

DOLPHIN HOUSE FAMILY LAW AND MEDIATION

Leaflet No. 21



LEGAL AID BOARD

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LEAFLET No. 21 - DOLPHIN HOUSE FAMILY LAW AND MEDIATION

Family Mediation

Mediation is a process for resolving disputes where those in dispute meet with a third party who helps them to negotiate an agreed resolution.

Family mediation is a free service which we provide to help separating couples and parents whose relationship has broken down to negotiate their own agreement. The couple sit down together, facilitated and helped by a trained mediator, and negotiate their own terms of settlement.

With mediation you will be helped to make your own decisions that suit your circumstances. If you decide to go to court it will be a judge who will ultimately make these decisions.

What mediation is not

Mediation is not relationship counselling and we are not here to persuade you to stay together.

Who can benefit from family mediation?

You do not need to have been married to benefit from mediation. We aim to help you both agree how you want to move forward with your lives.

How does it work?

With mediation, both of you will meet with a professionally trained mediator who will not take sides. She or he is there to help you both to reach an agreement. It is important to know that any discussions you have with a mediator are confidential.

How will I benefit from mediation?

- It is a confidential service.
- It is a free service.
- Research has shown that decisions that are jointly agreed have a better chance of being honoured.
- Talking through difficult issues to arrive at a decision can be an opportunity to change how you communicate with each other. Over time, this can reduce the anxiety and anger that can sometimes happen when a relationship breaks down.
- If you have children, it is an opportunity to put in place an agreement that respects both of you as parents. We can develop individual parenting plans that cater to your unique circumstances.
- Mediation is a process that is committed to helping to reduce conflict to protect your children after your relationship has broken down.

How are children involved?

Family mediation is a child-focused service putting strong emphasis on the well-being of the child/children involved in separation and divorce.

The mediator ensures that the “Voice of the Child” is brought into the mediation process. This is done directly or indirectly depending on the circumstances.

How much does it cost?

Mediation services are FREE.

How do I make an appointment for Mediation?

Both of you must contact a Legal Aid Board family mediation office independently to make an appointment.

How to find a family mediation office?

There are seventeen offices nationwide, eight full time and nine part time. There are also a number of mediation offices located at some District Court venues.

How mediation works

In mediation, you will both sit down with a mediator, who is there to help you to reach an agreement. The discussions are confidential.

The issues you might want to agree on will differ from couple to couple, but might include:

- How will you parent your children
- Financial support
- Where you will both live and what happens to any property you have
- What happens to any pensions you both may have

The mediator will not take sides. They are there to facilitate you reaching an agreement.

What will the Mediator do?

- See both clients/parties together and look at issues to be discussed and agreed
- Create a climate in which neither party dominates but in which both parties participate fully in good faith
- Create and maintain an atmosphere of co-operation and responsibility
- Help both clients/parties deal with difficult emotional issues that can prevent them from reaching agreement
- Help both clients/parties reach agreement that they both find acceptable

How long does it take?

Mediation usually takes between three and six sessions.
Each session lasts approximately one hour.

What outcome can I expect?

Most mediations end with a written document that sets out all the details of the couple's/parties' agreement.

This can then be taken to solicitors to be drawn into a deed of separation or other legal contract and/or used as the basis for a Court order. If you want to divorce, you will have to go to Court, but it will be easier if you already have the details worked out.

You might be able to apply for civil legal aid and advice.

We strongly recommend reading our family mediation booklet which sets out the different aspects to be considered when going through a separation or divorce.

How do I make an appointment?

To make an appointment, both parties must contact the service independently and confirm that they are willing to attend.

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The above is provided for information purposes only. It does not purport to be either a statement of the law or legal advice.

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