

Private Mediation Information

Mediation gives you a chance to resolve your differences without going to court. In Family Court matters, mediation can help you resolve differences relating to custody, access, and support or maintenance. During mediation, an impartial, trained mediator helps each person to talk about their needs and issues. It helps you to resolve the issues in an “off the record” setting.

Goals

The goals of mediation are to

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

When and Where

Mediation will take place at the offices of a mediator or another location acceptable to the parties, at times convenient to both parties and the mediator.

Common Questions

Do I have to go to mediation?

No. It is your choice.

Does mediation cost anything?

Yes. Ask the mediator what they charge for their services.

How many sessions will I have to attend?

The number of sessions you attend is up to you, the other party, and the mediator.

How do I find a mediator?

You can contact the Family Court yourself and court staff may 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 your interests. With the help 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 if personal safety is at risk, if there is a history of violence, or if one of the parties is uncooperative. If this describes your situation, tell court staff.

What are the benefits of mediation?

- 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 disputes 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/selfhelp.htm>

What happens when we reach an agreement through mediation?

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

What happens if we cannot reach an agreement through mediation?

The mediator may 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 more information about the courts of Nova Scotia go to <www.courts.ns.ca>.

