

CONVERSATION STARTER GUIDE

7 REASONS TO CONSIDER MEDIATION

Starting a conversation with a spouse or former spouse about attending a mediation can be tricky. Here are 7 ways to sell the benefits of mediation:

1. THE TIME ANGLE

- “We are both busy people who just want to **move on** with our lives.”
- “If we fight this out in Court, **it could take years** before we achieve a resolution.”
- “**Neither of us have time** to go to lots of appointments with lawyers and to attend multiple court dates.”
- “It is likely that we will be able to **book a mediation date much sooner** by using a private mediation service such as Sunshine Coast Family Mediation Service.”
- “What do you think about scheduling a mediation to **get everything sorted out as soon as possible?**”

2. THE RELATIONSHIP ANGLE

- “I believe that we need to **preserve a positive co-parenting relationship** for the sake of our children.”
- “I don’t want to **damage** our co-parenting relationship by getting involved in a legal battle.”
- “I would like to think that one day we could both be friends. I think the mediation process may be the best way that we can move forward in a way that **reduces the conflict between us.**”

3. THE PRIVACY ANGLE

- “I don’t think that either of us want to involve our family and friends in our **private business**. If we battle it out in court they may be needed to provide evidence.”
- “I know that **privacy is important** to you and its important to me too. I don’t want lawyers, judges and members of the public to be privy to the details of our relationship.”
- “The mediation process is **confidential**. Nothing said at mediation can be used as evidence in Court.” (**some exceptions apply*).

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4. THE MONEY ANGLE

- “I know we don’t agree about much at the moment, but one thing I think we can agree on is that **our kids are number one**. We don’t want to spend all of our savings on a legal battle, it would be much better to spend that money on the kids.”
- “I’ve added up our assets and liabilities and we have about (\$100,000) of net assets to divide between us. For every (\$1,000) that we waste on legal battles, **the amount we have left to divide reduces by (1%)**.”
- “A mediation costs a **fraction of the cost** of a legal battle. What do you say about giving mediation a try?”

5. THE PRACTICAL ANGLE

- “I think that we agree on some things but not others. Why don’t we **see what we can agree on at mediation** and see what is left that we disagree on?”
- “I’ve had a look at the Family Court website and read the brochure called ‘*Marriage, families and separation*’ which says that **before you apply to the Court for a parenting order, you need to attend Family Dispute Resolution (FDR)** and obtain a certificate from a registered FDR provider, unless an exception applies.”
- “For property matters **the Court can order parties to attend a mediation.**”
- “We **may as well attempt to mediate** before starting court proceedings, because the Court may order us to do so.”

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6. THE FLEXIBILITY ANGLE

- “**We don’t know what we are going to be doing in 5 years time** – we may have different jobs, different addresses, new partners, additional children with a new partner. The kids may be at a different school and be doing different sports and activities.”
- “The court will **impose a decision** on us that may not suit us now or may not suit us in the future.”
- “If we reach a mediated agreement, it is **more flexible**, and we can change it when it no longer suits **our needs and our children’s needs.**”

7. THE MENTAL HEALTH ANGLE

- “Ongoing family law disputes are **stressful for both parents and children**. The sooner we can come to an arrangement and move on, the better it is for everyone.”
- “I think the conflict between us may reduce when we both have a bit of **certainty about our future**. It is stressful not knowing where we will be living in the future and not having access to money to rebuild our lives.”
- “Mediation is a **relatively quicker, cheaper and less stressful** way of resolving our dispute.”