

Option 2: Get Help to Agree: Mediation

Who can help

Find out whether people who can help you reach an agreement are available in your community by contacting the Band Council Office.

A. Family Justice Counsellors

Family Justice Counsellors are trained to deal with family problems. In many communities, they are available at Family Justice Service Centres which offer services related to separation. Many of the services are free.

They can:

- Provide counselling to help you deal with your emotions.
- Help you understand the process of applying for a court order.
- Provide mediation or work with you in separate meetings.
- Help you prepare a consent order or separation agreement.
- Give you legal information and refer you to other services that may help.

B. Private mediators

Family mediators in private practice can help you come to an agreement, which a lawyer can finalize. *This will cost money. The BC Mediator Roster Society has a list of qualified family mediators. Check their website at www.mediatorroster.bc.ca or call toll free: 1-888-713-0433.*

C. Lawyers

Lawyers who have special training in family law can:

- Provide mediation.
- Give you legal advice about all the issues.
- Help you negotiate a settlement.
- Help you understand the process of applying for a court order.
- Help you prepare a consent order or separation agreement.
- Give you legal information and refer you to other services that may help.
- Represent you in court, if necessary.

This may cost money.

Using a Mediator

A mediator is an impartial person who can help you and your former partner develop a plan to deal with the legal issues around separating. The mediator helps you work through your problems to reach an agreement. You and your former partner make all the decisions and the sessions are confidential.

Family Mediators:

- Can provide a neutral place for both parents to meet
- Can help parents communicate with each other about child-related issues by keeping the discussion on track.
- Can help parents solve their own problems rather than having a judge impose a decision in court.
- Can cost less than court hearings and trials.
- May help you reach a decision far more quickly than if you went to court.
- Assist you to develop and / or to maintain a working relationship with the other parent. Co-parenting requires regular communication and some on-going contact between parents while your children are growing up.

Choosing a mediator

It is important to find someone you feel comfortable with. You need to feel you are being heard and that your input is being taken very seriously. You need to ask about the person's qualifications and experience, including his or her experience in dealing with Aboriginal families and their issues.

If you don't feel comfortable, try another mediator.

Separate Meetings Alternative

Separate meetings is like mediation, but you do not have to be in the same room as your ex-partner. The Family Justice Counsellor or Mediator talks to you, then talks to your partner separately. You negotiate through the Family Justice Counsellor or Mediator.

If you feel threatened by your former partner, separate meetings may be an option.

Mediation is not appropriate when:

- One person does not want to participate.
- One person does not feel safe with the other person.
- The relationship is or was abusive.
- The child is at risk of being seriously harmed.
- One person is withholding information about their finances.

Use mediation or separate meetings even if you are going to court

People often use mediation or separate meetings *while* they are proceeding with their court case. When something is discussed in mediation you can obtain independent legal advice at the same time. If both of you can manage to agree, you can avoid a trial.