



# FAMILY MEDIATION

## An Alternative to Going to Court

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Separation and divorce affect an increasing number of families each year. This experience can be a very turbulent and stressful time for parents and their children. Issues can arise regarding the parenting schedule, holidays, or even expenses for extracurricular activities for the children.

When parents have not been able to resolve these types of issues on their own, they have traditionally turned to the courts for resolution. Currently, family court judges and family law professionals remind parents that going to court should generally be their last resort. Fortunately, there are other alternatives to court such as arbitration, collaborative family law, and family mediation. In fact, judges will often request that parents attend mediation prior to using the courts to resolve their issues. Mediation can be time-efficient, economical, as well as beneficial for children and has a success rate of 80 per cent. The awareness of family mediation is growing; however, there are still questions parents have about this alternative for resolving their separation/divorce parenting issues.

Mediation provides parents the opportunity to have a confidential conversation with one another with a trained professional mediator present. The mediator's knowledge of family law, child development, communication and conflict resolution helps to assist parents in coming to a mutual agreement. The mediator's role is to remain neutral and to guide the parents in having a respectful discussion with one another while ensuring that each of the parents will have equal "airtime". When an agreement is reached, the mediator will provide the parents with a copy of the agreement which can be legalized through a lawyer or the courts with the consent of both parents. Parents should get legal advice prior to meeting in mediation so they are aware of their rights and responsibilities. As well, any agreement reached in mediation should be reviewed by a lawyer prior to it being legalized.

The length of time it takes for mediation varies depending on the number and the complexity of issues needing to

be resolved. Parents may meet one time or several times; however, parents are often able to resolve their issues in one meeting of only a few hours. Besides saving parents time, mediation can also save them money and is less stressful than going to court. Mediation also benefits children since the parents decide the outcome of how they are going to parent their children rather than having a judge determine this for them. Since mediation focuses on collaboration between parents, this method of resolving conflict can assist parents in communicating more effectively with one another. Parents may be separating from one another as a couple, but they will each continue to be parents together for the rest of their lives.

Although mediation is right for most parents, there are circumstances where it may not be appropriate such as when there are issues involving violence, neglect, or chronic use of alcohol or drugs. A mediator can help you determine if mediation is right for you in these circumstances. For those parents where mediation is an appropriate choice, services are offered by the Alberta Government through Resolution Services. To qualify, at least one parent needs to have a gross income of less than \$40,000.00/year and they must have at least one child under the age of 18. For parents in Edmonton, Resolution Services can be contacted at 780-427-8329 or for those outside of Edmonton at 780-427-8350. Mediation can also be provided by a private mediator. Fees for private mediators vary and usually are based on an hourly fee or flat fee. Mediators have varying backgrounds, but all should have specialized training and certification in family mediation. A list of family mediators can be found on the Alberta Family Mediation Society website.

Parents are encouraged to try mediation as an alternative to going to court to resolve their parenting issues. It can save them time and money; their conversations are kept confidential and they retain control of the outcome. Mediation also promotes parents working together in a collaborative manner and focuses on putting their children first.