# JUST FAMILY LAW

## Outline of options for separating and divorcing couples

### PAY AS YOU GO

- You reach an agreement privately with or without the help of advice in the background from a lawyer.
- It is advisable to exchange full financial information.
- Instruct a lawyer to advise on the agreement or help to finalise the agreement

### LAWYER NEGOTIATION

- You instruct a lawyer to advise you and exchange financial information
- Attempt to negotiate a financial settlement.

### COLLABORATIVE PROCESS

- Instruct a collaborative family lawyer. Consider also engaging a family consultant such as an IFA or coach to support you and your family in the process.
- Sign a participation agreement to opt out of all court options.
- Attend a series of 4 way meetings attended by you, your partner and your respective lawyers (and family consultant). Exchange full financial disclosure.
- Attempt to negotiate a financial settlement by discussion in the 4 way meetings.

### MEDIATION

- Contact a mediator and attend a MIAM to establish mediation suitability.
- Attend a series of mediation meetings in which you will provide full financial disclosure and be provided with information and guidance to reach a settlement by your mediator.
- Obtain legal advice from your lawyer as the mediation process develops on the merits of the settlement options for you.
- A memorandum of the understanding is drawn up by the mediator once an agreement is reached. This document is not binding at this stage.

### ARBITRATION

- Instruct a family lawyer to source an arbitrator or choose an arbitrator directly.
- The arbitrator provides written information to each party.
- The 1st meeting is held with the arbitrator to identify the information required to progress the case.
- Arbitration hearing with full evidence; sometimes in writing.
- Arbitrator achieves a final award that is binding and recorded in a court order.

### COURT

- Instruct a lawyer and contact a mediator to attend a MIAM to assess suitability for mediation.
- Prepare form A financial application.
- Form A is signed by the mediator.
- Issue court application.
- 16 weeks after issue (approximately): provide financial disclosure on form E.
- 20 weeks after issue (approximately): First Appointment at court; a procedural hearing.
- 24-32 weeks after issue (approximately): FDR hearing to narrow issues and attempt to reach a settlement.
- Reach financial agreement and lawyer drafts consent order which is legally binding and filed at court.
- If no agreement is reached, final hearing is listed at which you will give oral evidence and a court imposes a binding order.

**If an agreement is reached:**
Lawyer puts the agreement into effect and drafts a legally binding consent order which is filed at court. No need to attend court.

**If no agreement is reached:**
Consider alternative non-court or court options. If agreement is not reached in the collaborative process, please note that you must instruct a new lawyer should you subsequently choose to issue court proceedings.

A Resolution Lawyer will advise, assist and support you through all of these processes.
Children's needs will underpin any outcome.