

Family MEDIATION – Frequently Asked Questions

What is Mediation?

Family mediation is a method of dispute resolution. People work with the mediator to identify the matters that need to be addressed, express their individual objectives, develop and consider options, and reach detailed agreements. Participation is voluntary. Each decision is voluntary.

What Kinds of Family Disputes?

People who are separating or divorcing often use family mediation to make decisions about how to deal with the family assets and debts, spousal support, child support and to develop parenting plans.

Family mediation may also be used by couples to negotiate the terms of their relationship. It can be used to discuss the provisions of their pre-nuptial agreement. Or, if the couple is already married and considering separation, mediation may be used to negotiate a relationship that continues, but on different terms.

Parents and teens can make use of mediation to work out behavioural issues. Aging parents and adult children may resolve disagreements over medical treatment, housing choices, perhaps even estate provisions.

What is the Mediator's Role?

I help people negotiate. In doing so, I remain impartial, favouring no one. I make suggestions about procedures that will help you to identify the matters that need to be resolved, to identify personal and joint objectives, and to consider possible options. I encourage participants to reach detailed agreements. I do not give legal advice.

What Happens at Mediation?

Initially, I meet separately with each person to:

- describe mediation;
- discuss whether mediation is the right process to use at this time;
- plan the mediation; and
- help participants prepare for the joint mediation meeting.

Then, we have one or more joint mediation meeting. Although lawyers may attend, you may decide that you do not need their attendance. During meetings, I may suggest a brief, separate meeting with each participant.

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In the joint mediation meeting you agree on what the problems are that need to be addressed. I assist you to express your own hopes, fears, concerns and desires and to hear those of the other participant. Creative options are explored and workable solutions selected. If requested, I prepare the agreement. I encourage you to review it with your lawyer as it is important to understand what the agreement means now and in the future. Sometimes we meet again to refine aspects of the agreement.

Is the Mediation Confidential?

Yes. All discussions between the mediator and the participants, and some of the documents provided at mediation, are confidential. I may discuss matters with each client's lawyer. Confidentiality does not apply when children are in need of protection and when behaviour of a serious criminal nature arises. The **Agreement to Participate in Family Law Mediation** contains provisions about confidentiality that you may review, alone, or with your lawyer.

How to Prepare?

Gather documents that provide the information relevant to the decisions that you have to make. If you are separating or divorcing, use the **Family Law Document Check List** to collect the documents that you will need. Bring copies for me and your partner to the mediation. Think about and list what is important to you. Anticipate and list what you believe is important to the other person. Be ready to consider different ways to reach your goals.

How Many Meetings?

The number of meetings varies and is influenced by:

- the level of emotion;
- the number of issues; and
- the complexity of each issue.

In addition to the preliminary conferences, there is at least one joint mediation meeting and perhaps several two-hour meetings. The time between meetings allows for reflection about the discussion and tentative decisions reached at the preceding meeting and for gathering any information that was requested during the meeting.

How Long are the Meetings?

Preliminary Conferences last about one hour. Depending on the circumstances, joint meetings last for two hours, 1/2 day or an entire day.