

Steps to take following mediation

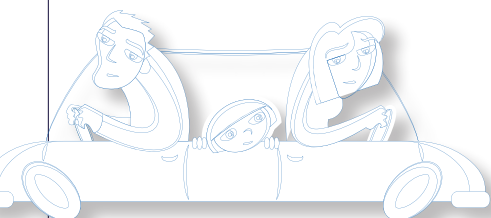
Once the family mediation process has been completed, the mediator gives you a copy of the summary agreement reached during the negotiations. If needed, you can then consult a lawyer to have it checked and drawn up as a legal document.

The next step is to have the agreement certified by a court or homologated by a special clerk. This gives it the same legal effect as a court judgment.

Warning!

In some situations family mediation is unlikely to be appropriate, including situations involving domestic violence.

If required, the court may issue an order to safeguard your rights or the rights of your children during the family mediation process or during any other period it considers necessary.



This document is intended for information purposes only and has no legal value. The information summarized here was valid at the time of printing.

Eligible costs

The Ministère pays the fees of certified family mediators for the number of free hours specified in the Regulation respecting family mediation, provided their rate does not exceed the legal rate (\$110 per hour). It does not pay for

- ★ administrative fees, such as file opening fees, long distance calls or photocopying;
- ★ any extra hours needed to reach an agreement;
- ★ the costs and fees for obtaining a court judgment.

Did you know that...

According to recent statistics, **8 out of 10 couples were able to reach an agreement after attending family mediation?** In addition, parents who attended mediation paid, on average, half the costs paid by other parents to obtain a court judgment.

For more information

For more information about family mediation, contact the Ministère de la Justice: 418 643-5140, option 3 or, toll-free, 1 866 536-5140, option 3.
www.justice.gouv.qc.ca

Choice of a family mediator

Only certified mediators can engage in family mediation. Several professional orders are authorized by the Québec government to certify their members. Youth centres in Québec are also authorized to certify their employees.

To find a certified family mediator, see the website of the Ministère de la Justice or contact one of the following professional orders:

Barreau du Québec • www.barreau.qc.ca
Phone: 514 954-3458 • Toll-free: 1 800 361-8495

Chambre des notaires du Québec • www.cnq.org
Phone: 514 879-1793 • Toll-free: 1 800 263-1793

Ordre des conseillers et conseillères d'orientation du Québec • www.orientation.qc.ca
Phone: 514 737-4717 • Toll-free: 1 800 363-2643

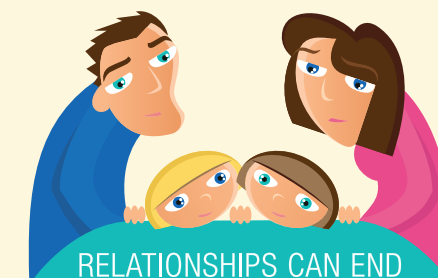
Ordre des psychoéducatrices et psychoéducateurs du Québec • www.ordrepsyed.qc.ca
Phone: 514 333-6601 • Toll-free: 1 877 913-6601

Ordre des psychologues du Québec • www.ordrepsy.qc.ca
Phone: 514 738-1223 • Toll-free: 1 800 561-1223

Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec • www.otstcfq.org
Phone: 514 731-3925 • Toll-free: 1 888 731-9420

The Association de médiation familiale du Québec also provides a family mediation information and referral service • www.mediationquebec.qc.ca
Phone: 514 990-4011 • Toll-free 1 800 667-7559

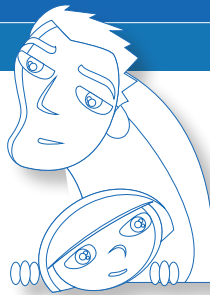
Family mediation



Negotiating a fair agreement

COM-024A(2021)

Services for parents who have decided to separate



If you have dependent children and have decided to separate

If you are already separated or divorced, and wish to make a change to your agreement or court judgment

Family mediation can help you negotiate an agreement on an amicable basis, in the interest of all family members, and can also help reduce your legal costs.

To promote family mediation, Québec's Ministère de la Justice pays the fees of certified family mediators:

when you attend a parenting after separation information session, which lasts 2 hours 30 minutes and is presented by certified family mediators in one of Québec's 42 courthouses during the evening;

when you meet, as a couple, with the family mediator of your choice for

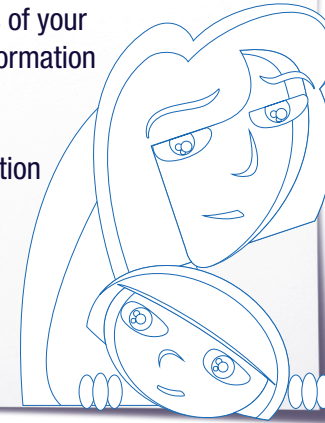
- ★ **5 hours** of professional services, if you are in the process of separating, or
- ★ **2 hours 30 minutes** of professional services, if you already have an agreement or court judgment but wish to have it reviewed, if you have already received family mediation services, or if you have already obtained a judgment ordering separation from bed and board (legal separation).

IT'S IN YOUR INTEREST TO FIND OUT MORE ABOUT FAMILY MEDIATION!

As the parents of dependent children, if you fail to reach an agreement on the details of your separation, you have a legal obligation to participate in a parenting and mediation information session before being heard by the court.

You will obtain the necessary information when you attend the parenting after separation information session given free of charge at your local courthouse.

- ★ A person who has been subjected to domestic violence may obtain an exemption after contacting a victim assistance organization recognized by the Minister of Justice.



PARENTING AFTER SEPARATION INFORMATION SESSION

Parenting after separation information sessions are provided free of charge. They give parents an opportunity to deal with their break-up and prepare questions for the person who will help them settle the details of their separation, whether as part of the family mediation process or during a court hearing.

Each session is conducted by two experienced mediators, one working in the field of law and one in the psychosocial field. It focuses in particular on

- ★ the consequences of the break-up on members of the family: psychological shock caused by separation, needs and reactions of children, communications with the other parent, etc. (90 minutes);
- ★ the family mediation process and legal information (30 minutes). The session ends with a question period.

After the session, you receive

- ★ all the relevant documentation;
- ★ an attestation that you have attended an information session, which will allow your case to be heard by the court if it is contested.

To attend a session, you must register with the Ministère de la Justice: **418 643-5140, option 3** or, **toll-free, 1 866 536-5140, option 3.**

Former spouses will not be registered for the same session, unless they request it. Each spouse can attend the session accompanied by a person of his or her choice.

Family mediation sessions

The mediator will not make any decisions for you. During the negotiations, he or she will ensure that both parents can speak freely and openly to the other about their needs, and that the needs of the children are taken into account. Mediation is confidential, and nothing disclosed during mediation can be used as evidence before a court.

Participation in family mediation is voluntary. However, a court may, when hearing a case, order parents to attend mediation.

At the first session, the mediator assesses your situation and helps you plan which issues will be addressed during the sessions that follow: child custody, visiting and outing rights, child support and spousal support payments, if applicable, division of property, etc.

The two parents, and the mediator, are present at each session. The parents can also request co-mediation, which involves two mediators. If needed, and with the consent of both parents, other people can attend the session, if the mediator considers that their presence is advisable, and provided they are neither experts nor advisors.

Suspension of mediation

You can suspend the mediation process at any time in order to consult your lawyer or another person. You can also terminate the process at any time. In addition, the mediator may terminate the mediation process if he or she considers that there is a reason not to continue.