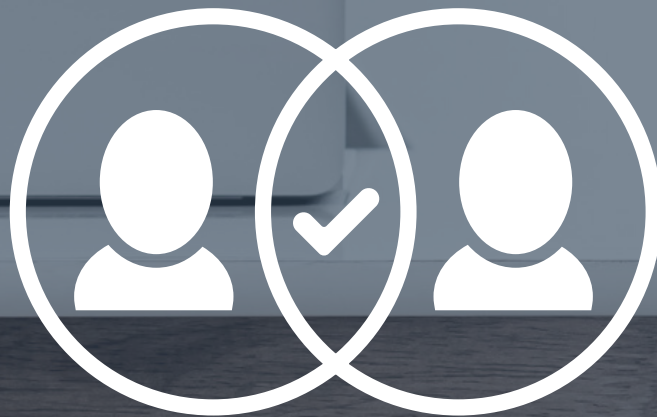


NARROWING THE  
ISSUES OF DISPUTE  
BETWEEN YOU

# FINANCIAL MATTERS

**Negotiating your property  
settlement with Sydney Family  
Mediators**

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**Rhonda Emonson-FDRP**

# BEFORE YOU START



## LEGAL AND FINANCIAL ADVICE IS IMPORTANT

This guide is general information only and is not intended to be or infer that legal advice is being given. Rather, helping you understand how the process works when you are unable to reach agreement.

**Sydney Family Mediators** encourages clients to seek legal advice before, during and after participating in family dispute resolution.

All services have a role in supporting you to settle your disputes, but please remember, contacting a legal information service or advice line is not usually considered the same as having independent legal advice from a lawyer. Each party needs to seek independent legal advice as the same lawyer cannot act for both of you regardless of the asset pool and the same applies for financial advice. You might think that at this time, you want to save time or money-but sorry, it is not possible to have the same lawyer or financial advisor in this circumstance.

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## DIVISION OF FINANCIAL ASSETS

Most couples bring into the relationship assets or they acquire assets along the way. Division of the asset pool is most often emotional and tension escalates. The focus of this guide is to help you through the process.

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## WHAT IF THERE ARE CHILDREN

If there are children involved, **Sydney Family Mediators** require children's matters to be negotiated prior to property matters.

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## MORE ABOUT THE PROCESS

Preparation for coming together to resolve the issues relating to assets post separation.

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## HOW DO I GET STARTED?

At **Sydney Family Mediators**, we assist you to narrow the issues of dispute between you professionally and promptly regardless of where you live. Sessions are held in the majority of cases via ZOOM or telephone and occasionally face to face.

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## OTHER IMPORTANT BITS

There is a lot to think about especially at a time when you are emotionally exhausted. Included in this section is other relevant information to help you at this time.

# SECTION ONE

## DIVISION OF ASSETS

Family Dispute Resolution (FDR) is the term for services like **Sydney Family Mediators** that separating couples can use to help them work through the issues of dispute between them.

In Family Dispute Resolution, the separating parties are assisted by an experienced and qualified FDRP (Family Dispute Resolution Practitioner) who is approved by the Attorney General's Department to provide assistance in issues of dispute.

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You are required to provide full and frank disclosure of all your financial information. A financial settlement may be 'set aside' in the future if it can be established that either party did not disclose an asset.

FDR is only necessary when parties have tried to resolve the issues between them, however have reached an impasse and is a process to resolve the issues without the need to proceed down the litigious pathway.

As you prepare for your session, think through the best possible outcomes and the worst possible outcomes and the 'in between'.





Tap into the support available to you. It is important though to be guided in your decision making by experts such as your legal practitioner.

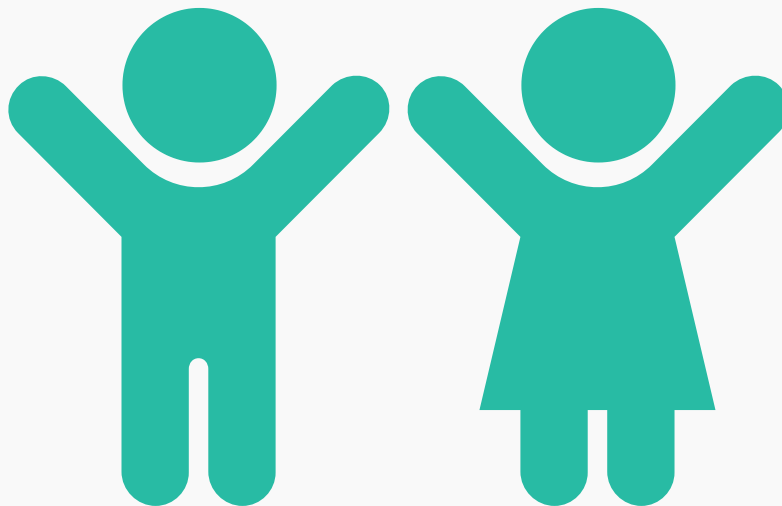
# SECTION TWO

## WHAT IF THERE ARE CHILDREN?

Importance is placed on reaching agreement about children's matters prior to property matters.

At **Sydney Family Mediators**, we encourage those that have children to negotiate arrangements for their children and then negotiate property matters. Assistance with both children and property matters can be mediated with Sydney Family Mediators in a prompt and professional manner regardless of where you live.

Please call us to see how we can help...appointments are available during and after business hours and are usually conducted via ZOOM or telephone to save you time and money and of course travel.



# SECTION THREE - MORE ABOUT THE PROCESS

At **Sydney Family Mediators**, we understand that you want and need everything sorted and that is a reasonable request. However, we require that children's matters (if children are involved) to be negotiated prior to financial settlement. This does not elongate the process in any way.

However, it does help everyone to stay focused on what is important at this time and that is the children.

As you are preparing for family dispute resolution, start to collate information regarding any property, assets and liabilities that you have.

Also, collate information about property you may have held prior to entering the relationship.

A step by step process is offered to:

- 1) Identify what is included in the asset pool
- 2) Identify the liabilities
- 3) Identify what may have been held by either party prior to entering into the relationship
- 4) What your thoughts are on how you feel the assets should be divided.

The costs related to legal and mediation fees will be reduced with effective preparation and it also reduces the emotional strain that you will be both experiencing.



# SECTION FOUR

## HOW TO GET STARTED

At **Sydney Family Mediators**, the person who first contacts this service is called the Initiating Parent and the other is called the Responding Parent.

The initiating parent participates in their preliminary conference and continues to collate the necessary documents and information regarding what is in the property pool.

After the completion of the Preliminary Conference for the initiating parent, the responding parent is contacted in writing and asked to participate in their Preliminary Conference.

Appointments are prompt and available during and after business hours and *some* Saturday mornings.

At the joint session, a facilitative approach is undertaken to conduct the mediation and is 2-3 hours in duration with each party responsible for their own fees.

One party may elect to cover the costs for both parties although they are not required to do so.

When an agreement is reached, the agreement is written up and both parties date and sign before the conclusion of the session.

Parties are then required to seek legal advice for the 'next steps'.



# SECTION FIVE

## OTHER IMPORTANT BITS

It is easy to be overwhelmed by roller coaster feelings, questions and time pressures.

As this is a particularly stressful time, we encourage you to seek professional help to support you with your emotions and to make rational decisions.

At **Sydney Family Mediators**, we are well qualified and experienced Family Dispute Resolution Practitioners and support both parties to narrow the issues of dispute between them and to come to an agreement.

Legal advice is not given and each party is encouraged to seek legal advice before or during the appointments and to arrange to meet with their lawyer to formalize the agreement.

If lawyers are present at the joint session, they are required to 'write up' the agreement reached by the parties.

Each party must attend a Preliminary Conference prior to the joint session with the expectation that at the Preliminary Conference, information has been collated regarding the assets to be divided.

It is not the responsibility of the Family Dispute Resolution Practitioner to source, collate or give advice about assets.

A Facilitative approach is taken which generally means the parties take responsibility for the decisions they make.



# A LAST WORD OF ENCOURAGEMENT

The FDR process is designed to be fair with each person given the opportunity to speak without constant interruption and to respectfully respond to any matters put by the other person.

The process is designed to meet the needs of both parties with the opportunity to negotiate arrangements that meet your needs.

If you remain in a fixed position, agreement will not happen and you will then get caught up in the legal pathway which is there for a good reason of course, but is expensive and emotionally draining.

Even if you can't reach agreement in FDR, it may be possible to reach agreement with lawyers. However, the focus on mediation is to reach agreement or to narrow the issues of dispute between you.

Reach out to Sydney Family Mediators for prompt and professional assistance regardless of where you live.