

COUPLE MEDIATION

AT HEALTHY MUSLIM FAMILIES

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

And if you fear a breach between the two, appoint an arbiter from his family and an arbiter from her family. If they both wish for peace, Allah will cause their reconciliation.

(Quran) An Nisaa 4:35



What is Mediation?

- Voluntary process for conflict resolution outside of court
- Saves litigation (court case) costs
- Requires genuine participation from both parties
- Effective when both parties negotiate solutions in 'good faith'

Who can be a mediator in Manitoba?

- Neutral third party for agreements on parenting, support, and property
- Unsuitable for families with violence or power imbalances
- Offered by social workers, psychologists, lawyers, and private sector professionals
- In Manitoba, no law requires people who practice as mediators to have specialized training or qualifications

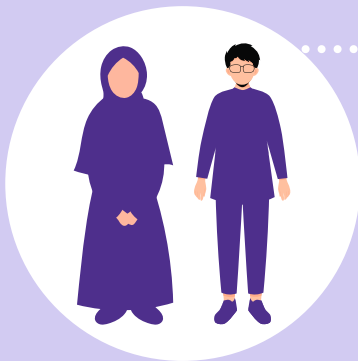
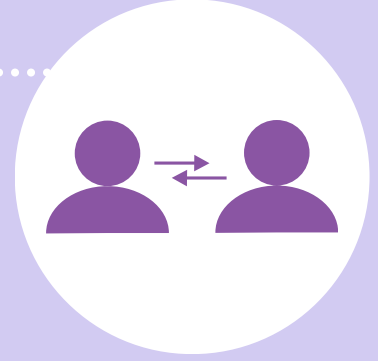


What can you expect in a mediation process?

- Mediation can occur in the same or separate physical/virtual rooms
- Face-to-face mediation is not possible due to a protection order
- Mediation starts separately, with meetings at different times for each party
- Possible future joint mediation if the restraining order is removed, based on mutual consent
- Mediator discusses disputes and desired solutions with each party

What are the expectations from both parties?

- Both parties should prioritize flexibility and creativity in finding workable solutions
- Aim for a 'win-win' outcome to settle differences effectively
- Any party has the option to discontinue the mediation process if they choose to do so
- Open communication and active participation from both parties are vital for the success of the mediation process



What can you expect from the mediator at HMF?

- Offered by a community worker at no charge
- Aims to resolve conflicts for both parties to move forward
- Listens to parties separately due to protection order and family violence charges
- Settlement contingent upon readiness and legal ability for cohabitation
- Mediation ends if either party decides to separate or pursue litigation

When is the right time to start mediation?

- Best when no protection order exists and living with spouse and kids is feasible
- Initial separate meetings:
 - Explain mediation process
 - Listen to both sides
 - Draft agreement for future presentation



What about legal advice?

- Encourage seeking legal advice from individual lawyers
- Mediator facilitates mediation process, not legal advice
- Upon agreement, a written mediation agreement will be drafted
- Legal review and signatures by lawyers ensure legality of mediation agreement
- Mediation aims to address living together peacefully, parenting children, and resolving marital disputes
- Not applicable to spouse's criminal charge