the children?**
- ◆ **What will happen during school holidays, Christmas, Birthdays etc.?**

- ◆ **How will day-to-day parenting decisions such as diet, clothing, or sporting interests be managed and financed?**
- ◆ **How will long term parenting decisions, such as future schooling be made?**

(Slide 36) Questions to Ask Yourself about the Children

In considering these issues ask yourself:

- ◆ **What do children need emotionally?**
- ◆ **How can you communicate effectively as parents even though you are separated?**
- ◆ **How can you ensure that the children are protected from the conflict between you, their parents?**

(Slide 37) Co-operating as Parents

Children do best when parents co-operate with each other.

(Slide 38) Section 60I Certificates

The following only applies to mediating Parenting Plans.

In the event that agreement cannot be found, or one person refuses to attend mediation regarding children's issues, then the other person may request a Section 60I Certificate.

With this Certificate you are able to make an application directly to The Family Court of Australia to hear your requests.

I am able to issue these as a registered Family Dispute Resolution Practitioner with the Australian Attorney General's Department.

If you are not sure what this is about, or whether you might be eligible, give us a call and we'll explain this to you further.

(Slide 39) Child Inclusive Practice

I've already mentioned that sometimes children may be included in the mediation process so here's a bit more about how that happens.

Sometimes children, especially older children and adolescents, like to be a part of Mediation and request to have a say about their living or care arrangements.

The way children are brought into Mediation is via a separate Child Consultation.

As we pride ourselves on being a Child Inclusive Practice, I have been trained to interview children especially for this purpose.

I will discuss with them what is happening and explain the Mediation process to them. I will also listen to any concerns they might have about what is happening at home and will feedback to the parents any particular messages the children might wish the Mediator to pass on.

The only requirement here is that prior to the children being brought into Mediation both parents have given written consent for this to happen.

(Slide 40) Property Issues

Here are some further questions for you to consider as you separate from each other:

- ◆ **What happens to the family home?**
- ◆ **If you decide to sell the family home. How will you do this eg. who will put it on the market? What firm will you use?**
- ◆ **What will happen to the proceeds of the sale of the house?**
- ◆ **Will one person buy the other out?**
- ◆ **Who will pay the bills and mortgage in the interim?**
- ◆ **What happens to your other assets such as cars, boats, caravans or other investment property?**
- ◆ **How will your superannuation and other cash assets be split?**

All these needs to be considered before entering into a Mediation process.

(Slide 41) Full Disclosure

There is an expectation, as well as a legal requirement, that all financial details will be disclosed in the Mediation process.

(Slide 42) Informing Yourself

For a Mediation regarding property we give you a financial details form which we will ask you to complete before proceeding with Mediation.

We request that you complete this form and bring all relevant documents such as valuations, verifications of the assets, bank statements etc. with you to Mediation.

Come to Mediation with an open mind to be flexible, creative and be open to generating as many options as possible.

We recommend you seek Legal Advice about your situation before your actual Mediation and before signing any agreement. We will inform you of the best time to do this so you don't need to do it before your introductory session.

(Slide 43) Other Considerations

Here are some things to consider when preparing for a Financial Agreement. This is different from a Property Agreement in that it relates to the management of the ongoing costs of maintain your family in the future.

- ◆ **How you and your partner will support yourselves and the children?**
- ◆ **What will happen to joint accounts? How will you structure your ongoing costs regarding who pays for what?**
- ◆ **What will happen to the furniture and furnishings, sporting equipment and other assets that do not have any significant monetary value?**

And as well you will need to consider:

- ◆ **What, how and when will you tell your children, other family members, and friends?**
- ◆ **The role grandparents and other family will play in their future relationship with all of you.**

Even if you cannot make a final decision, you may be able to agree about these things on a temporary basis.

That's it for this video. Click on Video 6 to hear more about using Solicitors during Mediation and what happens at the end of the Mediation Process.

Make sure you also check out our website at www.northernbeachesmediation.com.au for lots more information.

And while you're there why don't you sign up for our newsletter to be kept up to date with everything that is happening at our place.

Video 6

Completing Mediation and Engaging Solicitors

(Slide 44) Confidentiality

Welcome to Video 6, the last of this series of videos on mediation and the process of Mediation. In this video I talk about using your solicitors most cost and time effectively.

I also address how to conclude your Mediation and how to get more information about not just mediation but everything to do with your separation whether you are ready to proceed or still considering it.

One of the distinguishing differences between Mediation and other processes is that anything you say during Mediation is confidential. It is a voluntary process from which you can withdraw at any time.

As well I am required to keep completely confidential what is said in the Mediation sessions unless there is a need to protect a child, prevent injury to a person, damage to property, or the prevention of some criminal act.

It's really important to remember that what is said during a Mediation Session may not be used in evidence in any other family law proceedings.

(Slide 45) Alternatives to Mediation

If you come to Mediation with a want to resolve a dispute, an openness to consider new options and a willingness to find a point of compromise then Mediation is right for you.

Alternatives To Mediation Are To:

- ◆ **Continue the conflict**
- ◆ **Employ a Solicitor to negotiate for you**
- ◆ **Do nothing in which case nothing will happen until someone is ready to change it**

(Slide 46) Starting a Mediation

At Northern Beaches Mediation we offer all new clients a free 20 minute consultation to assess whether Mediation is appropriate for you.

So if you are thinking about using Mediation to help resolve a dispute feel free to give us a call. We would be happy to answer any questions you might have over the phone or you can come in and speak with us.

If mediation seems appropriate we will then advance to a more formal meeting.

After we have assessed with you the suitability of Mediation we then give you a choice. Either you can extend an invitation to the other person or people to contact our office or, if you prefer, we send a letter of invitation to them on your behalf.

If the other person does not contact Northern Beaches Mediation, our involvement ends. You will be notified of the situation and we will advise you further at that time about your future options.

(Slide 47) Using a Support Person

If you wish you can ask for a support person to come to your Mediation Session.

The only proviso here is that all people involved must agree on who is attending before the session is held.

'Support people' may attend if required, though they may not participate in the session. If you wish to bring a 'support person' with you, raise this with us when arranging the Mediation.

Witnesses are not necessary as the Mediator is not there to assess the situation, or to make decisions.

(Slide 48) Solicitors and the Mediation Process

For Parenting Agreements solicitors are generally not required as Mediation is not a legal process.

People utilising Mediation for Property Agreements should seek legal advice before offering any proposals and certainly before signing any agreements.

Agreements made in Mediation are not legally binding.

The agreements are made in good faith and it is up to the parties to keep the agreement.

If you have any concerns regarding this speak with us first. You can do this by requesting a private session at any time during the mediation process.

(Slide 49) Finding Agreement

The best mediation is where a couple separating find agreement that both of you are happy with. Sometimes this might mean a compromise.

It's important to always keep the end goal in mind when negotiating agreements and, as we will, always keep your children as the most important consideration.

(Slide 50) Concluding Mediation

At the end of the Mediation, and if you wish, Northern Beaches Mediation will write up the Agreement for you.

You may sign, or not sign this written Agreement, as you choose. It is really just a reminder of the details discussed in Mediation and the Agreement reached.

Also if you wish to submit the Agreement to the Family Court for Consent Orders we recommend you employ a Solicitor to present the document for you on your behalf.

(Slide 51) How to Contact Northern Beaches Mediation

So in conclusion, Mediation is a way to help you with your separation. It is much more user, cost, and time effective than using your Solicitors alone or using The Family Court to find resolution.

Give us a call or email us if you think it might be the way to go for you and we'll help you assess the best way for this to happen.

In the meanwhile feel free to check out our website. There is loads of information and articles to ensure you have all you need to help you make the best decisions for you, your children and your future.

For those of you who are already familiar with this site, or with my other sites, you will know that fresh information goes up every week so come back regularly and check what's new.

If you want to make sure that you don't miss any of it head on over to the site and request a copy of my newsletter to be sent to you. It comes out regularly and has lots of information and articles about what's new and what we're doing.

Alternatively join me on Twitter or Facebook. You'll find links to all of these from my site.

We are here to help you any way we can. In the meanwhile be sure to visit us at www.northernbeachesmediation.com.au to get more information.

References:

Child Support Agency, *Back on Track finding a way through separation and repartnering, 2000*

Family Court of Australia, *The Family Court Book, 1999*

