

Factors That May Influence Successful Resolution of Separation/Divorce

Balance of Power

Includes such things as (perceived or actual) financial net worth, education, who the children reside with, who wanted the divorce.

Level of Cooperation

Can be influenced by such things as time spent thinking about your former partner, time spent learning new skills to engage your former partner, time spent being upset when you hear your children had a good time with your co-parent.

Level of Safety

Can be influenced by situations in which there is or was a history of physical, emotional, financial or sexual abuse.

Control of the Process

Can be influenced by such things as your desire to have influence on the decision, to maintain good relations with your former partner, to have the ability to tailor options versus imposed.

Sense of Urgency to Address Issues

Can be influenced by such factors as creating a stable parenting routine, or your former partner may leave the city or country with the children and not return them.

Willingness to Compromise

Is your overall level of acceptance such that you are able to compromise?

Budget to Spend

Place an "x" on the line that represents the budget you have to address these issues.

Where You Are and Where You Want to Be

We share equal power

	Agree			Disagree	
Where I am	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Where I want to be	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Our level of conflict is low

	Agree			Disagree	
Where I am	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Where I want to be	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

I feel safe from physical, emotional, sexual, financial abuse

	Agree			Disagree	
Where I am	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Where I want to be	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

I want to have influence on the decisions

	Agree			Disagree	
Where I am	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Where I want to be	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

I feel an urgent need to have the issues resolved

	High			Low	
Where I am	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Where I want to be	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

I am willing to compromise

Yes					No
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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Separating?

Your Roadmap to Success

Information and Resources for Separating Couples

There are many options available to resolve the legal issues that arise when you separate from your partner. The emotional cost to you and your children of resolving your case will be influenced by the approach and process you choose.

Research has shown that the higher the level of conflict between the parents, the greater the risk of negative impacts on the children, both in the short and the long term.

It is not necessary to limit yourself to one approach. Different issues in your case may be resolved by using different processes.

The goal of this document is to help you:

- Understand the options that are available
- Choose the approach and process or combination of options that is best suited to your circumstances
- Help you access available community resources to assist you

This is intended to be a practical, self-help tool and is a confidential document. If you share this document with your lawyer, it will remain confidential unless you specifically agree that it can be shared with others.

This document may be useful, whether or not you have a lawyer and whether or not you are involved in court proceedings.

FSO | SFO
Family Services Ottawa | Services à la famille Ottawa



**Ontario Association
for Family Mediation**
Ottawa Chapter

**COLLABORATIVE PRACTICE
OTTAWA**
Resolving Disputes Respectfully

Family Mediation

Family Mediation involves you and your partner choosing one neutral professional to assist you in resolving your family law issues. The process involves meetings of the parties together with the mediator and is designed to ensure a safe environment and level playing field during the negotiations. Specially trained mediators include lawyers that deal with financial issues and sometimes parenting issues or mental health professionals who address parenting issues only.

Mediation provides greater opportunity to think 'outside the box' which fosters more creative solutions to meet the needs and interests of the parties.

Effective mediation can reduce both the emotional conflict and also the financial cost of resolving the issues between the parties.

Negotiation With or Without Lawyers

In some cases, couples are able to reach agreement on their own with or without advice and support from lawyers. You may want to consult a lawyer prior to or during negotiations to determine your legal rights and obligations.

Regardless of whether or not you have consulted a lawyer during negotiations with your partner, it is always recommended that you seek legal advice before signing any agreement.

If the parties feel they need more involvement with their lawyers, negotiations may involve meetings with your respective lawyers present or lawyers exchanging settlement proposals. If a settlement is reached, the lawyers will assist to document the terms of settlement into a written Agreement.

Collaborative Family Law

Collaborative Family Law is a process wherein each party hires a specially trained lawyer to assist with negotiations in a respectful non-confrontational manner. The parties and lawyers sign an agreement that includes a provision that they will not go to court, as well as guidelines for conducting negotiations that foster co-operation, respect and safety.

Collaborative lawyers believe the court system based on conflict with "winners" and "losers" is counterproductive and unnecessary for many separating couples.

Typically negotiations are conducted in meetings with the parties and both lawyers present. The process may also include other trained neutral professionals, such as financial advisors and/or mental health professionals where everyone agrees it would be beneficial.

Resources

Collaborative Practice Ottawa - collaborativepracticeottawa.ca
Court House Mediation - kwmediation@gmail.com
Family Law Information Centre (FLIC) - 613-239-1274
Family Law Information Program - legalaid.on.ca/en/getting/flip.asp
Family Services Ottawa - familyservicesottawa.org/
Mandatory Information Program (MIP) - 613-237-1807
Jewish Family Services - jfsottawa.com/
Catholic Family Services - cfsottawa.ca/
Law Society Referral Service - lsrs.lsuc.on.ca/lsrs
Legal Aid Ontario - legalaid.on.ca/en/
Ontario Association for Family Mediation (OAFM) - oafm.on.ca
OAFM, Ottawa Chapter - familymediationottawa.ca
Ontario Collaborative Law Foundation - oclf.ca

Litigation

Litigation refers to the rules and practices involved in resolving disputes in the court system. Litigation is generally the most costly family law resolution process, both financially and emotionally. Unfortunately, litigation may become a necessity if, for example, one party is not negotiating in good faith.

Even where commencement of litigation is necessary, the parties can continue to work towards resolution through other process options such as negotiations, mediation, or arbitration.



Arbitration

With Arbitration the parties hire a private individual to decide their case. The individual is usually an experienced family law lawyer or a mental health professional (when there are parenting issues only). The Arbitrator reviews the evidence and arguments of each party in order to reach a decision that is binding on both parties. The process is similar to a court process, but is less formal and quicker. The Arbitration takes place in private, rather than in open court. Unlike when judges decide your case, the Arbitrator charges an hourly fee for his or her time. While this can add to the cost, the overall process is usually less expensive than litigation because the process is faster and less paper intensive.

Typically, each party has their own lawyer to represent them at the Arbitration, and together they choose a suitable Arbitrator. However, parties may also choose to represent themselves.

Mediation/Arbitration

A mediation-arbitration approach called *med-arb* combines the benefits of both processes. The parties first attempt to reach an agreement with the help of a mediator. If the mediation ends in impasse, or if issues remain unresolved, the parties can then move on to arbitration. The mediator can assume the role of arbitrator (if qualified) and render a binding decision quickly, or an arbitrator can take over the case after consulting with the mediator.

LEGEND



less adversarial
low conflict



more adversarial
moderate conflict



most adversarial
high conflict