

Mediation

Mediation provides an opportunity for parties coming to the Supreme Court (Family Division) to resolve differences in matters relating to custody, access, support or maintenance, and property without going to court. In mediation, an impartial, trained mediator will assist each person to talk about their needs and issues, and will help resolve the issues in appropriate cases.

Goals

The goals of mediation are

- To provide an alternative method of resolving issues, where appropriate
- To encourage the non-adversarial resolution of issues
- To develop an agreement acceptable to both parties

When and Where

Mediation will take place at the Family Division locations in the Halifax Regional Municipality, Sydney and Port Hawkesbury, at the offices of the mediator or another location acceptable to the parties, and at times convenient to both parties and the mediator.

Common Questions

Do I have to attend mediation?

No. Attendance at mediation is voluntary. A court officer may suggest mediation, but you are not required to go if you do not agree.

How many sessions will I have to attend?

The number of sessions you attend is up to you, the other party and the mediator. The Family Division will provide a limited number of sessions, based on the issues to be resolved.

Does mediation cost anything?

There is a sliding scale of fees to attend mediation, based upon your income. In some circumstances, the fees are waived. Ask a court staff person for a copy of the fee schedule.

How do I find a mediator?

If you have been referred by a court officer, judge or other professional, they will give you the name of the mediator assigned to your case. If not, you can contact the Family Division yourself and court staff will provide you with a list of mediators in the community who will provide the service for a fee. You can also get a list of mediators through Family Mediation Nova Scotia at their website <www.fmns.ca> or in the yellow pages of the telephone book.

How does mediation work?

A trained mediator meets with you and the other person, separately at first, then together, to help you both identify the issues. With the assistance of the mediator, you then consider and develop options that are acceptable to you both. **Mediators do not give legal advice.**

Mediation does not work in situations where personal safety is at risk, where there is a history of violence or where one of the parties is uncooperative. If this describes your situation, bring it to the attention of the court staff.

What are the benefits of mediation?

There are several benefits:

- you work towards creating an agreement that considers both your needs and interests and those of the other person
- you, not the judge, make decisions about your own family
- you and your children benefit when you resolve issues in a positive manner
- mediation promotes cooperation which can help you deal with future concerns constructively

How can I find out if mediation is the best approach for me?

- You can consider your options when you discuss your situation with a court officer;
- You can consult a lawyer to determine if mediation is suitable;
- You can discuss your situation with the mediator, before mediation takes place;
- You can read more about mediation.

See the guide *Mediation—What Do I Need to Know?* which is available at the court and on the website <www.gov.ns.ca/just/repselfmain.htm>.

What happens when we reach an agreement through mediation?

The mediator can draft an agreement, however, this agreement should be reviewed by your lawyer. This agreement can form the basis of a court order that will be issued by the judge.

What happens if we cannot reach an agreement through mediation?

The mediator will refer you to your lawyer or a court officer, to discuss your options. The court will be informed only that you were not able to reach a mediated agreement. The details of discussions during mediation are not disclosed to the court.

Where can I get more information?

For more information about representing yourself in court visit the Department of Justice website at <www.gov.ns.ca/just/repselfmain.htm>. For information about the Courts of Nova Scotia go to <www.courts.ns.ca>.