

COVID-19: Participating in mediation by telephone

FACTSHEET

This factsheet is part of a series from Legal Aid NSW that aims to help answer your questions about COVID-19 and family law.

You may be worried or confused about how Covid-19 will affect you and your family. Sometimes a crisis can make legal problems worse or new problems might develop. Legal Aid NSW understands that there will be a lot of questions about family law issues, parenting and staying safe. This series of fact sheets will give you helpful information and contacts to support you and your family to manage all the changes that are happening in our community.

Because of the pandemic, there have been some practical changes to the way people can access the courts. There may also be some practical difficulties arising from the pandemic in relation to your parenting arrangements.

. These changes mean that

- There may be delays before family law matters go through the courts
- You might be unsure how parenting arrangements will work
- You could go to mediation and not go to court

What is mediation?

A mediation, or family dispute resolution conference, can help you resolve your family law problems quickly and without the need to go to court. If you can make an agreement through mediation, it can be turned into a parenting plan or consent orders.

To help keep everyone safer during this pandemic, all Legal Aid NSW family law mediations will happen over the telephone. This factsheet will help you prepare for and attend a telephone mediation.

What to do before the mediation

Give your lawyer the information they need to complete the family dispute resolution intake checklist. Your lawyer will then complete and return the checklist.

Give your lawyer any documents, such as apprehended domestic violence orders, court orders or family reports, that they do not already have.

Write down what you hope to achieve in the mediation and the specific issues that you would like to discuss.

If you need to have a support person with you, let your lawyer know well before the mediation.

What happens during the mediation?

In a telephone mediation, it is very important to listen carefully and take turns to speak.

If you are using your mobile phone, be ready to take the call. Make sure it is on and fully charged.

Find somewhere in your home that is private and quiet. Have your documents with you so that you can look at them if you need to. If you are attending the mediation from home and your children are there, make sure that they can be left safely in another room during the mediation. Let the mediator know that you have your children at home with you so that they can support you, for example, by taking breaks.

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Listen to the other parent and don't interrupt them. Be respectful and try to stay calm. Listen carefully to the mediator and follow instructions from them.

The mediator may want to speak to each parent separately. You can use this time to talk about anything that might be concerning you about the mediation.

Listen to your lawyer's advice. Your lawyer is there to help you. Talk about what you hope to achieve and what you want to discuss.

Try to be flexible and open to suggestions. You can take notes or read from notes that you have prepared.

What happens after the mediation

If you reach an agreement at the mediation, it can be turned into a parenting plan or consent orders. Your lawyer will talk to you about what this means. The lawyers involved in the mediation will help each other to write up your agreement.

Your lawyer will send you a copy of the draft agreement for you to check. Let your lawyer know if you have any questions about it or if there is anything you don't agree with. If you agree with what is in the document, sign it, make a copy for yourself and return it to your lawyer.

If you are unable to reach an agreement at mediation, your lawyer will talk to you about further options.

You'll find more information in our brochure, ["Family dispute resolution conferences at Legal Aid NSW"](#).

How can I get help?

For free legal help call 1300 888 529 or [call your local Legal Aid NSW office](#). You can contact the Legal Aid NSW Family Dispute Resolution Service by calling (02) 9219 5118 or (02) 9219 5119.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for Law Access NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for Law Access NSW or visit www.relayservice.gov.au.

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.