



## Holistic Family Mediation

*with Sushma Kotecha*

### Choosing between Litigation and Mediation

#### **Mediation Can:**

- Provide a confidential space to discuss arrangements for finances or children.
- Offer impartial evaluation and explore various options.
- Facilitate finding common ground at your pace and agenda.
- Enable reaching compromises or partial understandings.
- Focus on the present and future, fostering understanding and trust.
- Promote cooperative relationships and find solutions rather than conflicts.
- Address children's needs comprehensively alongside financial and property matters.

#### **Courts Can:**

- Direct outcomes and investigate welfare concerns.
- Order investigations by Cafcass regarding children's welfare.
- Determine fault and facts about past events.
- Provide emergency solutions and enforce protocols.

#### **Both Will:**

- Prioritise safety, respect, and children's welfare.

- Support you in choosing the best process for your family.
- Offer sensitive legal guidance and negotiation support.
- Enable transitions between mediation and litigation if needed.

#### **Your Lawyers Will:**

- Help you assess which process suits your situation.
- Provide continuous assistance and legal advice.
- Facilitate negotiations in litigation and support with the mediation process.
- Offer collaborative alternatives for resolution.

#### **Additional Information:**

- Courts encourage mediation and other non-court dispute resolution (NCDR) methods for cooperative outcomes.
- New Family Procedure Rules (FPR) from April 2024 mandate considering NCDR at every stage.
- These rules ensure fairness, cost-effectiveness, and resource allocation in court proceedings.
- While courts can't mandate NCDR, they can encourage it and adjourn proceedings for it.
- Combination approaches involving courts and NCDR may suit complex cases best.
- Your choice of process can be revisited as your case progresses.
- In all family matters, courts aim for fair outcomes considering the circumstances.
- Consider mediation or other forms of NCDR for predictable outcomes and involvement in the decision-making process.
- Courts involve Cafcass in children's cases and follow specific steps in finance cases.
- Your choice will depend on the need for directive approaches, cost, and the potential for NCDR options serving you and your ex better.
- **Remember:** Actively consider all NCDR options before litigation, as per the pre-application protocol and FPR, unless in exceptional circumstances.