

Family Mediation | Empower Family Law & Mediation

Canonical: <https://staging-empowerfamilylaw.yottadigital.net/family-mediation/>

Details:

Services

Family Mediation

Before applying to the Court about parenting arrangements, you generally need to attempt family dispute resolution, unless an exemption applies.

For property matters, the Court also expects you to make genuine efforts to resolve the matter first and mediation is one of the most common ways to do this.

For a private mediation, a mediator is jointly appointed and must act impartially. While a Mediator cannot advocate on behalf of a party, a Mediator experienced in family law matters can provide general information about how family law works and help you explore options.

Mediation can result in practical, efficient and cost-effective outcomes. It can help families to move forward with their lives without the ongoing stress and expense of negotiation or litigation.

It is important to obtain legal advice about your rights, obligations and entitlements before you attend mediation or Dispute Resolution.

At Empower Family Law & Mediation we can help you to prepare for mediation by:

Providing expert advice that considers your family's unique circumstances and applying the same principles the Court would in determining the living arrangements that are in the best interests of your children. We can assist you to prepare a draft agreement that outlines your preferred care arrangements for your children to take with you to Dispute Resolution to guide you through the process.

Using our knowledge and expertise to recommend a range of potential property settlement outcomes that consider your assets, liabilities, resources, and overall financial position.

We can advise you about the principles that the Court will rely upon when assessing whether a property division is just and equitable under law so that you are equipped with knowledge to make decisions about your financial future at a mediation.

If you reach agreement about your parenting arrangements or property division at a mediation, we can assist you to formalise your agreement by way of Consent Orders filed in the Federal Circuit and Family Court of Australia, a parenting plan or a Financial Agreement.

How we can help

If you have been invited to attend a mediation or would like to arrange a mediation as part of your family law negotiations, contact us on (03) 7020 6542 for assistance.

FAQ's

Do I have to attend mediation before going to Court?

For parenting matters, generally yes. You need a certificate from an accredited family dispute resolution practitioner before applying to Court, unless an exemption applies, such as family violence, child abuse or urgency. For property matters, the Court expects genuine attempts to resolve the dispute

first, which often includes mediation.

What's the difference between a mediator and a lawyer?

A mediator is neutral and helps both of you reach agreement. They can't advise or advocate for either person. A lawyer advises only you and protects your interests.

Is mediation safe if there has been family violence?

Not always. If safety is a concern, tell us as early as soon as possible. Options may include separate rooms, online or "shuttle" mediation, a support person, or an exemption from mediation. Your safety comes first.

Is our agreement legally binding?

Not on its own. To make it enforceable, it will need to be formalised. We can discuss those options with you, once you reach an agreement.

Speak with us

Your first 30-minute consultation is free. Call (03) 7020 6542 or contact our team to discuss your circumstances and next steps.

Phone : (03) 7020 6542

Email : info@empowerfamilylaw.com.au

Let us be your voice in troubled times.

Contact Us

More Services

Binding Financial Agreements (including Prenuptial Agreements)› Child Relocation› Child Support› Consent Orders› De Facto Relationships› Divorce› Family Violence and Intervention Orders› Grandparents and Other Carers› Parenting and Child Custody› Property Settlement› Separation› Spousal Maintenance› Superannuation› Urgent Family Law Issues›

What happens in family mediation?

Family mediation is a structured process in which a neutral mediator helps participants identify issues, exchange proposals and explore whether agreement is possible. The process may address parenting, property or both. Preparation commonly includes clarifying the issues, gathering relevant information, considering realistic options and identifying any safety or communication arrangements needed for participation. The mediator does not decide the dispute and does not give either person independent legal advice. Each participant should understand their legal position and the consequences of proposed terms, especially before final agreement. The format may involve a joint session, separate rooms, online attendance or shuttle communication. The mediator assesses suitability and manages the process, while the participants retain control over whether they agree.

Do parents have to attempt family dispute resolution before Court?

A person applying for parenting orders generally needs a certificate from an accredited family dispute resolution practitioner, unless an exemption applies. Exemptions can include urgency, family violence, child abuse or other circumstances recognised by law. Whether an exemption is available depends on the facts and should be addressed carefully in the application. Even where a certificate is required, attendance does not mean a person must accept unsafe or unsuitable terms. The process should be adapted or stopped if it cannot be conducted safely. For property matters, the Court expects genuine

steps to resolve the dispute before litigation in most cases, and mediation is a common pathway. Existing orders, deadlines and urgent risks should be reviewed before deciding when and how mediation occurs.

How should I prepare for a parenting or property mediation?

For parenting mediation, prepare a child-focused proposal covering ordinary routines, school, health, holidays, communication, transport, decision-making and any safety measures. Distinguish essential protections from preferences and consider how the proposal would work day to day. For property mediation, complete disclosure, organise a current balance sheet and identify disputed values, liabilities, contributions and future-needs issues. Obtain legal advice before the session so you understand the range of outcomes and the form required to make any agreement effective. Prepare more than one workable option and decide where further information is needed before settlement. Do not let pressure to finish on the day replace informed decision-making. A signed heads of agreement may still need consent orders or a financial agreement before the intended legal finality is achieved.

Can mediation be used where there has been family violence?

Sometimes, but suitability and safety must be assessed rather than assumed. Options can include separate rooms, remote attendance, staggered arrival and departure, shuttle mediation, support people or communication through lawyers. In other cases mediation may be inappropriate and an exemption or different process may be required. Tell the mediator and lawyer about family violence, coercive control, intervention orders, child-safety concerns and any risk connected with contact or disclosure. Safety planning should cover the location, technology, breaks and how proposals are communicated. Agreement must be voluntary and informed. If someone is in immediate danger, call 000; mediation is not an emergency response and should not delay protective action.