

## Mediation

Mediation is directed at resolving issues regarding the on-going care and management of children following parental separation or divorce such that a parenting plan is developed or specific issues are resolved. It is the parenting plan that sets out the residential arrangements and well as roles, responsibilities and approaches for the care of the children. In mediation, parents retain control of the development outcome of the parenting plan.

The role of the mediator is to facilitate discussion, help generate options and educate on matters of concern to the well-being of the children in the context of the parental separation/divorce. The mediator will endeavour to keep behaviour safe and civil to allow appropriate negotiation between the parents.

Parents may be seen together or separately depending on the level of conflict and matters of concern. If seen together, the mediator can separate the participants when necessary and move between separate rooms if required. A developmental perspective is taken in structuring parenting plans so parents are better prepared to handle natural changes that occur with time.

### Mediation Process (in general terms):

1. Where available, documents may be reviewed in advance of meeting.
2. Prior to the first meeting, the mediator will meet with each parent separately to screen for domestic violence and power imbalances.
3. The first meeting is scheduled for 3 hours duration. The purpose of the first meeting is to get acquainted and for the mediator to learn about you, your family history, the children and current issues. During this meeting the parents(s) may provide signed consent permitting exchange of information with other service providers.
4. The children may be seen during the course of mediation. Meetings with the children are usually scheduled for 1 hour but will vary depending on the children's age, comfort and discussion.
5. Meetings with parents will continue as necessary towards the goal of achieving a mutual agreement.
6. In the event an agreement is reached and a plan is achieved, this will be written up by the mediator as a Memorandum of Understanding. The parents can chose to follow the plan as is, or have it formalized as a legal document through their lawyers. Parents are advised to obtain independent legal advice.
7. In the event a plan is not achieved, a report will be provided discussing the mediation process and the issues of contention that remain. This report can be used by the parents should the matter proceed to court.
8. Parents should be aware that the opinion of a mediator may be influential in a court proceeding. When a mediator provides a report and can be called to Court, the process is referred to as open mediation. This is distinguished from closed mediation where any activity, outcomes or views of the mediator are sealed and not allowed for use in a court process. Unless otherwise specified, mediation will be considered open.
9. Lawyers and parties must agree that in the event the mediator is called to Court, the mediator will be compensated fully for all time required to prepare and attend, whether or not called upon by subpoena or request and that this will be paid in advance by retainer as per the most current fee schedule of the mediator. Further, the mediator shall be entitled to retain independent legal counsel and to be compensated for the cost thereof on a substantial indemnity basis in circumstances where in his sole and arbitrary determination, his integrity, independence, and quality of service are called into question or in any circumstance where he is required to attend and answer questions in accordance with any subpoena, Order or any other request, whether requiring attendance in person or by any other means such as correspondence, fax, email or telephone.
10. Mediation generally requires 10 to 20 hours for completion. The parents must determine prior to mediation how costs will be divided between them. This is not a matter for the mediator to determine.

### Costs

A retainer for 10 hours of service is required prior to commencing service. Billing will be on basis of actual time spent on any activity related to the mediation service, charged as per the fee schedule found on my website, plus GST. If less time is taken than covered by the retainer, a refund will be issued. If more time is required than covered by the retainer, the mediator will require additional funds to be provided before continuing the mediation.