



Settling Issues out of Court

The purpose of this series of fact sheets is to explain the different processes you might consider to settle your family law issues out of court. This particular fact sheet offers information about coming to an agreement with the **help of a mediator**.

Mediation



There are several options for coming to an agreement and only a few of them involve the court system. Whether you need to settle custody and access, support, or division of marital property, the best way to deal with family law issues is typically outside of the courtroom.

If possible, start by talking about your issues and trying to work out your differences. Even if you can only agree on some issues, this will save you time and money if you do have to go to court.

What is Mediation?

Not every couple is able to sit down together and come to an agreement. Sometimes they need the help of a family mediator.

Mediators are trained to help separating couples resolve their differences in an unbiased and neutral fashion. They can help you negotiate your “**separation agreement**”. The

parties, not the mediator, make the decisions about the terms of their agreement. Family mediators can help people settle issues about parenting, separation, and divorce.

There is a fee for mediation to which both parties usually contribute. Mediation is a voluntary process. Both parties must be willing to participate.

The mediator does not offer legal advice. Once you have reached an agreement, you should both get **independent legal advice** before signing.

The agreement can be filed with the court for the purpose of enforcement.

How do I find a family mediator?

A mediator is usually a lawyer or social worker who has mediation training. You may want to choose someone who has professional accreditations, for example, with

Family Mediation Canada, the **Law Society of New Brunswick**, or the **New Brunswick Association of Social Workers**. Check in the **Yellow Pages** under Mediation Services.



This is general information about the law and laws change from time to time. Anyone requiring advice on their specific situation should consult a lawyer. If you have questions on your options about coming to an agreement, call the toll-free **Family Law Information Line** at:

1-888-236-2444
info@familylawnb.ca

