



Breaking up: without court

A Canadian Bar Association series supporting legal wellness

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Family separation is difficult. You may be able to come to an agreement on parenting, support and property outside the courtroom, at less cost, stress and conflict, and with a solution that's right for your family.

Some options:

Mediation: an independent trained mediator can help parties talk through their issues and solve them on their own.

Arbitration: an arbitrator can also help parties to resolve issues using mediation, but if resolution isn't possible, can make binding decisions.

Collaborative family law: both parties and their respective specially trained lawyers commit to resolving issues without going to court. (See, www.collaborativepractice.com)

Is this right for you?

- Can you and your ex talk calmly and civilly? These approaches require communication between parties.
- Can you and your ex put your children's needs first?
- Is there a power imbalance between you and your ex? These options may not be suitable for unequal relationships.
- Is there physical abuse? Again, these options may not be suitable for cases where there is domestic abuse or risk of violence.

Helpful tips:

- Does the mediator or arbitrator have appropriate training and certification?
- Ask how the mediator or arbitrator will make sure the process is balanced and safe for both parties.
- Discuss cost and payment options.
- Have your documents ready before you meet.
- Take someone with you for support.

Free or low-cost mediation services are sometimes available. Resources are available online, or from legal aid offices, legal information services, government departments, community legal clinics, courthouses or other service providers. Get legal advice before signing any agreements.

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