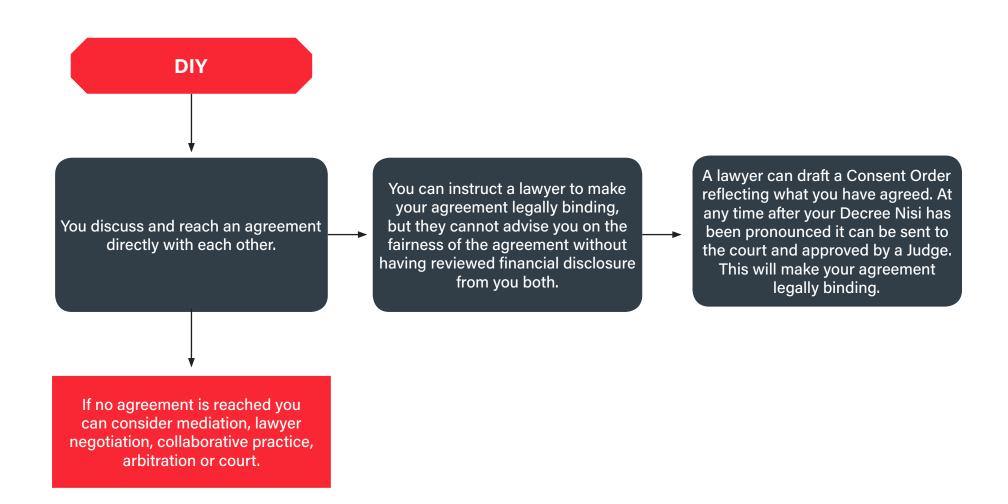
Options for separating and divorcing couples - DIY







Options for separating and divorcing couples - Mediation





Together you would choose a family mediator. Mediators are independent, impartial, and don't make decisions for you but assist you in exploring the options and reaching an agreement. You can take legal advice throughout, but you must instruct your own independent legal advisor because the mediator cannot give either of you any legal advice.

You complete your financial disclosure during mediation usually by shortened Forms E. The mediator prepares a document called an Open Financial Statement (OFS) summarising this. The OFS and the Forms E can be referred to later if mediation breaks down.

If no agreement is reached you can consider mediation, lawyer negotiation, collaborative practice, arbitration or court.

Once an agreement is reached the mediator prepares a Memorandum of Understanding (MOU) reflecting it. This is not legally binding and if it's not proceeded with it cannot be referred to in further discussions. A lawyer can provide you with advice on whether or not they think what you've agreed is fair once they've reviewed the MOU and OFS.

A lawyer can draft a Consent Order reflecting what you have agreed. At any time after your Decree Nisi has been pronounced it can be sent to the court and approved by a Judge. This will make your agreement legally binding.

Options for separating and divorcing couples -**Collaborative Practice**





You both instruct your own collaboratively trained lawyers. Financial, therapeutic or other professionals can be brought in to help you. An agreement not to go to court is signed by your lawyers.

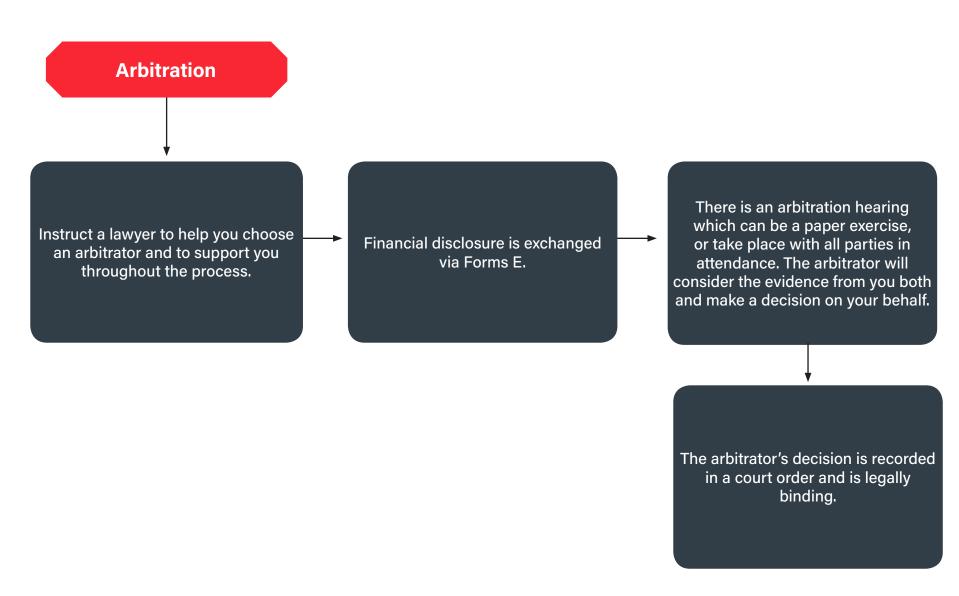
There is no correspondance between lawyers, all issues are addressed in face to face meetings where you will both be present with your lawyers. Financial disclosure is exchanged by Form E.

A lawyer can draft a Consent Order reflecting what you have agreed. At any time after your Decree Nisi has been pronounced it can be sent to the court and approved by a Judge. This will make your agreement legally binding.

If discussions break down and no agreement is reached you can consider bringing court proceedings or other options. You must both instruct new lawyers to act for you in order to bring court proceedings.

Options for separating and divorcing couples - Arbitration

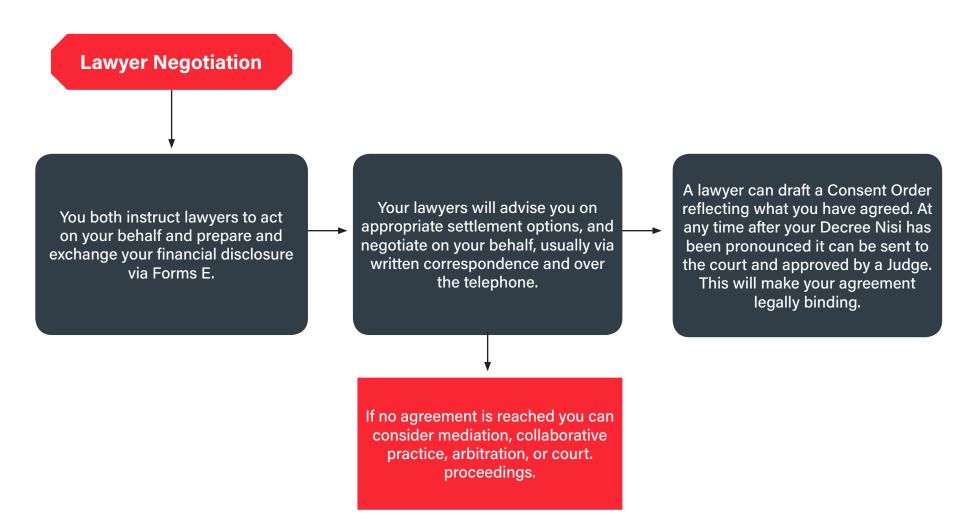






Options for separating and divorcing couples - Lawyer Negotiation

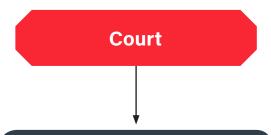






Options for separating and divorcing couples -**Court (negotiations can continue throughout)**





Before issuing an application to the court you must both attend a Mediation Information and Assessment meeting to explore alternative options for resolving your dispute.

One party makes an application and the court sets a timetable to prepare for their first hearing. As part of the timetable financial disclosure is then exchanged via Forms E.

The First Appointment takes place, this is usually an administrative hearing during which the court decides how to manage your case. It typically decides things like whether property or business valuations are needed and if a pension report might be required.

The Final Hearing takes place. You will both attend and give evidence and will have filed a statement setting out your case ahead of the hearing. The Judge then makes a final decision on your behalf which is recorded in a legally binding court order.

The Financial Dispute Resolution Appointment (FDRA) takes place. This hearing is focused on negotation and trying to reach an agreement. Ahead of the hearing you will both have made offers of settlement. The Judge will say how he or she would decide the case if being asked, but this indiciation is not binding on you.

