



Family Law Mediation during COVID-19

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It is common for separating parties to be confused about their first move forward towards settling a dispute with their ex-partner. In these unprecedented times surrounding COVID-19, uncertainty is further heightened with individual's health and livelihood being uncertain.

Mediation offers valuable opportunities to separating parties by helping them pursue a path towards settlement. This avoids the lengthy delays and significant costs that are incurred in litigation in the Family Court path. Now more than ever, mediation offers parties a prospective avenue to navigate their family law matter on their own terms.

Mediation plays an important role in assisting separating parties to resolve issues such as property division, the need for ongoing financial assistance and parenting arrangements. There are numerous reasons for exploring mediation as a viable alternative to the Family Law Court, however those reasons which are particularly evident in these times of COVID-19 include the below.

The pandemic has seen a loss of control over what we previously deemed as 'normal life', forcing us to continuously adapt our daily routines and our plans. Mediation allows parties to take some control back in relation to decisions impacting their lives and resolving their family law dispute.

In the midst of the pandemic, the benefit of control over the outcome and the ability to generate creative agreements, are particularly apparent as they allow parties the opportunity to explore creative approaches to the issues in dispute that are personal to them. This creativity is often limited when a final decision is left to the hands of the Court who may be restricted in its powers or who may not have the same understanding of the real day-to-day ins and outs of the family as the parties do.

Mediation can also play a vital role in assisting parties with issues that may arise as a direct consequence of the COVID-19 pandemic. Issues that have arisen in relation to parenting matters in particular have commonly dealt with balancing the need to comply with Court Orders whilst also ensuring the children are safe from harm and potential exposure.

Parents may have concerns mounting from government and health authority advices to stay at home, avoid particular locations or precautions to take and this can cause conflict amongst parents who hold different views. Mediation may be able to assist conflicted parties to come to a mutually desirable solution; be it in relation to alternate changeover locations where there are safety concerns present, or in relation to ways to ensure the children stay connected with the other parent if someone develops symptoms and isolation is mandated hindering usual contact time.

At Matthews Folbigg Lawyers we have put in place measures to continue to facilitate mediations



within the parameters of the COVID-19 government and health authority advice. Face to face mediations are able to be held at our office utilising socially distant meeting spaces to ensure everyone's safety is maintained. Where face to face mediations are not feasible or desirable, mediations are also able to be conducted via telephone or video conferencing.

The family law team and our experienced family law mediators at Matthews Folbigg Lawyers are able to assist individuals by providing and conducting mediation services with our Accredited Mediators, or alternatively, we are ready to assist parties who are attending mediation by providing individual representation and exploring the benefits of mediation in each individual case. For more information, contact us on [1800 300 170](tel:1800300170) or email us at familylaw@matthewsfolbigg.com.au.