



Family Mediation Guide

We can work it out. Together.

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Frequently asked questions

What is mediation?

Mediation is a voluntary process in which a neutral third-party mediator assists people in reaching agreement.

The role of a mediator is to help identify issues and facilitate communication to enable people to work out their own solutions and arrive at a mutually agreeable settlement.



A mediator does not act as a judge, make decisions, take sides, or provide any legal advice.

The family mediation process can focus on legal obligations and entitlements, and provides people an opportunity to discuss interests that extend beyond the law, including their needs, wants, concerns, and goals for the future.

What types of mediation services does Teal offer?

We specialize in offering mediation services for separating couples and co-parents. Our mediation services are ideal for:

Recently separated married or common-law spouses, with or without children, seeking to resolve the issues arising from the breakdown of their relationship, including property, support and parenting issues;

Separated parents wanting to develop a plan for how they will parent their children in the future, including how they will share parenting time and make important decisions for their children;

Separated spouses or co-parents seeking to modify an existing separation agreement or court order, including adjusting support or parenting arrangements.

Will we still need lawyers?

YES!

While the mediators at Teal Family Mediation are lawyers experienced in family law, in our role as mediators we cannot provide legal advice. The settlement documents prepared at the conclusion of the mediation process are also not legally binding contracts.



We strongly recommend all mediation participants retain their own independent lawyers to provide legal advice before, throughout and at the conclusion of the mediation process.

Legal advice is important for you to fully understand your legal entitlements and obligations, and the implications of any settlement terms.

Your independent lawyers can facilitate incorporating the terms of any settlement reached in the mediation process into a legally binding **Separation Agreement, Parenting Plan** or amending agreement. Your independent lawyers can also provide you with a **“Certificate of Independent Legal Advice”** with respect to your Agreement. This certificate shows that you have reviewed your Agreement with a lawyer, which helps to protect the enforceability of the agreement.

Choosing the right lawyers to assist you is important. There are many settlement-focused family lawyers available to assist mediation participants with understanding their legal rights and obligations and with finalizing their agreement without creating unnecessary conflict.

NEED A LAWYER?

Ask your mediator for the names of lawyers who may be able to assist you.

The benefits of family mediation

Mediation as a settlement process has many benefits. Here are some specific reasons to consider family mediation:

1

Fulfill your legal duties

Before applying to court, separating spouses have a legal duty under the Divorce Act to try to resolve their issues using a family dispute resolution process, such as mediation, to the extent that it is appropriate to do so.

Parents also have a legal duty to protect their children from the harm of parental conflict under both federal and provincial laws.

Family mediation can help you meet these legal duties.

2

Protect your children

Family mediation is child focused. The guidance and resources provided are aimed at promoting the well-being of children, reducing conflict and promoting your ability to successfully parent together during this time of transition and into the future.

Family mediation also provides you and your co-parent the opportunity to create a custom parenting plan - which you design together - tailored to meet your unique family circumstances and your children's individual needs.

3 Focus on your future, not your past

Mediation is a future looking process that is focused on reaching mutually agreeable solutions, without placing blame or finding fault.

This is in contrast to more adversarial processes like court that often focus on past history and blame, which only amplifies conflict and keeps you stuck in the negative energy of the past.

5 Save time and money

Family mediation is generally much more cost and time efficient than other separation and divorce options and processes.

Typically both parties share the costs associated with mediation, and many mediations can be resolved in a short period of time.

4 Have your voice heard

In the mediation process you will be communicating directly with one another - with your mediator's guidance - allowing both of your voices to be heard.

This is in contrast to legal negotiations or court, where your voices are filtered through lawyers or reduced to written letters and court documents.

6 Maintain control over the outcome

Family mediation gives you the ability to maintain control over your negotiations so you can achieve the final outcomes you want for your family.

This is in contrast to the court process where a judge unfamiliar with you or your children make decisions for your family and is bound by the "one-size fits all" legal model.

7 Reduce stress

Family mediation can minimize the emotional stress for those involved in the separation and divorce process.

With the assistance of a trained, kind and compassionate mediator, a safe space can be created in the mediation process to give participants equal voice in communicating their individual and collective goals and interests, without engaging in stressful and harmful combat.

9 Protect your family's privacy

Unlike the Court process which is public, family mediation is a private and confidential process.

All mediation participants are asked to sign a 'Mediation Agreement' to protect privacy and confidentiality.

8 Minimize future conflicts

The custom-tailored agreements reached through direct discussion in the family mediation process are generally lasting resolutions, in comparison to circumstances where a decision is imposed upon people - which they are often unhappy with.

However, should future conflicts arise which you cannot resolve directly, you can agree to return to the mediation process for help in working together to find a solution.

10 Learn how to build your new normal

Family mediation can improve communication, cooperation, and collaboration between participants. This is particularly important for families who have an ongoing stake in their relationships - co-parenting children together both now and in the future.



When is mediation not appropriate?

Mediation requires both participants to feel safe, communicate freely, act in their own best interests, and make reasonable compromises to reach a mutual resolution.

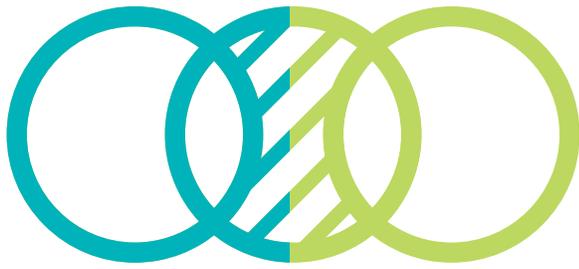
In certain circumstances where there is a history of domestic violence or a power imbalance between the parties which cannot be addressed by the design of the mediation process, where a person has capacity issues, or where one person is unwilling to compromise to reach a resolution, mediation may not be appropriate.

The first step in the mediation process is for both participants to engage in individual meetings where the mediator will ask questions to assess the suitability of mediation in the circumstances and to determine if any adaptations need to be made to the process to ensure participant safety and balanced negotiations.

It is important to candidly share information with the mediator during these meetings to help the mediator determine if mediation is appropriate and to design a process that will be safe and effective process for both participants.



If you have concerns for your safety or your ability to negotiate with the other person to protect your own interests, it is recommended that you consult with a lawyer regarding all of your process options before the exploring mediation process further.



Our experience and offerings

- We are a team of experienced professionals with specialized mediation training for separating couples and co-parents
- Combined, we have more than 45 years of experience practicing as traditional and collaborative family lawyers
- We offer a holistic experience for families in transition through a more balanced, compassionate and sustainable approach to separation, divorce and co-parenting mediation

- We are among the first mediators in Ontario to team up with **Our Family In Two Homes** to offer their workbooks as part of our mediation process
 - We are among the first group of Ontario family law professionals to be trained in the **Conscious Contracts® Process**
 - Our technologies improve the level of convenience and service we provide with virtual mediations, automated processes and online forms and billing
 - Depending on your preference, we conduct mediations both virtually and in-person at our Ancaster office location
- We offer complimentary
- Discovery Calls to help you decide if mediation at Teal is a good fit for you

We bring much more than just our years of professional experience to the mediation process.

We lead with purpose...

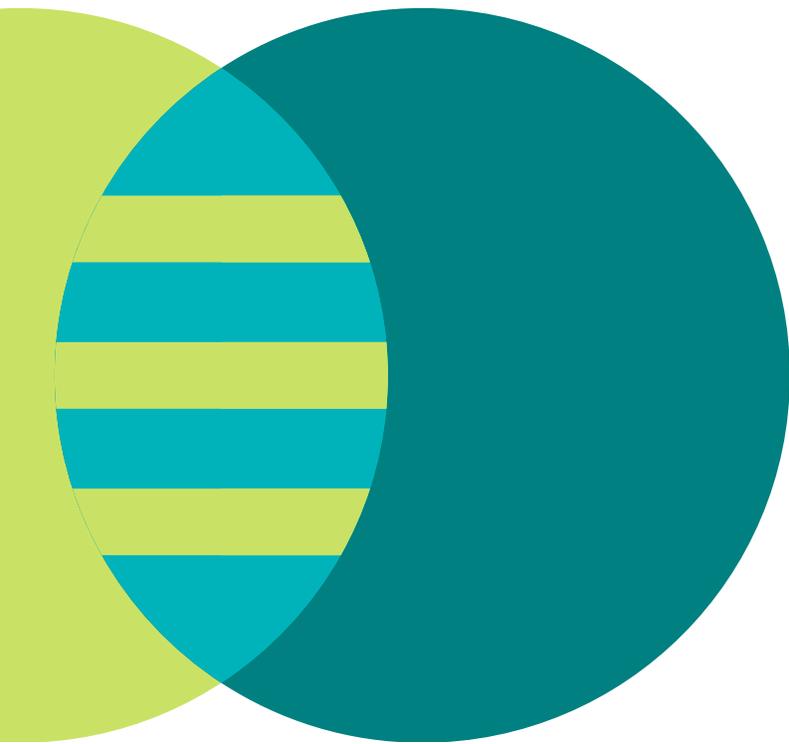
As experienced family lawyers, we've seen first hand that the Canadian justice system and the way it handles family disputes has become a complex process with long wait times and delays, making it both inefficient and costly.

More importantly, it has become an outdated and judgement based system which positions parties as adversaries, perpetuating conflict and often causing trauma. It does nothing to support or prepare people with children who must maintain a functioning relationship in the future.

We want to help change that.

We offer an alternative to high-cost, inefficient and adversarial processes with an affordable, modern and compassionate approach towards resolution.





We connect with compassion.

We bring our genuine compassion to all the work we do. We care. We listen. We consciously surrender any judgement.

We also recognize the work we do impacts not only on the people in the mediation process, but their children and extended families, and continues to ripple outwards. We take our responsibility seriously. With our genuine compassion we want to make a positive contribution for your family and the larger community of which we are all a part of.

We succeed with collaboration.

We believe that the best agreements for your family are reached through collaboration. We respect you as an individual and value your autonomy in making decisions for your family's future.

We also recognize that many of the issues facing couples and co-parents when they separate are not only legal – they are relational, emotional, and financial.

We take a holistic approach to our mediation process and take into consideration all aspects of family well-being. We have a network of professionals who we refer to and collaborate with, including family counsellors, financial professionals, and real estate professionals.



How much will mediation cost?

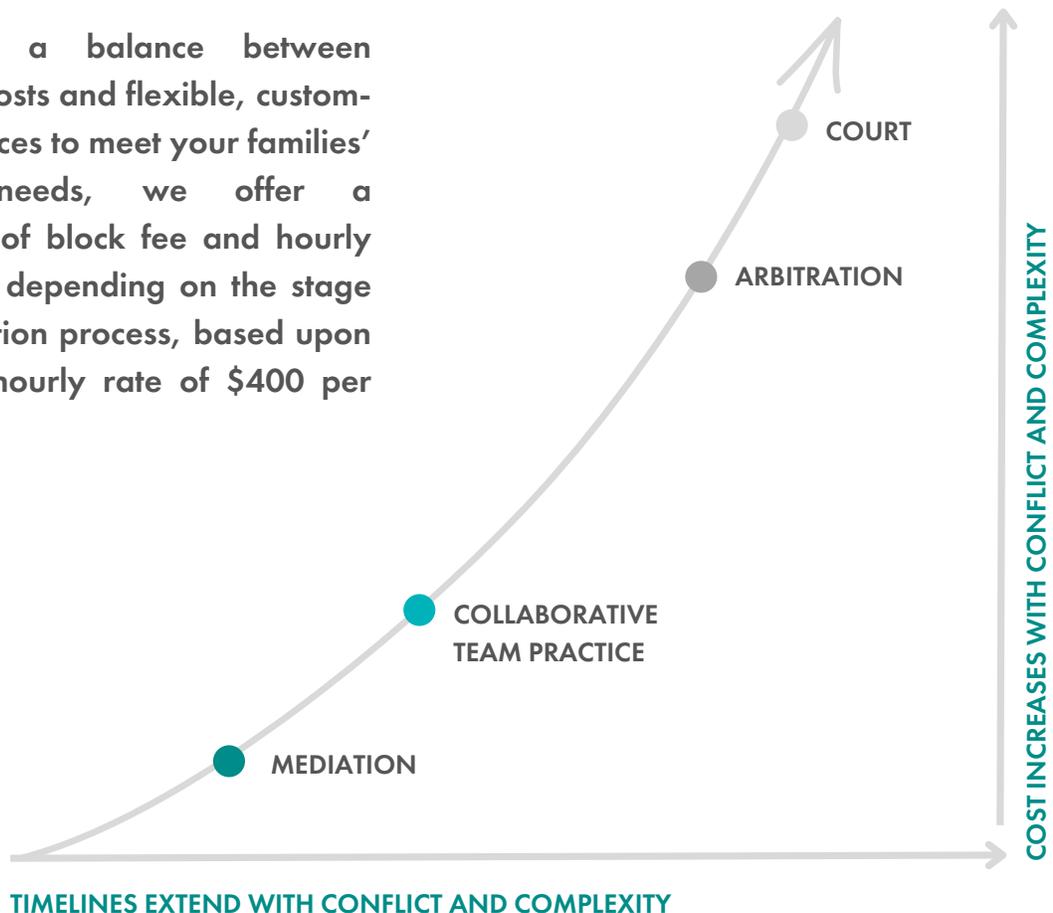
So now you may be wondering how much mediation will cost. The truth is, no two families are alike and therefore no two mediations are alike.

How long the mediation process will take and the cost depends upon a host of factors often beyond our control as mediators, including the number of issues and their complexity.

To achieve a balance between predictable costs and flexible, custom-tailored services to meet your families' individual needs, we offer a combination of block fee and hourly rate services depending on the stage of the mediation process, based upon a mediator hourly rate of \$400 per hour.



Mediation is generally much more **cost-effective** than other process options, particularly adversarial processes such as court.



The Teal Family Mediation Process

Here is what you can expect from the Teal mediation process.

Phase

1

First Contact and Joint Discovery Call

TASKS:

1. Book Joint Discovery Call
2. Attend Joint Discovery Call

To initiate contact with us, you will be asked to fill a [CONTACT FORM](#) so that we may connect with you to book a [JOINT DISCOVERY CALL](#).

This complimentary call - that you attend together - takes place via phone or video and allows us to get to know each other better to see if we're a good fit for you.

This initial conversation gives us the chance to discuss the mediation process and answer any questions you might have.



Phase

2

Individual Meetings

TASKS:

1. Intake forms completed
2. Agreement to Mediate signed
3. Complete "Our Family" workbook(s)
4. Individual meetings

INTAKE FORMS are completed online and an **AGREEMENT TO MEDIATE** is signed by both parties.

Next you will each receive hardcopies of your **OUR FAMILY IN TWO HOMES** or **OUR FAMILY IN A FEW HOMES** workbooks with instructions for you to complete the workbooks on your own time.

INDIVIDUAL MEETINGS are then scheduled to get to know each of you better, discuss your goals and interests, and gather important background information to assist us in designing your mediation process.*

* On occasion, following the individual meetings we may determine that mediation may not be the most appropriate process for you and will advise you of such.

Phase

3

Mediation Preparation

TASKS:

1. Attend mediation planning meeting if requested
2. Gather and exchange financial information

Following the individual meetings, a joint mediation planning meeting may be scheduled to jointly identify the issues to be mediated and discuss the design of the mediation process, including disclosure requirements and whether lawyers or other professionals should participate in the process.

In circumstances where there are support and property issues to be resolved, it is important for participants to **EXCHANGE FINANCIAL INFORMATION** prior to mediating these issues.

Our team will assist you with facilitating the exchange of documents required as part of the mediation process.

Phase

4

Joint Mediation Sessions

TASKS:

1. Joint mediation sessions

JOINT MEDIATION SESSIONS are conducted with the two of you and the mediator where we will explore ways to resolve the issues and arrive at a resolution for each issue.

With your input, the mediator will set an agenda for these meetings.

Each mediation session is typically **2-3 HOURS** in duration. The number of mediation sessions required varies depending on the number of issues and complexity, and how much discussion is required to reach agreement.

Depending on your preferences, mediation sessions may take place virtually or in person in our Ancaster office, or in a combination of both virtual and in-person meetings.



Phase

5 

Drafting of Settlement Document

TASKS:

1. Memorandum of Understanding
2. Parenting Plan (if applicable)
3. Take documents to lawyers

At the conclusion of the mediation, we will prepare a **MEMORANDUM OF UNDERSTANDING**, a **PARENTING PLAN**, or both, setting out the terms you have agreed upon.

You then take these documents to your independent lawyers who can assist you with incorporating the terms you have agreed upon into a legally binding **SEPARATION AGREEMENT** or contract.

Ready?

Let's connect.



Book a Complimentary Joint Discovery Call

If you think we might be a good fit for you, [let's connect.](#)

Questions?

We've got answers.



Learn more about us and our services

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We can work it out. Together.



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Let's connect

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