

The solicitor's role in family mediation

A solicitor acting for a party in Family Mediation will explain how the mediation process will work and assist with the selection of a mediator.

We can help you identify the circumstances when such applications need to be made and can assist in the process.



Do I need a solicitor?

Mediation is not a substitute for legal advice. Parties can choose to consult their own solicitor at any time during the mediation process, for example, to take advice about proposals put in mediation or to formalise proposals at the end of the process and obtain a binding agreement.

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Why use Timms?

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Mediation**

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What is family mediation?

Mediation is the use of an impartial person to guide disputing parties, help them make informed decisions and develop mutually acceptable agreements within a confidential framework.

Mediation provides an alternative way to settle differences without costly courtroom battles, allowing you to control the decisions that affect your family, your children, your finances and your future relationship.

Mediation helps with resolving the consequences of the breakdown of a relationship by concentrating on the future and helping to sort out the practical and legal arrangements.

Mediation is not about getting couples back together but if there is a possibility of saving a marriage or relationship or if you would like to concentrate on the emotional aspects then the mediator may suggest counselling or family therapy for one or both of you.

Why does family mediation work?

Many people want to settle their differences as efficiently, fairly and cost effectively as possible enabling them to move forward with their lives. Mediation helps to achieve those goals.

As mediators, we will help you examine your situation, your needs and your interests and will help you develop and discuss realistic and practical settlement options.

By encouraging communication through direct discussion, it is usually possible to identify solutions quickly and cost effectively.

Decisions are made by you and not the mediators or the lawyers. You reach agreement; it is not imposed upon you.

How long will it take?

This depends on your circumstances and how complicated the issues are. Sometimes only one session is needed. Usually, perhaps if there are detailed finances to work through or if the children are consulted, a number of sessions are necessary.

Each session can last up to 1 1/2 hours. The length of time between sessions varies too. Some people wish to resolve things as quickly as possible whilst others prefer to take time over their decisions. You move at your pace. Mediation is almost always quicker than going to Court.



Who is it for?

Family mediation is a flexible and wide ranging alternative to Court proceedings. Family mediators commonly deal with the whole spectrum of issues arising from the breakdown of family relationships.

For example, family mediators assist:

- Couples who are ending their relationship, whether married or in a civil partnership or living together or not
- Those who have separated or divorced and who want to make arrangements for children
- Those who have separated or divorced and who want to make arrangements in respect of money and finances
- Those who wish to review arrangements - whether in respect of children or finances - arising from changes in circumstances
- Family members who would like to sort out other difficulties, for example, grandparents spending time with their grandchildren.

How does it work?

There is an initial assessment and information meeting that you can attend either on your own or with your former partner. The mediator will explain the process and will consider whether or not mediation is appropriate for you.

You can then make the decision if you would like to proceed. Any further mediation sessions would usually be joint appointments although separate appointments can be arranged in some circumstances.

Suitable cases - what issues can it cover?

No two situations are the same but, for example, as mediators we regularly deal with issues surrounding:

- Separation
- Financial support
- Divorce or dissolution
- Cohabitation
- Arrangements for children
- Pensions
- Property division
- Pre-nuptial agreements

What happens if agreement is not reached?

Occasionally, due to the voluntary nature of mediation agreement cannot be reached and you may then wish to instruct a solicitor or apply to the Court. By this stage, much of the information a solicitor or the Court needs would have been provided and the issues narrowed. This will reduce the overall cost and time needed to reach final settlement.