

## OPTIONS TO CONSIDER ON SEPARATION, DIVORCE OR DISSOLUTION OF CIVIL PARTNERSHIPS

### Mediation

Mediation is a process which involves you and your former partner meeting with an independent and impartial mediator who will assist you in reaching a resolution to the issues between you. The mediator will help you to work out what is best for you, your former partner and your children in an amicable way. During the mediation process, and generally once a consensus is arrived at, you and your former partner may wish to consult a solicitor to receive advice on the understanding that you have reached and to deal with any formalities. So as not to undermine the impartiality of a mediator they are not able to give legal advice instead they impart information throughout the process.

### Collaborative

The collaborative process involves you and your partner and your respective collaboratively trained solicitors committing to a process (through the signing of a participation agreement) to resolve your issues without resorting to the court. You will instead meet in 4 way meetings possibly also involving consultants (such as IFAs and life coaches) to talk through the issues you need to resolve. You will have support and legal advice from your solicitor during the whole process.

### Negotiations through solicitors

Your solicitors can advise and assist you and your former partner to resolve any issues between you through the traditional process of exchanging correspondence and face to face roundtable meetings.

### Arbitration

Although this is relatively new in family law, it may be an option you would prefer. An arbitrator would be appointed to hear the evidence and to make a binding decision on any issues, both in relation to finances and children, or any other matter which may need to be resolved between you and your former partner on your separation, divorce or dissolution of civil partnership. Arbitration enables parties to resolve financial disputes more quickly and in a more flexible and less formal setting than a court room.

### Court Proceedings

The Court process is generally used in the last resort where other means of dispute resolution have failed (or in other cases are inappropriate). It is expensive and protracted and the outcome uncertain. Before proceedings can be issued, you need to attend a Mediation Information and Assessment Meeting (MIAM) to discuss all of the dispute resolution options available to help you decide what is best for you and your family. If Court proceedings are issued, a timetable will be set by the Court to manage the process and ultimately a Judge will impose an outcome on you.



### Negotiation between you

You and your former partner should, to the extent you feel able to, discuss matters between you and if you are successful an agreement may be reached. In those circumstances you should take legal advice on what has been agreed and the information which has been exchanged between you leading to that agreement. The solicitor can assist you in drawing up a legal document/court order incorporating what you and your former partner have agreed.