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Family Law

Issues in Law You Need To Know

Options after a Marriage Breakdown

After the breakdown of a marriage, one of the first decisions that the parties will have to make is how are they going to resolve the outstanding issues between them. Fortunately, there are a variety of techniques that can be used in resolving these disputes.

Negotiation involves each party retaining a lawyer who will negotiate a resolution of the issues on the party's behalf. In mediation, the parties retain a mediator to assist them in resolving the outstanding issues between them. The mediator does not decide the issues but is there to assist the parties in negotiating a settlement.

In collaborative family law, the parties retain specially trained family law lawyers and third party professionals. The parties, lawyers and professionals attempt to resolve the issues in a cooperative rather than adversarial manner.

Litigation is an adversarial process whereby the parties go to court and ask the court to decide the



outstanding issues for them.

The method of dispute resolution will be a critical aspect of resolving any family law dispute. Parties need to consider the nature of the issues in dispute, the reasonableness of the opposing party, the ability to communicate with the opposing party, finances and any history of domestic violence in deciding the appropriate method.

It is highly recommended that a party discusses these factors with an experienced family law lawyer before a method is selected.

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