

FREQUENTLY ASKED QUESTIONS ABOUT FAMILY MEDIATION

1. WHAT IS IT? Family mediation is a process in which an independent third party assists the couple to resolve outstanding issues between them.
2. HOW MUCH DOES IT COST? This will depend on the number of issues and the willingness of the parties to reach an agreement and each case has its unique characteristics. All time required by the mediator for the matter is billed at his or her regular hourly rate, and this is usually divided between the couple.
3. DO I NEED A LAWYER? Yes. It is necessary to consult a lawyer either before or after the first mediation session, before signing the final separation agreement and as often as is necessary in between.
4. HOW OFTEN AND WHERE DO WE MEET? Usually every two weeks, at the mediator's office. This can be accelerated or slowed down as circumstances dictate.
5. HOW LONG DOES IT TAKE? This depends on the same factors which determine costs (see above). Financial mediation takes an average of 6 sessions and this can be longer or shorter, depending on the case.
6. WHAT IF I THINK I CAN DO BETTER IN COURT? You should always choose the process (mediation, lawyer-lawyer negotiation, arbitration, litigation) which offers the best alternative to you after considering all the relevant factors such as cost, speed, privacy, impact on children and the couple themselves, etc.
7. CAN I TERMINATE THE MEDIATION PROCESS? Yes, at any time. However the mediator may reserve the right to call you back for one final session so that the termination is not premature.
8. HOW DO I START? Call the mediator's office and arrange for a meeting with the mediator and your spouse.
9. DO I NEED TO SEE MY LAWYER BEFORE THE FIRST SESSION? This is preferable, but not essential.
10. DO I NEED TO HAVE A GOOD RELATIONSHIP WITH MY SPOUSE IN ORDER TO MEDIATE? No. Most communication and relationship problems can be managed in the mediation process. Caucusing (where parts of some meetings may involve the mediator and one spouse only) can help to minimize personality conflicts. The essential ingredient is a desire to reach a fair and equitable agreement.
11. WHAT IF I THINK MY SPOUSE IS A BETTER NEGOTIATOR THAN I AM? In almost every case, one spouse is a better negotiator than the other. However, there are many factors in the mediation process which help to equalize bargaining power.
12. DO I NEED TO BE SEPARATED BEFORE THE MEDIATION STARTS? No. Mediators can deal with conflicts in ongoing relationships, or with situations where a separation is imminent, as well as post-separation situations.
13. IS THE AGREEMENT I REACH WITH MY SPOUSE LEGALLY ENFORCEABLE? Yes.