

# MARIN COUNTY SUPERIOR COURT

## Alternative Methods of Resolving Family Law Disputes

*Most family law cases can be resolved without the need for litigation which can be very expensive, time consuming and stressful. The Court finds that it is often in the best interests of the parties to explore alternatives to litigation and encourages parties to consider the following alternative methods at the earliest possible date.*

**Out of Court:** The following methods enable parties to reach agreement on all issues without ever going to Court. These services are offered privately, generally on an hourly fee basis. Providers of these services can be located through the yellow pages or internet.

**Mediation.** A neutral mediator assists the parties in communicating and better understanding their own needs and the needs of the other party. The mediator helps the parties work in a cooperative, nonadversarial way. In mediation, the parties explore options and arrive at a mutually acceptable resolution of the dispute. The mediator does not render a decision. Rather, the determination of any final agreement remains in the parties' hands. Parties are free to have attorneys assist them as they go through mediation, but they are not required to do so. For more information, see [www.mediate.com/fam/index.cfm](http://www.mediate.com/fam/index.cfm).

**Collaborative Law.** Family lawyers specially trained in collaboration represent each party, but only for the purpose of helping them settle the case. The parties and collaborative lawyers participate in a series of four-way meetings to gather necessary information and explore options for reaching agreement on terms acceptable to the parties. The collaborative lawyers are prohibited from going to court if the parties are unable to reach agreement. This process works well for parties who hope to settle out-of-court but also wish to have legal representation throughout the process. For information, see [www.collaborativepractice.com](http://www.collaborativepractice.com).

**In Court :** For cases in the Court system, the following services are provided without charge:

**Family Court Services.** Provides mandatory mediation to parents who are unable to agree on issues related to child custody and parenting. Financial issues and division of property are not addressed.

**Settlement Conference.** An informal process in which a judge and/or experienced attorneys meet with the parties and their attorneys, hear the facts and issues in dispute, and suggest a resolution that the parties may accept or use as a basis for further negotiation.