

# FREQUENTLY ASKED QUESTIONS

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- **What is Mediation?**

Mediation is one of the Alternate Dispute Resolution process where disputed parties trying to resolve their issues out of the court. For detailed info click [What is Mediation?](#)

- **Is it compulsory to attend mediation?**

No, it is not compulsory to attend mediation. However, there are lot of benefits in attending mediation which includes matter can be resolved in less time consuming and cost effectively than court process. Mediation is a voluntary process and any party may leave the process at any time.

For family dispute resolution if your matter is not of urgent nature then court may ask you to attend mediation before coming to court.

- **What will happen if parties reach on an agreement?**

If disputed parties reach on an agreement then mediator will give you the copies of agreement for your records. The terms of agreements will be dictated by parties after mutual decision.

For family dispute resolution, parties may ask certificate from mediator for their records.

- **Do we need to sign the agreement?**

On the request of parties if they want formal agreement then mediator will draft the terms of agreements and ask both parties to sign it.

- **Are agreements reach in mediation binding?**

No, agreements reach in mediation are not binding. However, once either party received the copy of agreements they can contact court to convert the terms of agreement in consent orders which will be binding upon both parties. Consent orders are easily accessible by everyone and would not take much time and money.

- **What will happen if parties does not reach on an agreement?**

If parties will not reach on an agreement then they are free to contact relevant court.

For family dispute resolution, parties may ask certificate from mediator if they would like to proceed to the court. The certificate will be valid for 12 months.

- **Can I come back for mediation again if my last mediation process did or did not went well?**

We understand that things can change at any time. Therefore, either party in dispute have the opportunity that they can contact us to start mediation process again regardless of their previous mediation went well or not. There is no time limit.

- **What is the role of mediator?**

Mediator is a neutral, unbiased and impartial person who only facilitate your dispute. He/she is the one who will not provide any legal advice at any stage. We recommend every party to take their own legal advice before attending mediation session.

## • Can I bring my support person and what is his role in mediation?

Support person can be anyone (Family, friend, lawyer, community person etc) and any one can bring support person with him/her in mediation with the consent of other party. The role of support person is related specifically to the support of the specified party and not that of an actual participant in the mediation. This means you must refrain from:

- Speaking with the person regularly or directly addressing the other parties
- Physical contact with other parties
- Interrupting or distracting the process in any way

## • For property dispute do I need to provide values?

Yes, you need to provide estimated current values at step 1 with some written documentation from a related professional agency. If you do not provide us with values, we will not be able to proceed to step 2.

## • When can I apply for property settlement?

**If you were married**, applications for property adjustment must be made within 12 months of your divorce becoming final.

**If you were in a de facto relationship**, your applications for property adjustment must be made within 2 years of the breakdown of your de facto relationship.

If you do not apply within these time limits, you will need special permission of a court. This is not always granted.

## • What if I leave the house after separation – do I lose my rights to property?

No, if you left the house, you do not lose a share of the property if you would otherwise have been entitled to that, even if it is in the name of your partner name.

## • Are statements made in mediation admissible or not?

Statements made in mediation process are generally inadmissible in court unless otherwise required by law.

## • What are our fees?

We assess the fee of each party as per their yearly earning capacity. If you are going through financial hardship then we can accommodate you to some extent but not free. However, if one party would like to pay the fee of other party then it will be communicated between them and this also does not mean that we will lose our neutrality or impartiality. Paying the fee for the other party will also not give the impression that they can control the process. Payments must be paid before session.

## • How much time it takes for mediation?

Each case and party is different. Mediator have to follow the process of mediation by giving maximum opportunity to each party so that they can attend the mediation process.

## • How we conduct mediation sessions?

At Black & White Mediations we offer face to face, telephonic and web conferencing mediations. For face to face mediation, parties will arrange suitable venue (house, office, room hire) on their own cost. If they will not arrange any suitable venue then we will arrange it and invoice will be sent to relevant party/ies.

