



10 Things Separating Couples Need to Know That Lawyers Might Not Tell You

Save time, stress, and
thousands in legal
fees during separation



Bayside Mediation
Family Dispute Resolution

1. You Don't Have to Respond to a Lawyer's Letter



Key Takeaway

You are **not legally required** to respond to a lawyer's letter.

What this means for you:

- You are not **legally required to respond**
- Lawyer letters are **often negotiation tactics**
- They are **not legally binding**
- Responding too quickly can **hurt your position**

Why lawyers send these letters

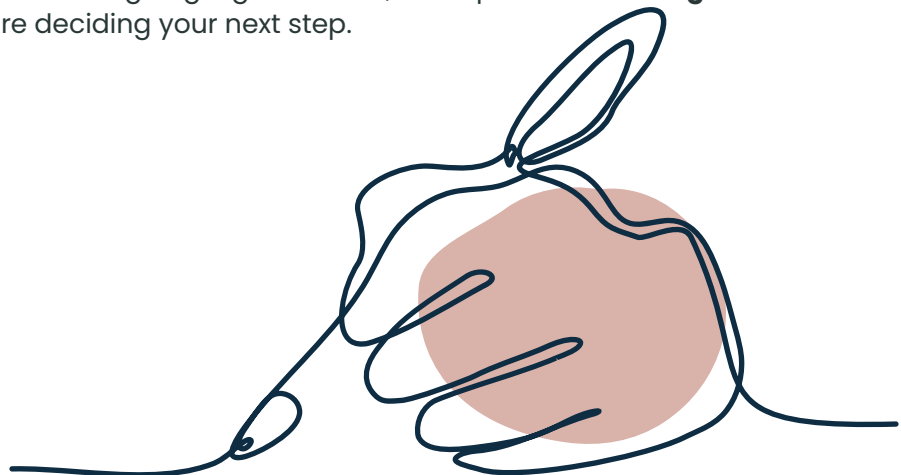
Lawyer's letters are commonly used to outline demands, propose settlements, or present a version of events. In many cases, they are part of a negotiation strategy and can sometimes feel intimidating—but they do **not carry the weight of a court order**.

Should you respond?

Responding is a **strategic decision**, not a legal obligation. Replying too quickly or providing unnecessary information may weaken your position or unintentionally support claims you don't agree with. Taking time to understand your options is often the better approach.

When you might need to act

While there is no automatic requirement to respond, every situation is different. If the letter raises serious issues or relates to ongoing legal matters, it's important to **seek guidance** from a qualified professional before deciding your next step.



2. Family Dispute Resolution is Usually Required

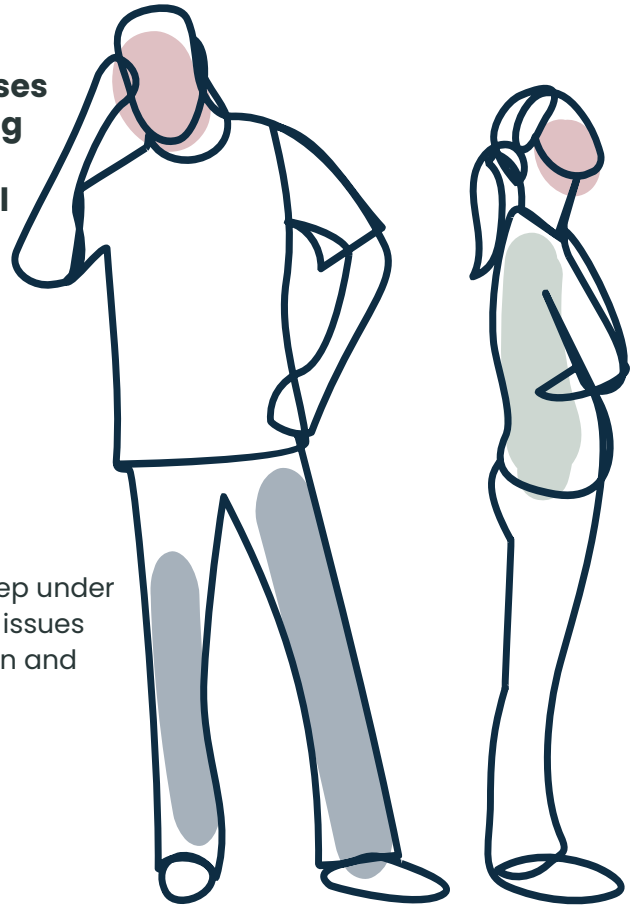


Key Takeaway

In most cases, you'll need to attempt mediation before going to court.

What this means for you:

- Mediation is **mandatory in most cases**
- You'll need a **certificate before going to court**
- It applies to **parenting and financial matters**
- It's designed to **avoid costly legal battles**



Why this matters

Family Dispute Resolution (FDR) is a required step under Australian law to encourage families to resolve issues without going to court. It focuses on cooperation and practical outcomes rather than conflict.

What to consider / Do next

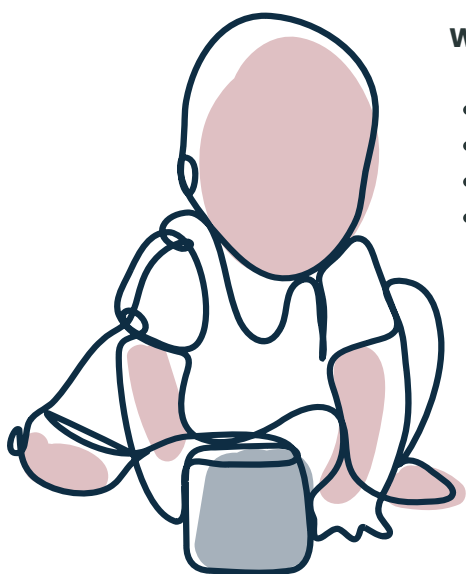
Unless there are safety concerns or urgency, starting with mediation can save significant time, money, and stress compared to litigation.

3. Mediators Decide if Mediation Is Suitable —Not Lawyers



Key Takeaway

A qualified mediator—not your lawyer—decides if mediation is appropriate.



What this means for you:

- Mediators assess **safety and suitability**
- Both parties usually need to **attend intake sessions**
- Mediation may not proceed if it's **unsafe or unproductive**
- The process is **confidential and impartial**

Why this matters

Mediators are trained to assess risk factors like family violence, power imbalances, and willingness to participate. Their role ensures the process is safe and appropriate for everyone involved.

What to consider / Do next

Attend your intake session and be open about your situation—this helps the mediator make the right call for your circumstances.

4. Try FDR Mediation Before Involving Lawyers



Key Takeaway

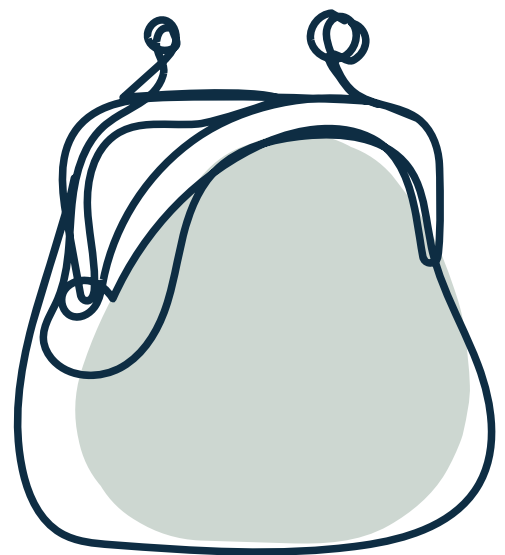
Starting with mediation can save time, money, and reduce conflict.

What this means for you:

- Mediation is faster and more affordable
- It helps maintain better communication
- You stay in control of decisions
- It reduces the need for court involvement

Why this matters

Early mediation helps resolve issues before conflict escalates. This is especially important when children are involved, as it supports healthier co-parenting relationships.



What to consider / Do next

Even if mediation doesn't resolve everything, it can significantly narrow issues—saving you thousands in legal fees later.

5. You Don't Need a Lawyer or Barristers to Start Mediation



Key Takeaway

You can access mediation without hiring a lawyer.

What this means for you:

- Mediation is **more cost-effective without lawyers**
- You remain **in control of decisions**
- The process is **collaborative, not adversarial**
- Lawyers can still be involved later if needed

Why this matters

Lawyers are trained to advocate, which can sometimes increase conflict. Mediation focuses on cooperation and practical solutions.

What to consider / Do next

Start with mediation and bring in a lawyer later only if necessary—this keeps costs and stress down.



6. Why Are You Being Referred to Government-Funded Mediation?



Key Takeaway

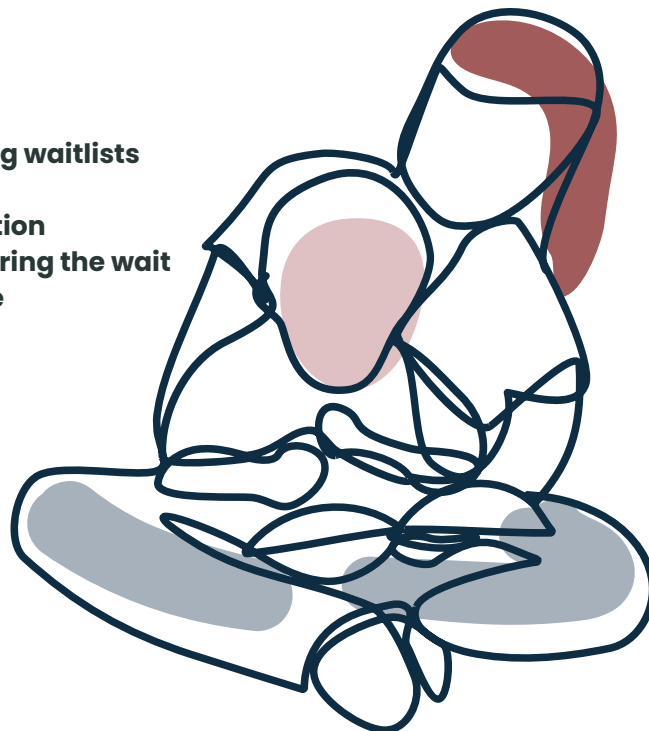
Long wait times for government-funded mediation can delay resolution and increase costs.

What this means for you:

- Government-funded services often have **long waitlists (2+ months)**
- Delays can cause **more conflict and frustration**
- You may end up relying more on **lawyers during the wait**
- This can lead to **higher legal costs over time**

Why this matters

When mediation is delayed, disputes can become more entrenched and stressful. During this time, many people turn to lawyers for guidance, which can increase communication, conflict, and legal expenses—sometimes without moving closer to resolution.



What to consider / Do next

Explore all your options, including private mediation, which may be available sooner. Acting earlier can help reduce conflict, save money, and lead to faster outcomes. If you do engage a lawyer, choose one who supports efficient and resolution-focused approaches.

7. Your Lawyer Works for You—Not the Other Way Around



Key Takeaway

You are in control—your lawyer acts on your instructions.

What this means for you:

- You decide your **goals and priorities**
- Your lawyer should **follow your instructions**
- Clear communication helps **control costs**
- Staying involved leads to **better outcomes**

Why this matters

Your lawyer is there to guide and represent you, but they cannot make decisions without your input. Being clear, organised, and proactive ensures your case stays aligned with your goals and avoids unnecessary work or expenses.

How to work effectively with your lawyer:

- Choose the right lawyer: Look for experience and clear communication
- Prepare for meetings: Bring documents and questions
- Be transparent: Share all relevant information
- Set clear goals: Be specific about what you want (and don't want)
- Stay responsive: Reply promptly to keep things moving
- Set boundaries: Agree on budget and communication style
- Stay involved: Regularly check progress

8. Disclosure: What Is It—and Do You Really Need It?



Key Takeaway

You must be transparent about your finances—but how much detail is needed depends on your situation.

What this means for you:

- You must provide “full and frank” financial disclosure
- This helps both parties make informed decisions
- Lawyer-led processes are often more detailed and expensive
- Mediation can be more flexible and cost-effective

Why this matters

Disclosure is required to ensure any agreement is fair and legally binding. When handled through lawyers, the process is often formal, detailed, and geared toward court—requiring extensive documentation and increasing costs. In mediation, the process is more collaborative and focused on practical outcomes.

What to consider / Do next

Consider how complex your financial situation is. If your finances are straightforward and transparent, mediation may allow you to share only what’s necessary—saving time and money. If your matter is more complex or disputed, more detailed disclosure may be required. Seek guidance to find the right balance for your situation.

Lawyer-led disclosure:

Formal and court-focused
Requires extensive documentation
Can be time-consuming and costly

Mediation-based disclosure:

More flexible and collaborative
Focuses on what’s reasonably needed
Often faster and more affordable



9. Most Family Law Disputes Are Resolved Without Going to Court



Key Takeaway

The majority of family law matters are resolved without ever going to court.

What this means for you:

- Going to court is **not the most common outcome**
- Most people resolve issues through **mediation or negotiation**
- Court cases can take **years and cost tens of thousands**
- There are **faster, less stressful alternatives available**

Why this matters

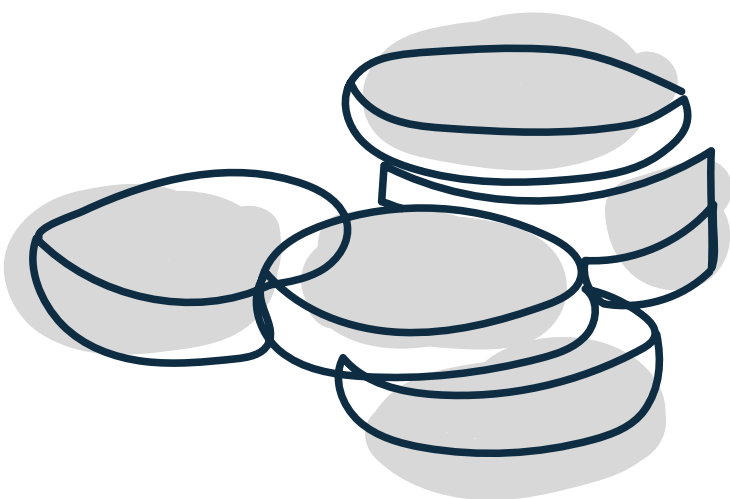
While court is often seen as the default option, it's usually a last resort. The legal process can be lengthy, expensive, and emotionally draining. In reality, most separating couples reach agreements through mediation, negotiation, or a combination of both—often without ever seeing a judge.

What to consider / Do next

Before committing to litigation, explore options like mediation or negotiation. These approaches can help you resolve issues more efficiently, reduce costs, and allow you to maintain greater control over the outcome.

What the data shows:

- Less than **10% of cases go to final hearing**
- Around **70% resolve through mediation, lawyers, or both**
- **50–70% of mediation** cases are resolved without further legal action



10. You Can Mediate Even with a Family Violence Order in Place



Key Takeaway

Mediation may still be possible with a family violence order—if it is safe and appropriate.

What this means for you:

- A family violence order (FVO) does **not automatically prevent mediation**
- Safety is always the **top priority**
- Mediation can still occur with **strict safeguards in place**
- Any agreements must still comply with **legal requirements**

Why this matters

Family law prioritises the best interests of children, including maintaining relationships where it is safe. Mediation can still be an option in some cases, provided appropriate protections are in place to ensure the process is safe, fair, and voluntary for everyone involved.

What to consider / Do next

If a family violence order is in place, speak with a qualified professional to assess whether mediation is suitable for your situation. Never proceed unless you feel safe and fully supported.

Safeguards that may be used:

- Pre-mediation screening for **safety and risk**
- **Shuttle or online mediation** to avoid direct contact
- Ability to bring a **support person**
- Access to **legal advice and support services**
- Mediation can be **stopped at any time if unsafe**

Challenges to Be Aware Of

While mediation can be effective—even when a family violence order is in place—it's not suitable for every situation.

What to keep in mind:

- There may be **power imbalances** between parties
- There is a risk of **emotional distress or re-traumatisation**
- Agreements may be **more complex to manage and enforce**

This is why it's essential to work with an experienced practitioner who can assess risks and put the right safeguards in place.

Final Thoughts

Mediation can provide a **safe and structured** way for separated couples to reach agreements—especially when focused on the best interests of their children.

With the right support and safety measures, it can:

- Reduce conflict
- Avoid lengthy court processes
- Support more stable, long-term outcomes

However, every situation is different. The right approach depends on your individual circumstances.

Take the next step

You don't have to navigate this alone.

Speak with a qualified Family Dispute Resolution practitioner to understand your options and move forward with confidence.

Contact Us



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