

Preparing for Mediation

A practical guide to help you feel confident and prepared



FAMILY FIRST

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Welcome

Thank you for taking the time to prepare for mediation.

Preparation is one of the most important steps you can take to ensure that mediation is productive, focused and outcome-driven. This workbook is designed to help you clarify your thinking, organise your proposals and reflect on what truly matters moving forward.

Mediation is not about winning. It is about finding workable solutions that reduce conflict, protect children where relevant, and create clarity for the future.

The more thoughtfully you prepare, the more confident and constructive you are likely to feel in the session.

This document is for your personal preparation and is not shared unless you choose to do so.

Why Preparation Matters

Mediation is most effective when both people arrive prepared.

Preparation helps you:

- Think clearly under pressure
- Reduce emotional overwhelm
- Stay child-focused (in parenting matters)
- Make informed financial decisions (in property matters)
- Increase the likelihood of reaching agreement

This guide will help you prepare calmly and constructively.

PART 1 – PREPARING FOR PARENTING MEDIATION

1. What Do I Want to Discuss?

Before mediation, write a clear list of topics you want addressed.

Your list will be shared in advance so both parties understand what will be discussed.

Common parenting topics include:

- Parental responsibility
- Living arrangements
- Routine time
- School holiday arrangements
- Special occasions (birthdays, religious holidays, Mother's/Father's Day)
- Changeover logistics
- Education decisions
- Medical and health matters
- Communication between parents
- Communication with children while in the other parent's care
- Financial contributions for children
- How future changes will be handled

Tip: Keep your list practical and forward-focused.

2. What Options Am I Considering?

Mediation is a structured brainstorming process.

For each topic, prepare:

- Your ideal outcome
- At least one alternative
- A realistic option you could live with

The more options you bring, the more likely agreement becomes.

If you feel stuck, consider:

- Speaking with a Family Law lawyer
- Consulting a psychologist or child consultant
- Reflecting on what arrangements support your child's developmental needs

Your mediator cannot tell you what to choose – but can assist in exploring workable options.

3. Where Am I Willing to Compromise?

Mediation rarely results in one person getting everything they want – and it shouldn't!

Before attending, ask yourself:

- What matters most?

- What is flexible?
- What outcome would a Court realistically make?

It is strongly recommended that you obtain independent legal advice to understand:

- The likely range of court outcomes
- The most probable result
- The time and cost involved in litigation

Compromise is easier when informed.

[4. Making Effective Proposals \(The BIFF Approach\)](#)

When presenting proposals, use the BIFF model:

Brief – Keep it concise

Informative – Include clear details

Friendly – Keep tone respectful

Firm – Be clear about your position

Include:

- Who is responsible?
- What is happening?
- Where will it occur?
- When will it occur?

Example:

“During school terms, I propose the children will live with me and spend alternate weekends from Friday 5pm to Sunday 5pm with you.”

Clarity reduces conflict.

[5. Managing Emotions During Mediation](#)

Mediation can feel emotionally charged.

When emotions rise, the problem-solving part of the brain shuts down.

Prepare a regulation plan:

- Bring a photo of your child
- Write a grounding affirmation
- Bring water
- Bring paper and pen
- Anticipate difficult comments
- Ask for breaks if needed
- Focus on what you can control – your own responses

Remember: You are there to build workable solutions.

6. How to Disagree Respectfully

You have three reasonable responses to any proposal:

- "Yes."
- "No."
- "I need time to think about that."

If you disagree:

- Briefly explain why
- Offer a counter proposal
- Remain respectful

Disagreement does not mean failure. It creates space for alternative solutions.

Important Legal Framework (Parenting Matters)

When discussing parenting, the law requires that the best interests of children are paramount.

Key considerations include:

- Safety
- Developmental and emotional needs
- Child's views (where appropriate)
- Capacity of each parent to meet needs
- Benefit of meaningful relationships where safe

There is no presumption of equal time.

Major long-term decisions require consultation if joint decision-making applies.

(This information is not legal advice.)

PART 2 – PREPARING FOR PROPERTY MEDIATION

1. Full and Frank Financial Disclosure

Property mediation requires complete transparency.

You must disclose:

- Assets held individually or jointly
- Superannuation
- Trust or company interests
- Assets acquired after separation
- All liabilities

Values required are current market values — not original purchase prices.

Failure to disclose can have serious legal consequences and court penalties imposed.

2. Exchange Financial Information Early

Exchange financial documents before mediation where possible.

This allows:

- Identification of valuation disagreements
- Time to obtain formal valuations
- More productive mediation sessions
- Reduced costs

If communication is difficult, your mediator or lawyer may assist with exchange.

3. Understand the Legal Framework

The Court assesses:

1. The property pool
2. Contributions (financial and non-financial)
3. Current and future circumstances
4. Whether the outcome is just and equitable

From June 2025, the economic impact of family violence must also be considered where relevant and supported by evidence.

Independent legal advice is essential to understand how these principles apply to you.

4. Consider Financial Advice

Before mediation, consider:

- Can you refinance?
- Can you service a mortgage independently?
- What are your future living costs?
- What are the tax implications?

Financial advice supports informed decision-making.

PART 3 – FINAL PREPARATION CHECKLIST

Before Mediation, Ask Yourself:

- Have I received independent legal advice?
- Do I understand likely Court outcomes?
- Have I written my proposals clearly?
- Do I have alternative options prepared?
- Have I exchanged financial documents (property matters)?

- Have I disclosed all assets and liabilities?
- Do I have current valuations?
- How will I respond if I feel upset?
- What is my ideal outcome?
- What is an outcome I can live with?

Final Reflection

Preparation does not mean certainty.

It means clarity.

Mediation works best when both parties arrive:

- Informed
- Prepared
- Willing to engage respectfully
- Focused on forward movement

You do not need to agree on everything.

You need only be willing to attempt resolution.