

Mandatory Early Dispute Resolution in Family Law



What are the benefits of early dispute resolution?

Early dispute resolution has many benefits, including the following:

- Reduces conflict, leading to better outcomes for children and families.
- Promotes cooperation and communication between parties.
- Timely and less stressful resolution of family law disputes.

What is early family dispute resolution?

Families are required to use an early dispute resolution process to resolve family law matters before continuing with court. These processes include the following:

- 1) Collaborative Law Process:** Collaborative law involves parties and their lawyers working together, negotiating in good faith, to reach a settlement of all issues.
- 2) Family Law Arbitration:** Family law arbitrators play a role similar to that of a judge. They are able to make binding decisions to resolve family law disputes using processes that are more informal than court.
- 3) Family Mediation:** Family mediators help parties resolve family issues and find solutions through an interest-based problem solving process.
- 4) Parent Coordination:** Parent coordinators help parties resolve small disputes over existing agreements and orders, such as who has parenting time during summer holidays. Parenting coordinators do not create or change parenting arrangements.

Who can provide these services?

These services can be provided through a collaborative law process, family law arbitration, family mediation or parent coordination. A list of recognized service providers can be found on <http://www.saskatchewan.ca/earlyfamilyresolution>.

Each option is different. It is recommended that you ask your service provider if they are recognized by the Minister of Justice, what the process of dispute resolution will look like, how they expect you to participate, and the cost of the service.

For more information:

Call: 1-306-787-0439 or toll free at 1-833-787-0439

Email:
earlyfamilyresolution@gov.sk.ca

Online: www.saskatchewan.ca/earlyfamilyresolution

Are there exemptions from this mandatory requirement?

Parties can apply to court for an exemption. Exemptions may be considered where:

- there is a restraining order between the parties;
- a child of the parties has been kidnapped or abducted by one of the parties;
- there is a history of interpersonal violence between the parties;
- the party provides proof of attempts to engage the other party in family dispute resolution; or
- in the opinion of the person hearing the application, there are extraordinary circumstances.



What if my previous partner does not participate?

If a party does not participate in family dispute resolution, the court, on application, may:

- strike out the non-participating party's court documents;
- refuse to allow the non-participating party to make submissions;
- order the non-participating party to participate in family dispute resolution; or
- order costs or any other relief.

What if I don't want to participate?

You are only required to participate in dispute resolution if you, or the other party in a family dispute, want to go through court for a decision.

I have already participated in family dispute resolution, now what?

Ideally, the family dispute resolution option you have chosen will help you and the other party resolve any disputes you may have without going to court.

However, not all parties may be able to reach an agreement. After you have participated in a family dispute resolution process, your service provider will issue a Certificate of Participation. The Certificate can be filed with the court to proceed with a court application.