

Getting on with the rest of your life without waiting in the Court queue.

When relationships break down the last thing you want is to be placed in a queue to be given a decision by someone who does not know you, your children or your situation let alone the emotional trauma which you and the other members of your family face. A Court based solution is not the best option for most separating couples yet it is still the process most people think of and use. Mediation does not require you to wait in a queue and allows you to resolve the conflict that arises when a relationship breaks down without the need for all out war.

Mediation of family disputes is the most obvious solution to the Court queue!

Resolving Family disputes is not just about what the law says, it is very much about meeting the needs of the members of the family in a way that is quicker, cheaper and easier than the Court process. It is not unusual for people in a family law type dispute to wait at least 12 months for their day in court and in many instances people wait significantly longer. The emotional distress and uncertainty of waiting in the queue, affects every aspect of the lives of the family members and actually make things worse and often makes it difficult for you to move on.

Mediation can take place at any time even after you have started proceedings in Court. The Family Law Act (1975) requires parents to a dispute about their children to undertake initial mediation prior to commencing Court proceedings* but this is not the only type of mediation available in family disputes. Sometimes this mediation assists parties in resolving or narrowing the dispute between them. Most people do not however look at the mediation process as an alternative to pursuing Court proceedings once the Court process has begun.

Problems arising from the breakdown of a relationship are not just legal problems about your children or the splitting up of property. These problems may have a legal effect but the problem itself often involves a number of emotional and physical issues that are best solved by the people that understand the family experience- that is you and your former partner. Mediation allows you and your former partner to provide for the non legal issues of your dispute as well as the legal outcome. The mediation process ensures that you and your former partner are heard in a respectful and non confrontational environment, at the time that suits you.

Some mediation takes place over a number of days some mediation takes place over one day. Mediations may take place prior to or at any time during the Court process. There is no formula to determine how long and when a dispute between former partners should be mediated. This depends on you and your former partner and just what you need to achieve. Not all mediations solve all the issues in dispute but even when complete resolution is not achieved parties generally limit the areas of their dispute and therefore limit the ultimate problem to be determined elsewhere.

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Whether you are splitting up your property and assets or considering how much time your children should spend with each of you, the mediation process can provide you with the potential to settle your dispute without needing to spend 12 months in the Court queue or spending the money Court hearings involve. Mediation also provides ongoing assistance to parents who may find that as their children grow there are issues about the parenting of those children that both parents don't see eye to eye on. It is very important that you as a parent maintain a respectful relationship with the other parent and how you are able to resolve disputes between you will be a key factor as to whether you can achieve this. Mediation will allow you to maintain or develop that respectful relationship to ensure effective co-parenting.

*The Family Law Act (1975) requires parties to a dispute about children to attend mediation as a necessary step prior to the filing of Court proceedings. A certificate setting out the parties have attempted to mediate issues. MNL does not prepare these types of certificate.