



## What is Family Mediation?

- Mediation is a voluntary process, where a neutral professional helps spouses and former spouses make decisions for their families in the context of separation or divorce.
- **Mediation is voluntary:** Mediation is a process which is available where both spouses want to make their own agreements and would like assistance doing so.
- **The mediator is neutral:** In mediation, the mediator helps both spouses articulate their needs and concerns, assists in identifying options to meet those concerns, and supports both sides in creating an agreement. The mediator does not take sides and has no stake in the outcome.
- **Mediation helps parents focus on children's best interests:** In family mediation, the mediator can help parents have meaningful conversations about what arrangements will be best for their children once they are living in two households. Where children's issues are complicated or where children in a family face particular special needs, Bluewater Mediation will, with both parents' consent, arrange to bring in a child specialist to assist in the mediation process.
- **Mediation is confidential:** At Bluewater Mediation, all mediation proceeds on a confidential basis. This means that anything either spouse says in mediation cannot be used in Court or other proceedings. In addition, the mediator cannot later be called to testify in a court proceeding about what happened at the mediation. Both parties sign an agreement at the beginning of the process that sets out terms with respect to confidentiality.

- **Mediation is cost-effective:** While the mediator cannot guarantee that spouses will reach agreement, where they do, mediation is often significantly more cost effective than proceeding in Court. Typically, spouses share the costs of mediation, and separating couples may be able to achieve agreement through the mediation process faster than through other processes.
- **Mediation of some but not all issues:** Spouses can choose to take some issues to mediation rather than all. For example, one can decide to mediate issues related to parenting, while addressing financial or other issues in the court process, or visa versa.
- **Mediation requires good faith and full disclosure:** The family mediation process requires that both spouses make a commitment to proceeding in good faith and to sharing all relevant information related to finances and other issues.
- **The mediator does not provide legal advice:** The mediator facilitates a process where you and your spouse make a plan for your family's future, together. The mediator does not, and cannot, provide legal advice. Before any agreement is finalized, each spouse is required to consult a lawyer to receive independent legal advice on the agreement. This is to ensure that each person understands his or her legal rights and is making informed decisions. Each spouse is also strongly encouraged to arrange for a legal consultation in advance of the mediation process.

