

DID YOU KNOW?

The divorce rate in Canada is 38%, with the number decreasing as the length of the marriage increases.

The average of women seeking a divorce is 41, while the average age of men seeking a divorce is 45.

The length of the average marriage in Canada is 14 years.

The Complete Mediation Guide

What you really want to know!



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Commonly Asked Questions

What is mediation?

Mediation is when a third party helps two or more people settle a dispute. In the case of divorce and separation, mediators help you to work out the details with your partner about issues like, property division, parenting arrangements, and spousal support.

Who do mediators work for?

Unlike lawyers, mediators work for both parties. They do not have an interest in one side winning or losing, only on finding a fair compromise for both parties.

Are mediators expensive?

Mediators typically charge anywhere from \$200 - \$400 per hour, depending on the mediator, where you are located, and the complexity of the issues being settled. The cost savings comes from a mediator's cost being split between the two parties vs each person having to pay for an attorney and legal fees, as well as how quickly mediators work. The average mediated divorce is roughly \$2,000, while the average litigated divorce is \$12,000.

How long does mediation take?

Mediation is generally a faster alternative to the court system. How fast the process goes depends on how quickly the mediator can receive all the information they need to help settle your dispute. Since you are both dealing with one person, you are not waiting on multiple attorneys to coordinate schedules and the court system scheduling hearing dates.

Will my rights still be protected?

Absolutely! Mediators ensure that your rights and responsibilities are explained to you and work with you to ensure you find a solution that is reasonable for you. You know what's best for yourself, mediation allows you to find that solution. By going through the legal system, you allow the court to decide what's best, mediation helps you retain control.

What's involved in mediation?

Pre-Mediation

Pre-mediation is a crucial stage of the mediation process. From the time you sign an Agreement to Mediate until you sit down to work out an agreement, your mediator will be gathering all the necessary information needed. This may be in the form of financial disclosure documents, individual questionnaires, essentially anything that gives your mediator a good understanding of your unique situation and the challenges you are facing. It's also during this time that your mediator will be getting to know you better and understanding your views on individual issues. It's critical to be open and honest during this process. Sometimes it can feel invasive, like you're allowing a stranger to see every part of your life, mediation professionals are held to the highest standards of discretion and will do everything possible to make you feel comfortable.

Mediation

Mediation is the actual process of individuals being guided by a mediator to find resolutions. There are two forms of mediation, Open or Closed. In open mediation, anything discussed during the mediation session can be disclosed at a later date, in closed, anything discussed cannot be disclosed. Your mediator will explain the differences between the two and allow you to decide which you'd like to undertake. Mediation can also be facilitated in many ways. The standard mediation has been to get people in the same room and work out your issues, while this still happens, more and more people are turning to technology and mediating via video conferences and telephone conferences. In some cases, people do not want to sit down face to face, mediators can also handle this scenario and work with each individual and going back and forth between the parties, this is called shuffle mediation. Your mediator will discuss the right format and form of your mediation session with you and the other parties.

Post-Mediation

Once the hard work of reaching an agreement is done, your mediators' job isn't quite finished. They will then provide you with a Memorandum of Understanding, or in the case of separation, a separation agreement. This is the document that outlines what was agreed upon and what everyone's rights and responsibilities are.

Now what?

Once you have your agreement, you now have a framework for how the future looks. Both parties will start abiding by the terms that they agreed upon. In the case of a separation agreement, you can file it with your local court registry, that way if at some point, one of the parties stops following the agreement, you can apply to have it enforced. Typically, if you have a mediated agreement, both parties know what to expect and will follow the terms.

In Canada, you can file for divorce after one year of being separated. At that time, you will have to fill out the appropriate forms and file them with the courts, asking for a Divorce Order. Once that's been issued by a judge, you are officially divorced.

The only exception to the one year rule in Canada, is if there has been an act of adultery by one party that the other party has not accepted. In other words, you have not forgiven the other party and want the divorce done immediately. This process can become complicated and you will want to have legal advice to guide you through the court system.