

# GETTING TO 'YES'

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Defacto relationships are no different to other relationships when it comes to trying to resolve issues. Amicable outcomes are always best. Mediation provides an alternative to going to Court. It involves you and your former partner, sitting down with an independent third party. Here are some helpful tips as to whether it would be suitable for you.

## What is mediation?

Mediation provides an alternative to going to Court (letting a Judge decide your matter for you). It involves you and your former partner, sitting down with an independent third party (a "mediator"), who gives both of you an opportunity to tell your side of the story and attempt to help you both work towards resolving the issues in dispute.

Mediation does not always result in a settlement of all issues, but it may help both of you better understand where the other person may be coming from, or find some "common ground".

A mediator will not force a decision upon you or your former partner, but if an agreement is reached, they will provide you with a record of your agreement, which can be drawn up into a binding agreement later, by your lawyer.

## What are the benefits of mediation?

There are a number of benefits to you and your former partner attending mediation, regardless of whether an agreement is reached on all issues, these include:

1. By exploring both sides of the dispute, mediation may help you better understand and explore other points of view, which may assist you both with co-parenting in the future;
2. You may be able to narrow the issues in dispute by identifying some areas of "common ground";
3. You may be able to work together with your former partner to jointly make a decision for you, and your children, rather than having a third party who does not know you personally make those decisions for you; and
4. The financial and emotional costs of going to Court are reduced if an agreement can be reached at mediation, whether that agreement relates to all the issues, or just some of the issues.

## Is mediation appropriate for me?

Everyone's circumstances are unique. In determining whether mediation is appropriate, a mediator will consider your circumstances, and in particular:

1. Whether you are able to speak freely;
2. Any history of family violence;
3. The equality of bargaining power between the parties (i.e. whether one party is disadvantaged in the mediation, in terms of language, culture, finances etc);
4. Any risk that a child may suffer abuse;

5. The emotional, psychological and physical health of the parties; or
6. Any other issue the practitioner considers relevant.

If the practitioner is of the view that mediation is not appropriate, it should not proceed.