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Mediation – Information Sheet

Mediation involves families in conflict working out arrangements for themselves and their children with the help of neutral and skilled mediators.

Divorce Mediation

Separation and divorce usually involve a major crisis for a family. Arrangements for children, housing, financial and property decisions all need to be worked out. There may be a lot of anger between the couple and great distress.

Separating and divorcing couples often want to avoid contested court proceedings, which can escalate hostility and be very costly, both emotionally and financially; but in these circumstances it is often impossible to work things out together on their own.

Trained and experienced mediators can work together with the couple to help them to consider the options available and possible ways of reaching agreement, while trying to avoid pressure being put on either party.

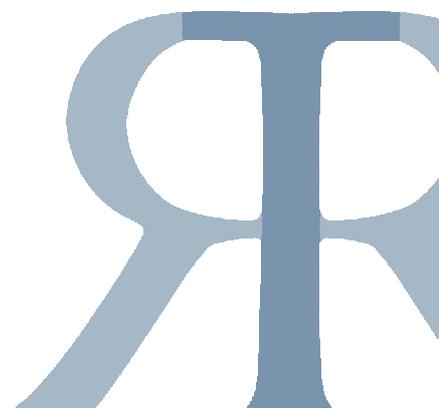
What is mediation?

Mediation involves both parties in working out arrangements for themselves and their children instead of handing over control of their affairs to attorneys or a court.

Mediators do not take sides or tell people what to do and they have no power to impose decisions.

Their role is to reduce conflict by helping couples consider the issues that need to be settled and the various options for settlement that may be available to them. They help couples work toward financial settlements and focus on children's feelings and needs, encouraging parents to see themselves as partners in a new type of co-parenting relationship.

For mediation to be successful, couples must share a willingness to reach a settlement. Partners sit together, with one or two mediators (if there are 2 mediators then one of them is usually an attorney, the other a social worker or psychologist), and discuss all issues involved, including custody, access, finance and property. Unlike the traditional method, which is more likely to exacerbate the hurt of a failed relationship, mediation has a therapeutic function, which can aid the process of settlement and foster an ongoing relationship of a different sort. Getting the couples to talk and see each other's viewpoints generally eases the task of shared parenting in the future.



When can people come to mediation?

People can come to mediation before, after or during separation or divorce - whenever there are issues to be settled between them.

What problems can be brought to mediation?

Any or all of the problems that arise when couples split up:

- Decisions about separation or divorce.
- Arrangements for care of children and visiting arrangements.
- Housing and other property matters.
- Financial support and if appropriate, clean break settlements.

How does it work?

Mediation sessions usually last one and a half hours. The number of sessions needed depends on the nature of the problems - generally three to six sessions are needed. The charges for mediation are payable at the end of each session and may be shared between the couple in any way they may agree. This can be discussed at the mediation session.

Other options to mediation

Once you have decided to divorce and all your possible alternatives for maintaining the marriage have been explored you need to begin the legal process. There are three different ways to do this.

1. The do-it-yourself divorce: can only work if you have few assets, no children and can talk to each other and reach an agreement. Most bookshops sell a do-it-yourself divorce manual. The Southern Divorce Court can be approached directly for the issuing of the summons. The summons will be issued to the defendant and after the requisite number of days a date is set for court. To finalise your divorce you have to appear before a Magistrate.

2. The court process with an attorney: will explain your legal rights and assist you in fighting for the settlement you desire. Your partner would usually need to be represented by his/her own attorney and the attorneys would then try to reach agreement on your behalf. If the two parties cannot reach agreement the Judge will decide on your behalf what the settlement should be. In this process, if you and your spouse cannot agree on a divorce settlement you have no control over what the court's decision will be. This process can be long, emotionally draining and expensive.

