

Parenting and Property Mediation

Guidebook and Frequently Asked Questions

*Information for parents managing
separation through mediation*



LINDA DENARO

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Linda Denaro is an Accredited Family Dispute Resolution Practitioner (FDRP), Elder Mediator, Counsellor and Parenting Coordinator. Linda supports individuals and families through complex family and relationship matters. She brings a calm, impartial and collaborative approach to mediation, creating a respectful space for families to have important conversations, consider different perspectives and make practical decisions together.

As a Mediator in a Family Dispute Resolution process, Linda facilitates a structured and impartial space for parents to discuss parenting arrangements, work through areas of disagreement, and reach clear, workable agreements that support their children's wellbeing.



Qualifications:

- Graduate Diploma of Family Dispute Resolution Practice, College of Law Australia
- Graduate Diploma of Counselling, University of New England
- Bachelor of Training, Griffith University

Registrations:

- Family Dispute Resolution Practitioner | Attorney-Generals Department
 - Elder Mediator | Elder Mediation International Network
 - Accredited Mediator | AMDRAS, Mediation Institute
 - Counsellor & Clinical Supervisor | ACA Australian Counselling Association (Reg: 10585)
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Frequently Asked Questions

Why attend Parenting and Property mediation?

Parenting mediation provides a structured and supportive process to help parents make informed decisions about their children. Unlike court proceedings, where a judge makes decisions on behalf of the parents, often at significant financial and emotional cost, mediation allows parents to retain greater control over outcomes to best suit their children's needs and circumstances.

Property settlement mediation offers an efficient way to resolve financial matters without the time, stress and extremely high costs associated with court proceedings. Mediation costs are only a fraction of what parties would otherwise spend litigating property matters through the court system. Property mediation allows parties to make decisions over their financial future and support the ongoing needs and stability of their children.

Where does mediation take place?

Linda provides parenting and property mediation via secure online video conferencing by Zoom. This offers flexibility for parents in different locations and is particularly beneficial in high-conflict matters, allowing discussions to remain structured and emotionally safe for the parents.

How does online mediation work?

Linda holds online mediation by either Joint or Shuttle via Zoom online video conferencing.

Joint sessions involve both parents meeting in the same virtual room, where they can see and hear each other, with Linda facilitating the discussion.

Shuttle sessions involve each parent being in a separate virtual room, where they do not see or hear one another. Linda facilitates the process by working with each parent individually and moving between rooms to guide discussions and progress matters.

Shuttle can be especially helpful in high conflict situations or where communication is strained between parties. It also provides some emotional space while still allowing parents to engage in mediation and remain focused to make choices in the best interests and outcomes for their child/ren. As information is shared separately, the shuttle mediation can take longer than joint mediation.

Frequently Asked Questions

How long does mediation take?

The length of parenting / property mediation depends on the complexity of the issues and the number of matters to be worked through. Some matters may be resolved within a half-day mediation, while others may require a full-day session to allow adequate time for discussion and decision-making.

Does my lawyer need to attend mediation?

This depends on the type of mediation.

For parenting mediation, legal representation is not required and many parents choose to attend without lawyers.

For property settlement mediation, Linda conducts mediation only where both parties have their lawyer/solicitor present in the mediation session. This ensures parties have immediate access to legal advice in the mediation session and it can be legally documented. Linda remains impartial and does not provide legal advice.



Frequently Asked Questions

What happens during Parenting and Property mediation?

1. *Introductions*

Linda invites each party individually into the online Zoom mediation session.

Whether the mediation will be conducted jointly or by shuttle (for both parenting and property matters), this is confirmed prior to the mediation date.

2. *Welcome from Mediator*

Linda provides an overview of her role, the purpose of mediation, and what parties can expect from the process. For property mediation, Linda also welcomes the parties' lawyer into the session.

3. *Parties share topics of concern to resolve*

In parenting mediation, each party is invited to share the parenting issues they would like to discuss and resolve. Linda facilitates discussions in a way that keeps conversations child-focused and centred on the best interests of the children.

In property mediation, parties consult with their lawyer regarding the financial pool and relevant information, which is then conveyed to Linda either jointly or through the shuttle process.

4. *Agenda*

Linda develops an agenda based on the issues each party wishes to discuss and resolve, this approach applies to both parenting or property matters.

5. *Exploration*

In parenting mediation, each party has the opportunity to share their concerns and hear the other party's perspective, with Linda supporting respectful and focused discussion around each agenda item.

In property mediation, parties work with their lawyer to explore financial options and possible settlement outcomes.

Cont... What happens during Parenting and Property mediation?

6. *Private Session*

In joint mediation, each party meets privately with Linda to discuss concerns and explore options towards resolution before these are shared with the other party. This approach applies to both parenting and property mediation. In shuttle mediation, parties remain in separate virtual rooms throughout.

7. *Negotiation*

For the final stage of mediation, parties either come together in the same virtual room (for joint mediation) or remain in separate virtual rooms (for shuttle mediation).

In parenting mediation, this stage focuses on parents sharing their options and future-focused steps that support the child/ren and their needs.

In property mediation, discussions focus on consolidating the financial pool and negotiating the division of assets and property, while taking into account the ongoing needs and stability of the children. Each party consults with their lawyer.

8. *Outcome*

There may or may not be areas of agreement at the conclusion of mediation. Please refer to the sections 'If agreement is reached' and 'If agreement is not reached' in this document for further information.

Short breaks are included throughout the mediation process.

Frequently Asked Questions

What do I need to prepare for Parenting and/or Property mediation?

Before mediation, each party will be asked to complete and return:

- The Mediation Agreement (for parenting/property matters)
- The Parenting Checklist (for parenting matters)
- The Property Checklist (for property matters)

What is the Mediation Agreement?

The Mediation Agreement explains how mediation will work and what parties can expect from the process. Signing it helps set clear boundaries, confirms confidentiality, and supports a respectful and safe environment so mediation can run smoothly.

Why is the Parenting Checklist helpful?

The Parenting Checklist gives each parent the opportunity to consider the key parenting topics they would like to discuss and resolve during mediation. Completing the checklist beforehand helps clarify priorities, identify areas of concern, and ensure important issues are not overlooked on the mediation day. Many parents also find that completing the checklist helps them feel more prepared and settled going into mediation.

Why is the Property Checklist important?

Completing the Property Checklist helps clarify the financial pool, which can make the mediation process more efficient and focused. It allows key information about assets, liabilities and financial interests to be identified upfront, reducing delays and misunderstandings during mediation.

The Property Checklist can assist each party's lawyer to prepare for mediation by gaining a clearer understanding of the parties' financial position before the session.

Frequently Asked Questions

Can the Mediator tell the parties what to do?

No. Linda's role is to support parties to reach their own resolutions and agreements. She does not make decisions or direct outcomes, and remains impartial while assisting parties to explore and develop their own solutions.

If an agreement is reached

If agreement is reached at the end of mediation, parties may choose to:

- Request Linda to prepare a Parenting Plan (for parenting matters)
- Request Linda to draft a Heads of Agreement (for property matters), or
- Have their lawyers draft formal documentation, such as Consent Orders or a Financial Agreement.

Parenting Plans and Heads of Agreement record the outcomes reached in mediation but are not legally binding. Parties are encouraged to obtain independent legal advice and, where appropriate, have their agreement formalised through their lawyers.

If agreement is not reached

For parenting matters, Linda may issue a Section 60I Certificate, which allows either party to progress the matter to court if they choose.

For property matters, Linda recommends parties to seek advice from their legal team.



Frequently Asked Questions

Are parenting and property mediations conducted together or separately?

Linda conducts parenting and property settlement mediations on separate days. Parenting mediation is completed first, with property mediation scheduled approximately one week later. This allows preparation for each process, and helps reduce decision-fatigue.

Can I have a support people at the mediation?

Yes. Parties may bring a support person to mediation, subject to the consent of the other party. Support people do not participate in discussions and are present for emotional support only. Parties will need to let Linda know at pre-mediation intake if they wish to have a support person.

Could I have a session with Linda before mediation?

Yes. Linda offers a pre-mediation session with each party before the mediation date. Many parties find this helpful, as it provides an opportunity to talk through the parenting or property checklist, clarify key issues, and feel more prepared and settled going into mediation..

What is child-inclusive mediation and how does it work?

Child-inclusive mediation is a process where a specially trained child consultant supports mediation by bringing the child's voice into discussions in a safe and age-appropriate way.

Linda can recommend a child consultant to the parties, which they are to arrange and pay the consultant directly.

Frequently Asked Questions

What is a Section 60I Certificate?

If a party declines to attend parenting mediation, Linda, as a Family Dispute Resolution Practitioner (FDRP), may issue a Section 60I Certificate. This certificate is valid for 12 months and may be used to apply to the Court.

A FDR Practitioner may issue a Section 60I Certificate for the following:

1. If a party declines to attend Family Dispute Resolution (FDR).
2. If the FDR practitioner believes it is inappropriate to conduct FDR.
3. If the parties attend FDR and make a genuine effort to resolve the issues.
4. If the parties attend FDR and did not make a genuine effort to resolve the issues.
5. If the parties begin attending FDR and the practitioner considers it inappropriate to continue mediation.

A Section 60I Certificate is a statutory document and a FDRP cannot alter the wording.

What is the process to issue a Section 60I Certificate?

As a Family Dispute Resolution Practitioner, Linda will invite the other party to attend mediation and allows 7 days for a response. If no response is received within this timeframe, a Section 60I Certificate may be issued.

What happens if I have received a invitation to mediate?

If you receive an invitation to mediate, it means the other party has requested that Linda invite you to attend mediation. Linda does not act for either party and remains impartial throughout the process..

How do I respond to the invitation to mediate?

Please respond to Linda as soon as possible to confirm whether you agree to attend mediation or to advise if you do not wish to proceed.

Frequently Asked Questions

What if I agreed to mediation but don't want to share the fees?

Mediation fees are generally shared equally between the parties. If agreement about fees cannot be reached, mediation cannot proceed and, for parenting matters, a Section 60I Certificate may be issued to the requesting party.

It is also worth noting that mediation fees are only a fraction of the cost compared to the extremely high costs if it were taken to court.

If I want to mediate elsewhere, what happens?

There is no obligation to mediate with a particular Family Dispute Resolution Practitioner. If the invitation relates to parenting mediation and you choose not to proceed, a Section 60I Certificate may be issued to the requesting party, noting that you did not attend mediation with Linda. This does not prevent you from attending mediation elsewhere in the future.

If the other party later declines to attend mediation with another practitioner, you may request a Section 60I Certificate from that practitioner indicating that the other party refused to attend mediation.

What is the difference between Parenting Mediation, Property Mediation and Parenting Coordination?

Parenting mediation supports parents to reach their own agreements about parenting arrangements, with a focus on the best interests of their children, without going to court.

Property settlement mediation assists parties to negotiate and reach mutual agreement about financial and property matters, without the need for court proceedings.

Parenting coordination supports parents to implement and manage existing parenting plans or court orders over time, helping address day-to-day issues as they arise.

Need more information?

If you are seeking Family Dispute Resolution mediation support and would like to discuss your next steps, please email Linda at **support@lindadenaro.com.au** for further information or to enquire about commencing the process.