



## TROUBLE SORTING THINGS OUT WITH YOUR EX? THERE'S HELP

It's no secret that settling disputes with your ex after you've split can be difficult. And where children are involved, you can't just walk away from each other, as you'll both want to be involved in the kids' lives.

Going to court to sort things out is not always the best. And with accusations flying back and forth and the adversarial nature of the whole exercise, it can result in increased bitterness and poison an already broken relationship further, no matter who "wins."

But there's some good news. The new family law that's been around for a couple of years now is refreshing. It encourages other preferred ways of dealing with family law disputes, with court as only a last resort. These other options offer a wide spectrum of approaches for sorting things out so there's a better chance you each get what's most important to you and the children come out ahead.

Here's a quick rundown.



**Mediation:** The two of you agree to engage a neutral individual, who must be properly qualified and trained as a mediator, to help you negotiate compromise solutions to thorny issues. She will help you see what's key to each of you, so that you can settle on a solution that works for you both. Unlike a judge or an arbitrator, a mediator doesn't hand down a decision or award, so there is no imposed solution. Mediated solutions, perhaps because mutually agreed, therefore tend to stick. Mediation is relatively informal, and can be surprisingly successful.

**Arbitration:** You both agree to engage a neutral individual, who is a properly qualified and trained arbitrator, to listen to both sides. The arbitrator then makes a decision, called an "award," deciding the tough issues before her, like a private judge. This is a more formal process, though less so than court, and the arbitrator's decision is binding on both of you.

**Mediation/Arbitration:** This is a combination of mediation and arbitration. The two of you agree to try, with the help of the neutral mediator/arbitrator, to work out a compromise solution. But should that fail, the two of you also agree that the mediator/arbitrator can make an arbitration award, which is binding on both of you. So unlike mediation, there can't be a deadlock, and unlike arbitration, there's a better chance at a negotiated compromise up front.

**Parenting Coordination:** This can come into play where there's a separation agreement or court order which covers parenting arrangements, but the two of you have continuing conflict about how to carry them out. Pick-ups and drop-offs, suitable recreational activities, birthday parties on the other parent's time, play dates, the start and end dates of holidays like spring break (Friday or Monday?), are just some of the more frequent flashpoints. A properly qualified and trained parenting coordinator, appointed by mutual agreement or the court, acts as a mediator/arbitrator to try and work out a mutually acceptable solution or, if that fails, makes a "determination" that is binding on both of you.

Tyleen Underwood is an accredited Family Law Arbitrator and Mediator. She is also a trained neutral child interviewer who is on the roster of the BC Hear the Child Society.



TYLEEN UNDERWOOD LAW OFFICE  
Family Law • Criminal Law  
Suite 200-507 Baker St., Nelson, BC V1L 4J2  
(250) 352-6638