RICH MAHLER
MEDIATION & THERAPY
0417 947 976 | rich@richmahler.com.au | GPO Box 2639 Brisbane City Qld 4001

# FAMILY LAW MEDIATION 

As a Specialist Family Law Mediator and Child-Inclusive Mediator, I only mediate family law matters. I facilitate mediations both in person and by Zoom, as well as both with and without lawyers.

My mediation practice is informed by an understanding of the nuances of power imbalances in relationships and affording safety in the context of domestic and family violence. This can include the use of shuttle mediations, where the parties remain in separate rooms throughout the entire process.

My flagship **Child-Inclusive Mediation** service utilises my dual qualifications and experience in law and psychotherapy. As a Family Therapist and Child Consultant, I work with school-aged children and their significant caregivers (usually parents).

A Child-Inclusive Mediation empowers the child with a voice to express their lived experience and any wishes, and can involve art or play therapy. I screen caregivers to safeguard against them weaponising the process against each other or the child.

I can issue Section 60I Certificates under the *Family Law Act* (1975) (Cth) as required by the Federal Circuit and Family Court of Australia.

Prior to a mediation each party attends a separate 1-hour pre-mediation risk assessment and intake with me by phone or (preferably) Zoom. I conduct a risk assessment to determine whether it's appropriate for me to conduct a mediation. I then explain the mediation process, my mediation style and approach, and help the parties prepare for the mediation.

Each party is entitled to a support person in addition to their lawyer (who's identity is confidential and they remain in a separate room from the main conference room).

If a party isn't legally represented at a mediation and agreement is reached, I prepare a draft Parenting Plan or written Heads of Agreement (for property matters) for that party to then seek legal advice about.

I embrace the principles of neutrality, professionalism, and confidentiality.

I help the parties determine what the agenda items are and in what order they'll be addressed. My preference is to tackle the most difficult issues first in the mediation process, to ensure that they get allocated sufficient time to be explored sufficiently. It also ensures that there isn't a 'pink elephant' in the room causing a distraction.

I encourage the parties to move away from taking positions as to what they want, and rather explore their underlying interests, needs and concerns. I then adopt a creative, child-focussed, and future-oriented approach.

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The potential issues addressed at a mediation include (but are not limited to) the following:

- parental responsibility – whether there's to be joint or sole decision-making in relation to all or specified major long-term issues affecting the children, such as health, education or religion
- children's rights to have a meaningful relationship with grandparents
- arrangements for the care of children (such as living arrangements and time spent with parents or other significant caregivers)
- methods of co-parenting communication and resolving parenting disputes
- medical issues relating to children
- school enrolment for children
- extra-curricular activities for children
- passports and overseas travel with children
- relocation of children
- children's names
- introduction of a new parter to children
- interim financial matters
- spousal maintenance
- property settlement
- child support
- implementation of Court orders
- contravention / breaches of Court orders
- changes to Court orders.

The first thing you should do to prepare for mediation is ensure that you're emotionally and mentally prepared for the process. Discuss it with a trusted family member, friend, or professional such as a therapist. Be prepared to make concessions and compromises, as otherwise the mediation is almost guaranteed to fail.

If you want to discuss schooling, it helps to come prepared with information about the relevant schools (such as fees, curriculum, and extra-curricular activities) to provide the other party with. Similarly, if you want to discuss medical issues such as orthodontics, relevant information such as fees and timeframes will be helpful.

For financial matters, it's essential that all parties make full and frank disclosure of all significant assets, liabilities, superannuation entitlements, and financial resources (such as expected inheritances or compensation payouts) in their respective possession or control. For real estate, a real estate appraisal or formal valuation will likely be necessary.