

# **MEDIATE IRELAND**

**The Quickest & Most Cost Effective  
way to Resolve Disputes!**



**Mediation Services  
Information Leaflet**

**Separation  
&  
Divorce**

## **The Mediation Process is**

- **A totally confidential process between the parties**
- **A safe, neutral and non-threatening environment in which to discuss issues**
- **Completely impartial**
- **An organised and constructive process**
- **Non judgemental and Non adversarial (as would be typical of court proceedings)**
- **A process leading to a lasting long term agreement**
- **Agreed to and 'owned' by the parties themselves**
- **Quick, typically only lasting a day**

It is important that a separating couple have their own independent legal advice. A mediated agreement will usually involve technical arrangements to be drawn up and/or entered into thereafter - to give full legal effect to the couple's own agreement. Whilst we provide services directly to the parties we recommend, in most cases, that they have Solicitors and/or Counsel with them, or immediately available to them, for the mediation process. The solicitors will understand the parties' own agreement far better if they are present or involved when it is reached - rather than being presented with it later on.

The ultimate separation evolving from the mediated agreement may take the form of a traditional 'Separation Agreement'; or, it may take the form of Consent or Compromise Terms upon which a court can grant a (Judicial) Separation or a Divorce. Accordingly independent separate legal advice is recommended so that the agreement of the parties can be fully and legally effected thereafter.

## **Mediation in Separation/Divorce**

- **Is Quick**
- **Significantly eases Stress & Anxiety**
- **Enables Communication**
- **Inexpensive** (when compared to litigation)
- **Safe & Confidential**
- **Children's Best interests**

### **Issues Surrounding Separation & Divorce**

Going through a Separation or a Divorce is one of the most stressful times in any persons life. There are so many potential emotionally charged areas of conflict that may arise.

- Division of Assets
- Spousal & Child Maintenance
- Pensions and Insurances / Business Assets / Future Inheritance
- New living arrangements, including that of any children
- Issues involving children including, Access, Custody and Guardianship
- Issues surrounding the education and schooling of the children
- Family holidays & special occasions (Christmas etc)
- Succession Issues

During this time, many couples experience arguments, confrontation and emotional hurt which make dealing with these issues even more difficult and fraught.

The most sensible approach is to bring in a non-involved third party to Mediate the issues, diffuse the situation and provide an environment where a guided and safe communication session can happen.

## **Benefits of Mediation**

### **Significantly Reduced Costs**

Both in monetary and personal terms, mediation is inexpensive compared to proceeding to a court hearing.

### **Significantly Shorter Time Frame**

Mediation can be scheduled within a very short timeframe: it can be soon after a dispute arises or at any time throughout an on-going dispute; and, following the pre-mediation processes and agreements, can often be concluded in a single day. This reduces the time from start of dispute to settlement significantly, allowing you to get on with the rest of your life.

### **Neither Adversarial nor Judgemental**

Mediation is an interest-based process based on consensus and collaborative agreement. Mediation helps the parties to communicate with each other, either directly and/or through the Mediator, to explore the issues which are of real importance to them - rather than necessarily focusing on their respective 'rights'. The parties are encouraged to find ways to address their present and future needs, rather than dwelling upon who may have been right or wrong in the past. As the process of mediation is based on mutual agreement, the mediator does not impose a decision, nor make any kind of judgment - unlike court or arbitration, the mediator helps the parties to find their own, mutually acceptable, solution.

### **Parties Always in Control**

Mediation belongs to the Parties. The parties to a dispute remain in control of the outcome and of any potential resolutions as well as having the right to end the mediation at any time should the process become stalemated.

### **Totally Confidential**

The confidential nature of mediation allows the Parties to negotiate freely and productively without fear of publicity. All participants of a mediation are protected by a confidentiality agreement which is signed by all parties and witnesses before the mediation begins. Issues discussed between a party and the mediator will not be disclosed to the other party, except by agreement.

## How do the parties work with the mediator

The normal process is for the parties, their representatives and the mediator to meet together, at scheduled sessions determined by the parties. Essentially mediation runs like a guided negotiation between the parties, with the mediator facilitating the communication. Most mediations generally run by the following five-stage format

**Stage 1:** Establishing the Process: The mediator and the parties agree guidelines they will follow in the mediation. This usually includes only allowing one person to speak at a time, treating all parties with respect, and confidentiality.

**Stage 2:** Exploring Positions and Interests: The parties usually make their initial statements regarding their disagreement and define what they hope to resolve in the mediation. This, and the steps below, can be in plenary session or to the mediator privately.

**Stage 3:** Developing Solutions: Each party discusses their interests and possible solutions to resolve their disagreement.

**Stage 4:** Finalizing A Resolution: The parties assisted by the mediator create a solution mutually agreeable to both parties.

**Stage 5:** The Written Agreement: Once agreed on, the agreement is formalized in a written resolution agreement.

### **It has been shown that Mediation will**

- **Dramatically speed up the process of either a Separation or Divorce**
- **Give a better and more effective outcome that makes sense to the parties themselves**
- **Ultimately reduce the cost both personal and financial of the whole process**

## Mediation Services in the following areas:

- Commercial / Civil
- Property
- Building Construction
- Banking & Financial
- Personal Injury
- Workplace / Employment
- Public Bodies
- Community / Social
- Marriage Separation / Divorce
- Wills/ Succession - Family Business or Farm
- Sports Disputes

**"Mediation is successful in 80% of cases, shorten disputes by years, enabling much quicker settlement of claims and allowing clients to move on, at a much cheaper cost."**

To find out further information  
or  
Organise a Mediation

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