Reassessing Mediation After a Break

Ongoing assessment and the decision to continue

A free educational resource from Considered Mediation

A participant returns from a break and accepts a proposal they firmly rejected twenty minutes earlier. The mediator feels the discussion has turned a corner. Perhaps it has. The participant may have received helpful advice, reconsidered a priority, or found an acceptable compromise. They may also have received a threatening message, become too exhausted to keep disagreeing, or decided that agreement is the quickest way to leave. These are hypothetical possibilities, but they expose a practical problem: a change in position does not explain the conditions under which it occurred.

Before treating that change as progress, the mediator needs to understand whether the person can still participate freely and meaningfully. A break interrupts the conversation. It does not necessarily resolve the concern that made a break necessary.

Mini-assessments are important when deciding whether mediation should continue after a break. A focused check before substantive discussion resumes can reveal whether to continue, change the arrangements, adjourn, or end the process. The depth of that check should reflect what happened before the break and what may have changed during it. Its purpose is to support a fresh professional judgment, not to obtain a quick reassurance that everyone is ready.

Suitability must remain open to reconsideration

The Ontario Association for Family Mediation expressly treats screening as an ongoing responsibility, extending from first contact to the conclusion of mediation. Its policy also addresses modifications and safe termination when participation cannot be supported adequately. This is an association policy, not a uniform Canadian statutory rule. [1]

Justice Canada’s HELP Toolkit, written for family law legal advisers, similarly recommends returning to safety concerns as a case develops. It recognizes that circumstances can change and that someone may disclose an earlier experience only after trust has developed. [2]

The practical proposal in this article applies that continuing attention to the moment of resuming mediation. The relevant question is specific: can these participants address this issue, in this format, at this time? An assessment made at intake cannot answer that question indefinitely. A person may be ready to discuss how documents will be exchanged while still needing information or advice before negotiating a final financial settlement.

A focused mini assessment before resuming

Explain at the outset that brief check-ins are part of the process and may occur after breaks or whenever circumstances change. That makes a later check less likely to feel like an accusation or a test of cooperation. Keep the check proportionate. A routine comfort break may call for a brief enquiry; a break following distress, a disclosure, or suspected pressure may require a fuller private reassessment before any joint discussion resumes.

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Use the following six questions as prompts for professional judgment. They are an original educational framework, not a validated screening instrument or a substitute for required professional screening. They are not scored, and there is no time limit for answering them.

1 Can we speak safely and privately now

Confirm that the setting still permits a candid conversation. In an online session, do not assume that the person is alone because the camera shows no one else. Arrange a safe way to check privately before asking sensitive questions. Justice Canada's guidance emphasizes privacy and the need to check whether remote communication remains safe. [3]

2 Has anything changed since we paused

Invite the participant to identify anything relevant to continuing, including a message, an interaction, new advice, or a concern that has become clearer. Ask about the pause itself when appropriate. Allow uncertainty and a request to speak separately; neither should be converted into a reassuring answer.

3 Can you engage with the next discussion

Explore whether the participant can follow the issue, consider alternatives, ask questions, and communicate a choice. Check what support would help. Do not infer inability from disability, tears, anger, silence, or a communication difference. Equally, a composed appearance does not establish that the person is ready.

4 Is there anything affecting your freedom to disagree

In a private conversation, explore whether the participant feels able to reject a proposal, ask for another pause, or seek advice. Include pressure arising from the process itself. Avoid asking someone to disclose fear in front of the person they fear, or to prove a concern before it receives attention.

5 What information or advice is needed before the next step

Identify the decision actually being proposed. A new document or revised offer may require reading time, an explanation, or independent advice. Separate willingness to keep talking from readiness to make a commitment. An urgent timetable does not establish that the information is sufficient.

6 What would you like to happen next

Make the available choices understandable: continue, adjust the discussion, take more time, or stop mediation. Confirm what the participant wants without promising that the mediator can safely offer every requested option. A willingness to continue is relevant; it does not settle the mediator's own assessment.

The assessment must change what happens next

A mini-assessment has little value if every answer leads back to the same agenda. The mediator should be able to identify what the answers mean for the next step and what, if anything, must happen before substantive discussion resumes.

Continue when there is an adequate basis to do so

Where the check reveals no unresolved concern preventing the proposed discussion, confirm the issue and the immediate scope of the work. Continuing an exploratory discussion does not have to mean

moving straight to agreement. Keep opportunities to pause visible throughout the session; an earlier decision to resume is not permanent clearance.

Modify the process when an adjustment addresses the concern

For example, a participant who can engage well for shorter periods may benefit from a narrower agenda and an earlier stopping time. Someone who needs an accessible document should receive it before being expected to respond. Be specific about the adjustment and check whether it works. Do not count an accommodation as effective merely because it has been offered.

Adjourn when a necessary condition is still missing

A participant may need independent advice, missing disclosure, an interpreter, or time to recover sufficient concentration. Agree on what needs to happen before reconsidering the next meeting, where that can be done appropriately. Avoid giving the impression that adjournment is a punishment for raising a difficulty. Further screening may be needed before a new appointment is confirmed.

End or redirect the process when it cannot proceed appropriately

The OAFM policy calls for termination when process modifications cannot support safe, competent participation free from fear or coercion. It also emphasizes care in communicating termination so that private screening information does not expose someone to harm. [1] Explain applicable confidentiality limits and follow the professional and legal obligations governing the particular file. Do not promise absolute secrecy.

There is no sensible arithmetic by which several positive answers cancel an unresolved safety concern. Nor should every expression of discomfort end mediation. Negotiating difficult matters can be uncomfortable. The judgment concerns what the discomfort means for this person’s ability to participate, whether support is effective, and whether the proposed next step remains appropriate.

“Mini” describes the initial scope of the enquiry, not the importance of what it finds. A short question may open a substantial conversation. If it does, the schedule should give way to the assessment. Uncertainty may justify further enquiry or a pause; it does not by itself establish a finding of abuse, incapacity, or bad faith.

A break can reveal more than it resolves

Consider three hypothetical situations. In each, the participants return from a break, but the appropriate response differs.

A changed position after independent advice

One participant explains that their lawyer clarified a misunderstanding about a proposal. They can describe the change, identify what remains unresolved, and say what they want to discuss next. The mediator can explore the revised position without treating the change itself as suspicious. The check supplies context for the decision to continue; it should not become an examination demanding that the person justify every concession.

A changed position under pressure

Another participant returns unusually quiet and says they will accept anything. During a safe private check, they disclose pressure applied during the break. Treating their apparent agreement as a

breakthrough would miss the issue. The mediator needs to reassess the process and the appropriate response within their competence. Sending both people straight back into a joint room to discuss the disclosure could create a further problem.

A return after several weeks

A third mediation resumes after an adjournment to obtain financial records. The records have arrived, but childcare arrangements have changed and one participant is now attending from a shared room. The condition that caused the adjournment has been addressed; other conditions have deteriorated. A fuller update is warranted. Resumption should depend on the present circumstances, not simply on completion of the old task.

Assess the mediator's momentum as well

The mediator should also examine their own reasons for wanting to continue. Time has been reserved, difficult work has been done, and an agreement may seem close. Those facts can explain enthusiasm for finishing. They cannot establish that a participant is ready to decide.

A useful discipline is to ask: if this were the first time I had encountered these circumstances, would I choose to begin this discussion now? That question can expose reliance on work already invested. It also helps distinguish confidence in the process from attachment to a result.

Avoid turning a check-in into persuasion. Repeatedly asking whether someone is "sure" they need to stop can make stopping feel unacceptable. Explain the process options and any known procedural consequences accurately, with referral for legal advice where needed. Then leave room for an answer that changes the plan.

The same care applies near the end of a session. A provisional understanding, a document ready for legal review, and a binding commitment are different steps. Be clear about which step is contemplated and whether anything remains necessary before taking it. The desire to record progress should not conceal uncertainty about what the parties are agreeing to.

Use the full assessment as a starting point

The attached Family Dispute Resolution Assessment provides a broader structure for considering process options. Its 60 questions address urgency, safety, willingness, financial information, ability to participate, parenting, circumstances requiring a decision, and optional arbitration considerations. It has no total score. Its preliminary outcomes direct attention to the next conversation or professional input that may be needed.

The full assessment and the mini-assessment serve different purposes. The longer document helps identify the terrain before a process is selected or when circumstances require a substantial review. The focused check asks whether the next part of an existing mediation should proceed. Use relevant answers to guide enquiry, while allowing for what the original questionnaire did not reveal.

A self-completed assessment cannot establish the other participant's wishes or the safety of a joint meeting. The document expressly preserves the need for separate professional screening. It is an educational resource, not a clinical risk instrument, a finding about either person, or a prediction of settlement success.

Keep a proportionate record of the decision

Consider recording when the check occurred, the process concern identified, the step chosen, and any condition for resuming. Distinguish a participant's report from the mediator's observation or judgment. For example, "requested time for independent advice; substantive negotiations adjourned" is more precise than "not cooperative."

Follow the confidentiality, access, retention, and reporting rules applicable to the file. A useful process record need not reproduce every sensitive disclosure. Decide what belongs in a confidential record and what may appropriately be communicated to others. Administrative emails and scheduling messages should not inadvertently reveal the reason for a private reassessment.

Take care when mediation and arbitration are combined

For practitioners who also arbitrate, the decision to pause or end mediation raises a separate question about the next procedural step. This article does not authorize a switch of roles or determine what an existing mediation-arbitration agreement requires. Obtain the necessary advice and apply the governing agreement, law, and professional rules. A mediation concern does not itself answer whether arbitration is available or how it should proceed.

Make continuation a considered decision

The strongest reason to reassess after a break is simple: the mediator is about to act on an assumption about the participants. A focused conversation gives that assumption a current basis. Sometimes it supports continuing with confidence. Sometimes it identifies a change that makes participation possible. Sometimes the responsible result is to stop.

When a participant returns to the room, the next item on the agenda can wait long enough to establish whether the conversation should continue. That attention is part of the work of mediation.

Sources and scope

This article offers an original practice framework informed by the sources below. The six prompts have not been clinically or statistically validated, and no claim is made that this particular framework improves settlement rates or predicts safety. The cited organizations have not endorsed this resource. General educational information does not replace professional training, required screening, or independent legal advice.

The discussion focuses on family mediation in Canada. Professional obligations and legal requirements vary by jurisdiction and role. Justice Canada's HELP Toolkit is addressed to legal advisers; its guidance is used here for relevant principles of continuing enquiry and safe communication, not as a declaration of the duties of every mediator. Article sources checked 28 October 2026.

1 Ontario Association for Family Mediation

Policy on Intimate Partner Violence and Power Imbalances. Revision dated 15 September 2025. Sections E, G and H support continuing screening, process reassessment, and care in termination.

Read the OAFM policy

2 Department of Justice Canada

HELP Toolkit: Identifying and Responding to Family Violence for Family Law Legal Advisers. HELP Guide, introduction and section P.1. Supports revisiting concerns as circumstances or disclosures change.

Read the HELP Guide

3 Department of Justice Canada

HELP Toolkit, Tab 6: Tips for Discussions with Your Client. Supports attention to privacy and safe communication, including remote meetings.

Read the communication guidance

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Attached assessment

The companion PDF includes the complete 23-page Family Dispute Resolution Assessment, Version 1, dated 26 October 2026. Its original pagination and content are retained, with a copyright footer added. Assessment pages 1 to 17 are public guidance and questions; pages 18 to 21 are the website implementation appendix; pages 22 to 23 contain reference and scope notes. The attachment is not evidence that an online assessment has been installed or published.

Family Dispute Resolution Assessment

Choosing mediation, negotiation, collaborative practice, arbitration or court

Prepared for ConsideredMediation.com
Canadian edition • Version 1 • 26 October 2026

A family dispute does not have to be resolved in only one way. You may reach an agreement yourselves, use professional help to negotiate, or ask a judge or arbitrator to decide an unresolved issue. The right next step depends on safety, legal urgency, access to information and each person's ability to make an informed choice.

This assessment helps you identify a sensible next conversation. It cannot determine conclusively that mediation is safe, that you should litigate, or what legal result you should receive. A trained professional must assess suitability separately with each participant.

Two ways of reaching an outcome

By agreement: negotiation, mediation and collaborative practice. The people involved decide whether to accept a settlement. A mediator can help, but does not impose the result.

By third party determination: court adjudication or arbitration. A judge or arbitrator decides issues within their legal authority. The decision can bind the parties even when one disagrees with it.

These categories describe who decides. They are not moral rankings. Using court protection or seeking an adjudicated decision can be responsible and necessary. Choosing cooperation does not require friendship, reconciliation or surrendering legal rights.

What this document contains

- A comparison of the five principal processes and important combinations.
- A 60-question assessment, including optional parenting and arbitration sections.
- Six possible next-step results, with safeguards and practical preparation guidance.
- A separate website implementation appendix with routing rules, privacy requirements, example checks and sources.

For visitors: use the public assessment and guidance. **For the website owner:** use the implementation appendix to turn the content into a guided online experience. This document prepares the content; it does not install or publish the assessment.

General legal information, not legal advice, a psychological evaluation or a validated family-violence risk instrument. No lawyer-client relationship is created. Get independent legal advice where you live. If anyone is in immediate danger in Canada, call 911 if it is safe to do so.

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PUBLIC ASSESSMENT

Who decides the outcome

Question	Resolution by agreement	Decision by a third party
Processes	Negotiation, mediation, collaborative practice.	Court adjudication and arbitration.
Decision maker	The parties choose whether to agree. A professional can facilitate or advise.	A judge or arbitrator decides disputed issues within their authority.
What is required	Enough information, meaningful consent and a process in which each person can participate.	A fair legal process, evidence, jurisdiction and an opportunity to respond.
If someone disagrees	An unresolved issue remains unresolved. No mediator can force a settlement.	A valid order or award can bind a party who disagrees, subject to applicable review or appeal rules.
If someone refuses to take part	Settlement may not be possible. Advice about other steps may be needed.	Court may proceed after proper notice. Arbitration depends on a valid legal basis, usually an enforceable agreement.
Possible next step	Record terms clearly, obtain legal advice and complete the legal formalities.	Understand the decision, compliance duties, enforcement and any strict challenge deadlines.

A third person may assist without deciding. The presence of a mediator does not put mediation in the adjudication category. Conversely, arbitration remains adjudication even though it takes place outside a public courtroom. [1]

The categories can work together

You can negotiate while a court case is underway, settle some issues and arbitrate others, or seek an interim order before discussing a longer-term arrangement. A court can approve agreed terms without conducting a contested trial. Starting court proceedings does not require every issue to go to trial.

Consider what is appropriate **for each issue, at this stage**. A Christmas schedule, business valuation and urgent protection concern may require different steps.

Under section 7.3 of Canada's Divorce Act, parties to a proceeding must try family dispute resolution to the extent appropriate. This is not an unconditional duty to mediate or to accept an agreement. Provincial rules, exemptions and court orders also matter. [2]

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Understanding the five processes

Negotiation

The parties exchange proposals directly or through their lawyers. It may suit a defined issue when information is available and communication is safe. Lawyer-assisted negotiation can reduce direct contact. It can also help identify a legal disagreement before deciding whether a mediator would add value.

Mediation

An impartial mediator structures discussion and helps the parties explore solutions. Considered Mediation's facilitative approach leaves settlement decisions with the participants. Each person may obtain their own legal advice; the mediator does not act as either person's lawyer. Joint meetings, separate discussions and remote sessions are possible formats, subject to suitability. [1]

Collaborative practice

Each person has their own collaborative lawyer and signs a participation agreement committing to a settlement process. Other professionals may assist. This is more than simply behaving cooperatively. In the usual collaborative model, the lawyers withdraw if the process ends and the matter goes to litigation; understand the agreement and replacement-counsel costs before choosing it. [8]

Arbitration

A private arbitrator hears the dispute and decides the issues that can lawfully be referred to them. Availability, consent, screening, legal advice, enforcement and review requirements differ by province and issue. Fees include the arbitrator and any lawyers or experts. Arbitration is not automatically cheaper, faster or safer than court, and it cannot grant a divorce. Do not assume you can withdraw after entering a binding arbitration agreement. [1, 9]

Court litigation

A judge can determine disputed rights and grant remedies within the court's jurisdiction, including appropriate interim and enforcement orders. Court may be necessary when protection, compulsory steps or a binding decision cannot otherwise be obtained. Procedures, evidence requirements, expense and delay depend on the case. Safety planning can still be necessary in litigation. [4, 7]

Related processes

Mediation-arbitration: mediation is followed, if necessary, by adjudication under an agreed and legally valid framework. The same person may change roles where permitted. Obtain advice about consent, private information, fairness and the transition before agreeing; ordinary mediation does not automatically become arbitration.

Parenting coordination: assistance implementing an existing parenting arrangement. Depending on the jurisdiction and mandate, a coordinator may help agreement and make limited determinations. It is not a substitute for court protection or a general power to rewrite parenting orders. [1]

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Before you answer

Choose a private and safe setting

Complete this on your own. Do not complete it beside the other party or ask a child to answer for you. If someone may monitor your device, account, email or downloads, consider using a safer device or asking a professional for a private conversation. A quick-exit button does not erase browsing history or monitoring records.

Is it safe for you to answer personal questions on this device?
[ ] Yes [ ] No [ ] Unsure [ ] I only want to read the general guide

If No or Unsure, stop the personal questionnaire. You may still read general information if safe. Do not save, print or email answers if that could expose you to risk.

Choose the issues you need help with

[ ] Parenting or child-related decisions [ ] Child support
[ ] Spousal or partner support [ ] Property or debt
[ ] Existing order or agreement [ ] Other family issue
[ ] Unsure

Province or territory: _____
Is a court case already underway? [ ] Yes [ ] No [ ] Unsure
Are there court dates, deadlines or an existing arbitration agreement?
[ ] Yes [ ] No [ ] Unsure

How to use the questions

- Answer from your own knowledge. Do not guess the other person's views. "Unsure" is a useful answer.
- For concerns, choose Yes, No, Unsure or Prefer to discuss privately. For readiness statements, choose Yes, Partly, No, Unsure or Discuss privately.
- Use N/A only where offered and genuinely applicable. Skip the parenting section if there are no child-related issues. Skip the financial section only if no financial issue is involved.
- There is no total score or pass mark. Safety concerns and legal urgency take priority over all positive answers.
- You can stop at any time. A skipped question does not mean there is no concern. The questionnaire does not replace separate professional screening.

There are 46 main questions, including the financial section, plus 8 parenting questions and 6 optional arbitration questions. Take the time you need. You do not have to complete all sections before seeking help.

Do not wait for this assessment or a mediation appointment if a deadline, protection issue or immediate safety concern needs attention. A mediation inquiry does not pause court proceedings or legal time limits.

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SECTION U • ANSWER FIRST

Urgency and immediate protection

These questions identify reasons to seek safety support or legal advice before relying on ordinary settlement discussions. A Yes does not establish that a court application will succeed. [4, 7]

U1 Is anyone in immediate danger, or is urgent police, medical or child-protection help needed now?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

U2 Is there a current or threatened removal, concealment or non-return of a child, or a planned relocation requiring prompt legal advice?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

U3 Is there a risk that money, property or important evidence will be hidden, transferred, destroyed or otherwise lost before ordinary discussions can occur?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

U4 Are urgent arrangements needed for housing, basic living expenses, support, essential treatment or care that cannot safely wait?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

U5 Is there an approaching court date, filing or limitation deadline, expiring protection order, or unanswered legal document requiring prompt attention?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

U6 Is there a protection order, no-contact condition, bail condition, child-protection proceeding or other restriction that could affect whether or how you can communicate?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

U1 Yes: stop and use Result A. **Any other Yes, Unsure or private-discussion answer in this section:** use Result B before choosing an ordinary mediation appointment. An unanswered urgency question must not produce a reassuring result.

Do not contact the other party in breach of an order. A private agreement to mediate does not override contact restrictions. Explain any restriction privately to your lawyer and the proposed mediator before arrangements are made.

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SECTION S • PRIVATE RESPONSES

Safety and freedom from pressure

Think about past behaviour that still affects you as well as current events. No diagnosis or proof is required to raise a concern. Answer about conduct affecting you or anyone else, including conduct you are concerned you may engage in. [4, 5]

S1 Has there been physical or sexual violence, confinement, choking or strangulation, or a threat involving a weapon?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

S2 Do you fear consequences for disagreeing, asking for information, obtaining advice or refusing a proposal?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

S3 Does anyone monitor, stalk, track, harass or repeatedly contact the other person against their wishes?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

S4 Does anyone control access to money, housing, transport, identity documents, employment, health care or legal help?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

S5 Has anyone threatened children, pets, property, immigration status, reputation, or harm to themselves or someone else to obtain compliance?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

S6 Would you agree to something mainly to avoid punishment, retaliation, intimidation or further contact?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

S7 Could someone overhear, coach, record or pressure you during an online session, or retaliate after it ends?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

S8 Have children experienced, witnessed or been exposed to violence, threats, coercion or frightening conflict?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

S9 Have negotiations or legal processes been used to exhaust, punish, control or repeatedly distress someone?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

S10 Are you worried that either person cannot safely pause the discussion, leave, obtain help or decline a proposed settlement?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

Any Yes, Unsure or private-discussion answer: use Result C, unless Result A or B applies first. Do not arrange a joint session from this result. Separate rooms or video calls alone cannot establish safety.

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SECTION P

Willingness and informed participation

Agreement on the outcome is not required at the outset. A workable process does require enough willingness to consider proposals and respect each person's choices. Answer only for what you actually know.

P1 I am willing to explore a negotiated outcome without being required to accept a particular proposal.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

P2 The other person has indicated a willingness to explore a negotiated outcome, rather than merely attending to demand acceptance.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

P3 I understand that I may decline a settlement and can obtain advice about the consequences of doing so.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

P4 I can obtain independent legal advice and have enough time to understand proposed terms before deciding.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

P5 We can each identify the issues and consider more than one lawful way of addressing them.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

P6 We can each consider relevant information and revise an initial proposal when there is a sound reason to do so.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

P7 We can each follow reasonable arrangements for documents, appointments, respectful conduct and a realistic timetable.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

P8 We understand that the mediator is impartial, does not represent either of us and cannot decide who wins.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

How to read this section

A Partly, No or Unsure answer identifies something to clarify in preparation or individual intake. It does not label someone unreasonable. A clear and continuing refusal to negotiate belongs in D2; it may make a decision process necessary.

Feeling hurt, angry, distrustful or uncomfortable does not automatically rule out mediation. Equally, speaking calmly does not demonstrate free consent. Where willingness is affected by fear or pressure, return to Section S.

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SECTION F • IF FINANCIAL ISSUES ARE INVOLVED

Financial information and legal understanding

Use this section for support, property, debt or financial terms. A plan to obtain information can be discussed before everything is available, but final financial decisions require an adequate basis. [6]

F1 I have, or can obtain, the financial information needed to understand the matters being negotiated.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

F2 Both people are prepared to provide relevant, complete and current financial disclosure and explain any gaps.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

F3 We can identify income sources, assets, debts and important financial obligations relevant to the issues.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

F4 There is a workable way to check disputed figures, seek missing records and address concerns about hidden income or assets.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

F5 Where businesses, pensions, trusts, tax, foreign assets or complex debts are involved, suitable independent professional input can be obtained.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately [ ] N/A

F6 Where values or income figures are disputed, there is a workable plan for reliable valuations, calculations or expert opinions.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately [ ] N/A

F7 I can obtain advice about the legal effect of the financial proposals, including support rights, property claims and any important deadlines.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

F8 I will have time and support to compare proposals, understand ongoing costs and consider whether the arrangements are financially workable.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

Information gaps and refusal are different

An unavailable document may call for preparation. Persistent refusal to provide essential information may require legal steps: answer D3 as well. A mediator cannot guarantee that all assets have been identified.

Support calculations are only part of the discussion. Applicable law, entitlement where relevant, reliable income information and the circumstances still need examination. Do not treat an online estimate as a final legal answer.

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SECTION C

Ability to participate and communicate

The question is whether you can participate meaningfully with appropriate support. A disability, diagnosis, language difference or need for assistance does not automatically make mediation unsuitable.

C1 I can understand the issues, retain enough information and communicate my own choices, with appropriate assistance if needed.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

C2 I can read and understand the documents, or have access to a suitable independent interpreter or other communication support.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

C3 I can ask questions and identify misunderstandings without being rushed, mocked or silenced.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

C4 I can consider proposals without intoxication, withdrawal, acute distress, exhaustion or another current difficulty preventing meaningful participation.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

C5 With suitable ground rules and breaks, I can stay engaged long enough to understand and respond to a discussion.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

C6 A safe and accessible meeting format can be arranged, including private space and reliable technology if sessions are remote.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

C7 Any need for shorter sessions, a support person, disability accommodation, cultural support or trauma-informed assistance can be discussed privately.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

C8 A fair arrangement can be made for professional fees, legal advice and any expert costs without financial pressure controlling my decisions.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

Support should improve participation

Ask for what would help you understand and decide. A supporter should not substitute their wishes for yours. Children should not be used as interpreters. If understanding or free choice cannot be supported adequately, obtain legal advice before negotiating substantive terms.

A No about affordability does not mean litigation will be affordable. Ask about public or subsidized mediation, legal aid, limited-scope legal help and court information services. Availability and eligibility vary.

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SECTION K • IF CHILD RELATED ISSUES ARE INVOLVED

Children and parenting arrangements

Use this section for parenting and other child-related disputes. Under the Divorce Act, a child's best interests govern parenting decisions, with primary consideration to safety, security and well-being. There is no automatic equal-time outcome. [3]

K1 I can consider the children's safety and individual needs separately from my disagreement with the other adult.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

K2 We can identify relevant routines, schooling, health needs, disabilities, relationships, culture and practical care arrangements.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

K3 Any concern about abuse, neglect, unsafe care, substance use or a child's fear can be raised privately and addressed before ordinary parenting negotiations.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

K4 We are willing to consider each child's views in an appropriate way without asking the child to choose sides or negotiate for us.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

K5 We can discuss practical arrangements for exchanges, communication, holidays, decisions and disagreements without using the children as messengers.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

K6 We understand that parenting arrangements and child support must meet legal requirements and the children's needs, rather than serve as bargaining threats.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

K7 We can distinguish everyday parenting disagreements from matters requiring independent assessment, protection or a court decision.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

K8 There is a workable way to document arrangements, review changes and address future disagreements while respecting existing orders.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

When this section needs a different next step

If K3 is anything other than Yes, use Result C for private screening; any actual urgency still takes priority. A Yes to K3 means only that concerns can be raised, not that no concerns exist. Disclosed safety concerns must still be captured in Section S.

A child's resistance to contact should not be automatically labelled manipulation or alienation. Discuss the circumstances with an appropriately qualified professional. A child is not responsible for deciding which adult is right.

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SECTION D

When a decision or legal intervention may be needed

These questions help distinguish a preparation problem from a dispute that may require adjudication. They are not a finding of fault, credibility or misconduct.

D1 Does an essential issue remain unresolved after an informed, supported settlement attempt that had a reasonable opportunity to succeed?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

D2 Has someone clearly and consistently refused any meaningful settlement process after a reasonable opportunity to consider one?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

D3 Has someone persistently refused essential financial disclosure or verification despite reasonable requests and an opportunity to provide it?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

D4 Are there repeated breaches of an order or agreement, or a need for enforcement that voluntary promises have not addressed?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

D5 Does a proposed outcome depend on a court-only remedy or the rights or consent of someone outside the dispute, such as a lender, trustee or child-protection authority?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

D6 After understanding the alternatives, do you prefer that a judge or legally authorized arbitrator make a binding decision on an unresolved issue?
[ ] Yes [ ] No [ ] Unsure [ ] Prefer to discuss privately

D1, D2, D3, D4 or D6 Yes: Result F may apply, subject to safety and urgency taking priority. **D5 Yes or uncertain:** Result B applies so the legal authority or third-party issue can be clarified. Unsure answers on the other D questions call for individual advice or preparation, not an automatic direction to litigate.

Examples of potentially court-only needs include obtaining a divorce or seeking particular protective remedies. A separation agreement cannot, by itself, require a lender to release someone from a mortgage or joint debt. Get advice about the steps actually required.

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SECTION A • OPTIONAL FOLLOW UP

Considering arbitration

Complete this only if you are considering a private decision maker. It does not apply automatically whenever mediation is unsuitable. Arbitration needs its own legal and suitability assessment.

A1 A qualified legal adviser has confirmed that arbitration is available for these issues in the relevant jurisdiction.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

A2 Each person has had advice about consent and any existing arbitration clause, and there is or can be a valid basis for arbitration.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

A3 Each person understands the binding nature of the award, any limits on withdrawal, and the applicable appeal or review rights and deadlines.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

A4 Appropriate separate safety and power-imbalance screening has been completed, and any necessary safeguards can actually be provided.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

A5 The arbitrator's independence, qualifications, scope of authority, process, fees and arrangements for legal representation have been considered.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

A6 A workable plan exists for disclosure, evidence, witnesses, interim needs, enforcement and any steps that still require a court.
[ ] Yes [ ] Partly [ ] No [ ] Unsure [ ] Discuss privately

How to read this section

All Yes answers support discussing arbitration further with your lawyer and the proposed arbitrator. They do not approve an appointment or guarantee enforceability. Any other answer requires further advice or preparation. Do not infer that court is automatically the only alternative.

If a binding arbitration clause or order already exists, get advice before assuming either person can refuse or abandon that process. This questionnaire cannot determine whether the clause is valid or applicable.

Arbitration rules vary substantially. For example, Ontario has specific family-arbitration safeguards, including independent legal advice and screening. Do not assume an Ontario requirement is the rule everywhere. [9]

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Results when safety or legal urgency comes first

More than one result can apply. Address the most pressing need first and keep the other issues for professional follow-up. The letters below identify routes, not scores or diagnoses.

Result A Immediate help may be needed

Your answer indicates possible immediate danger or a need for urgent protective assistance. Stop the assessment. If anyone is in immediate danger in Canada, call 911 if it is safe to do so, or use a safe way to reach emergency help. Do not wait for a mediation response.

An ordinary mediation appointment cannot provide emergency protection. Once immediate needs have been addressed, seek individual legal advice and appropriate safety support. Do not alert the other party through this assessment.

Result B Obtain legal advice before choosing the process

A deadline, existing restriction, urgent practical issue or question of legal authority needs attention. Contact a family lawyer promptly and identify the date or concern. The lawyer can assess whether interim relief, protective steps, a response to proceedings, or another legal measure is required. This result does not itself establish legal urgency or entitlement to an order.

Keep complying with applicable orders and preserve deadlines. Mediation may be possible for some matters after the immediate issue is addressed. If safety concerns also exist, arrange private screening and safety support as well. [4, 7]

Result C Separate professional screening is needed

Your responses raise a concern or leave something important unknown about safety, pressure or meaningful choice. Before arranging a joint discussion, speak privately with a mediator trained in family violence and power imbalances, and obtain independent legal advice. A specialist family-violence service may also help with safety planning.

You do not need to prove abuse to request a safer intake process. A qualified professional must consider whether suitable safeguards can be maintained before, during and after sessions. Some situations may permit a specialized process; others may be unsuitable for mediation. You should not be pressured to mediate. [5]

Separate rooms, remote meetings, a calm presentation or an agreement to attend do not, by themselves, establish safety. This result does not conclude that violence occurred or that either person is at fault.

Possible next actions: seek emergency help if needed; obtain individual legal advice; request a safe private screening conversation. Use a contact method that is safe for you.

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Results for preparation and process choice

Result D Preparation or additional support is needed

One or more conditions for informed participation need clarification. Possible next steps include obtaining documents, legal advice, an interpreter, a valuation, a more accessible format, a safe private space or a realistic plan for fees. The other person's willingness may also be unknown.

An individual intake or a limited discussion about process may help. It is too early for this assessment to suggest readiness for substantive settlement. Set a reasonable preparation plan and review the process if the problem persists. If the barrier is fear, coercion or urgent harm, use the earlier safety or legal route.

Result E A cooperative process may be worth exploring

Your answers identify no unresolved threshold concern and suggest the basic conditions for discussing a cooperative process may be present. This is preliminary and based only on what you reported. Each participant still needs separate screening, and suitability must be reconsidered as circumstances change.

Consider negotiation for a defined issue where safe communication is possible; mediation when an impartial professional would help structure the discussion; or collaborative practice when both want their own lawyers within a formal settlement framework. Obtain independent legal advice before making binding commitments.

Suggested website action: Request a separate intake conversation. An inquiry does not confirm suitability, availability or an engagement.

Result F Discuss a binding decision or court assistance

Your answers suggest that an essential issue may need adjudication or that voluntary arrangements may not be sufficient. A lawyer can help you compare court, arbitration where legally available, enforcement procedures and any narrower steps that could resolve the barrier.

You may still settle other issues. Arbitration needs its own valid legal basis and screening; it is not the default answer to unsafe mediation. Court can be necessary and appropriate. A court application also requires attention to procedure, evidence, proportionality and safety.

An incomplete result is not reassurance

"Unsure," "prefer to discuss privately," skipped answers and conflicting responses should lead to clarification. They must never be silently treated as "no concern" or used to produce a "safe for mediation" certificate.

This assessment has no success percentage, litigation-risk rating or validated suitability score. Its purpose is to identify issues and appropriate next conversations.

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Matching the process to the actual problem

What needs attention	A possible next step	What must be checked
A few defined issues and safe communication	Direct or lawyer-assisted negotiation.	Legal information, disclosure and enforceable wording.
Both want agreement but discussions stall	Mediation after separate intake.	Meaningful consent and a workable meeting structure.
Both want an organized settlement team with their own lawyers	Collaborative practice.	Participation agreement, professional roles and withdrawal consequences.
Information or valuations are incomplete	Preparation, expert input or a disclosure-focused process.	Whether the gap is remediable or reflects persistent refusal.
An essential issue remains at impasse	Legal advice about arbitration or court.	Jurisdiction, consent, costs, evidence and procedural requirements.
Protection, preservation or enforceable action is needed	Prompt legal advice about court or other authorized procedures.	Actual urgency, available remedies, service and safety planning.
A parenting order needs day-to-day implementation support	Advice about focused mediation or parenting coordination.	Existing mandate and legal limits; safety and suitability.

Possible mediation arrangements to discuss

Depending on the professional assessment, arrangements may include separate intake, lawyer attendance, shuttle discussions, shorter sessions, breaks, written agendas, interpretation, disability accommodations and a controlled exchange of documents. Participants should understand how any private information may be shared.

These arrangements are options to assess, not proof that mediation is appropriate. An unsafe process should be stopped or declined. Repeated delay, new threats, pressure to settle or significant undisclosed information require reassessment.

A limited first step

If suitable, begin with a defined objective: identify missing documents, address one holiday schedule, or explore one disputed issue. Agree how progress will be reviewed, who obtains legal advice and what happens if the process stalls. Do not agree to a timetable that jeopardizes legal rights.

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Questions people often ask

Do we need to get along or trust each other

No. You need a process that enables informed and voluntary decisions despite the disagreement. Documents, legal advice, clear boundaries and professional assistance can help. Fear and coercive control need separate assessment; they should not be dismissed as ordinary communication problems.

Does being willing to mediate mean I must compromise every issue

No. You may maintain a position, reject an unlawful or unworkable proposal and decline settlement. A duty to attend or attempt a process is different from a duty to agree. Obtain advice about any court direction and the consequences of how you participate.

Do we have to be in the same room

Not necessarily. Ask about separate discussions or remote sessions. The format must be assessed for your circumstances, including monitoring, pressure and what happens after the session. Never assume an online meeting resolves a safety concern.

Is mediation confidential

Do not assume absolute secrecy. The governing law and agreement may provide confidentiality and settlement protections, with exceptions and reporting obligations. Ask what is recorded, retained, disclosed or reported, and how private intake information is handled, before sharing sensitive details.

Is an agreement reached in mediation legally binding

Its legal effect depends on the wording, governing law and circumstances. A discussion summary, memorandum, signed settlement and consent order are different documents. Have your own legal adviser explain when a commitment becomes binding, what formalities apply and whether court approval or an order is needed. Do not assume every mediation document is either automatically binding or automatically non-binding.

Can mediation continue after court proceedings have started

Often, yes, if suitable and consistent with court directions. Parties can resolve all or part of a case. Filing, service and other deadlines continue unless properly changed. A pending mediation appointment does not itself stay a proceeding.

Is mediation always cheaper or better for children

No process guarantees a lower cost or a better outcome. Preparation, complexity, cooperation, professional fees and safety all matter. Children’s needs should guide the discussion. Child support is a child’s legal right and should not be traded for parenting concessions. [3, 10]

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Preparing for a private intake conversation

Bring an issue list and important dates

Identify what is agreed, what remains disputed and what needs attention first. Note existing orders, agreements, proceedings and deadlines. Tell the professional privately if contact restrictions or safety concerns affect how they may communicate with you.

Prepare the documents relevant to the scope

- For parenting: the current order or plan, practical schedules and relevant school or care information.
- For support: relevant tax returns, notices of assessment, current income information, benefit information and child-related expenses. The exact disclosure needed depends on the law and circumstances. [6]
- For property and debt: an asset and liability list, ownership documents, account statements, mortgage information and available valuations.
- For complex issues: identify possible pension, tax, business, trust, bankruptcy, immigration, cross-border or Indigenous-law considerations for qualified advice.

Ask the professional

- What is your training and experience with family disputes and safety screening? How do you assess each person separately?
- Who is your client, what is your role and what can you not do? Is there any conflict of interest?
- What are the fees for intake, sessions, preparation, document review and cancellation? How are fees shared?
- What happens if someone feels pressured, needs a break, withholds documents or stops participating?
- What confidentiality rules and exceptions apply? What will be recorded or shared, and with whom?
- Can lawyers, interpreters, support people or specialists participate?
- How will agreed and unresolved issues be recorded? What legal advice and formal steps come before implementation?

A safe enquiry to Considered Mediation

You may begin with your province, the general type of dispute and any important deadline. Ask how to arrange a private intake and safe contact method. Avoid sending sensitive evidence, detailed allegations or financial records through an ordinary initial enquiry. Wait for appropriate arrangements.

The role at intake is to assess whether a suitable process can be offered and what preparation is needed. Availability, qualifications for the particular work, scope and fees must be confirmed. This assessment does not offer arbitration or parenting coordination appointments.

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IMPLEMENTATION APPENDIX • FOR THE WEBSITE OWNER

Website structure and result rules

The preceding pages supply public content. The following pages specify proposed behaviour for an interactive assessment. These features and privacy controls must be implemented and checked before the site describes them as operating.

Entry point and flow

Suggested page title: **Mediation or Court**. Subtitle: **Find the next step for your family dispute**. Suggested navigation label: **Is mediation right for us**. Explain the two decision models before asking personal questions. Offer “Start the assessment” and “Read about the options.”

Sequence: safe-device check; scope and province; U; S; P; F if relevant; C; K if relevant; D; preliminary result. Offer A only as an optional arbitration follow-up. Users can stop, go back or seek help without completing everything.

Apply rules in this order

Order	Condition	Response
0	Device safety is anything other than Yes.	Stop personal questions. Show general information and safe-help options.
1	U1 is Yes.	A. Stop. Immediate-help information comes first.
2	Any U item is Yes, Unsure, private or skipped; or D5 is not No.	B. Legal advice first. Retain safety flags for follow-up.
3	Any S item is not No; or applicable K3 is not Yes.	C. Private professional screening; no joint booking.
4	Any of D1-D4 or D6 is Yes.	F. Discuss adjudication or legal assistance.
5	Any applicable P, F, C or K item is not Yes; or D1-D4/D6 is unsure, private or skipped.	D. Clarify and prepare. Accept N/A only under the stated rules.
6	U and S all No; D all No; applicable readiness items all Yes or valid N/A.	E. Explore a cooperative process, subject to separate professional screening.

A higher-priority route must remain visible even if a later answer is positive. Keep secondary concerns available for private follow-up; do not collapse a mixed result into a simple green indicator. If a higher-priority route ends the questionnaire early, later sections need not be completed.

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IMPLEMENTATION APPENDIX

Routing details and professional review

Define missing and inapplicable answers

An empty answer is missing, not No. “Prefer to discuss privately” means unresolved. Do not require an explanation in a free-text field. Ask the person to use a private conversation, and do not infer an allegation from their choice.

F may be skipped only when no financial matter is in scope. Within F, N/A is permitted only for F5 where no specialist complexity is relevant, and F6 where no disputed valuation or calculation exists. K may be skipped only when no child-related matter is in scope. A is optional and is never required to obtain a mediation result.

If scope itself is unclear, ask for clarification or return D; do not silently skip sections. A user can also read the general guide without receiving a personal result.

Arbitration follow up

A1-A6 all Yes means “Discuss arbitration with your legal adviser and proposed arbitrator.” Any other response means “Further advice or preparation is needed before arbitration can be considered.” A must never override A, B or C safety and legal result routes; in code, use distinct names such as question_A1 and result_A to avoid confusion.

Ask whether an arbitration agreement already exists before suggesting a new process. Do not automatically send a reluctant party to a new arbitrator, declare an existing clause invalid, or represent that every family issue can be arbitrated in every province.

Keep the result proportionate

Results describe the respondent’s reported circumstances only. They do not assess the absent person, determine truth, certify cooperation, predict litigation outcomes or recommend a particular settlement. Do not compare parties’ answers automatically or send either person the other’s responses.

Do not use a total score, success percentage or red-amber-green suitability meter. The framework is an original educational design informed by the sources below, not an adaptation of a validated instrument and not endorsed by the cited organizations.

Professional responsibility

Before launch, have a qualified family-law practitioner and a professional experienced in family-violence screening review the public wording, jurisdiction notes, referral routes and result rules. This is substantive review of an assessment that may influence important choices, not a claim that a disclaimer removes liability.

Use a recognized professional screening method in actual intake where appropriate to training, licensing and local standards. This public questionnaire does not replace that method. Reassess suitability when circumstances change. Set an owner and review date for content maintenance.

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IMPLEMENTATION APPENDIX

Privacy accessibility and contact safeguards

Collect as little as possible

Recommended default: calculate the preliminary result in the visitor's browser without transmitting or retaining answers. Do not collect names, the other party's details, children's identities, documents or narrative allegations in the public assessment. Keep any optional enquiry separate from the questionnaire.

Do not claim "anonymous" or "nothing is stored" until the actual implementation has been checked, including server logs, analytics, error reports, browser storage and third-party scripts. Ordinary access logs may still reveal a page visit even if answer data is not collected.

Avoid accidental disclosure

- Do not place answers or result labels in page URLs, analytics events, notifications or email subject lines.
- Exclude the assessment from session replay, advertising pixels, keystroke capture and third-party chat tools that could receive answers.
- Avoid automatic saving, email receipts, calendar invitations, reminders or downloads.
- Offer an explicit, optional print or download action only after warning that the file may be accessible to others on the device. Default to a general next-step summary without sensitive answers.
- Keep browser storage off by default. If saving is later introduced, require a separate explanation and choice.
- Use a clear Exit button. Explain that it changes the visible page but cannot erase device history or monitoring. Test Back, refresh and restored-tab behaviour.

Make private contact genuinely separate

If an enquiry form is used, ask how and when contact is safe, whether voicemail or email is permitted, and what neutral identifying wording may be used. Do not invite the other party automatically. Collect only what is necessary to arrange an intake, under a verified privacy and retention policy.

The assessment result must be available without providing an email address, agreeing to marketing, paying, or booking. For A-C, present help, legal-advice and private-screening routes before ordinary service promotion.

Build for mobile and accessibility

Use one question or a short coherent group per screen, plain response labels, large selection targets, keyboard navigation, screen-reader field labels and a progress indicator that accommodates skipped modules. Use text as well as colour. Preserve the right to skip a sensitive question and obtain an unresolved result. Test with a narrow phone screen and enlarged text.

Place jurisdiction and general-information limits near the start and with the result. Keep explanations available without overwhelming every question. Translation should receive competent human review before launch.

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IMPLEMENTATION APPENDIX

Example checks before launching

These are hypothetical checks of the proposed rules. They are not clinical validation or evidence that software has been built or tested. For each scenario, assume other relevant answers would otherwise permit Result E.

Example response pattern	Expected result
U1 Yes; every other answer positive.	A. Stop. Positive readiness cannot override immediate danger.
U5 Yes because a response deadline is approaching.	B. Advice about the deadline before routine booking.
U6 Yes because a no-contact order exists.	B. No automatic joint invitation or contact.
S2 Yes; respondent otherwise eager to settle.	C. Private screening; willingness does not cancel fear.
S1 Prefer to discuss privately; no other concern disclosed.	C. Treat as unresolved, without inferring a finding of abuse.
P2 Unsure about the other party's willingness.	D. Clarify willingness; no assumption of refusal.
F2 Partly; no persistent refusal identified.	D. Prepare disclosure before final financial negotiation.
D3 Yes after persistent refusal of essential disclosure.	F, unless an earlier safety or urgent route applies.
K3 No or Unsure; U and S otherwise No.	C. Private screening of the child-related concern.
No financial or child-related issue in scope; all applicable answers satisfactory.	E. Validly skip F and K; separate professional intake still required.
D5 Yes because implementation needs lender consent.	B. Clarify third-party rights; no promise to bind the lender.
U and S all No; D all No; applicable readiness all Yes or permitted N/A.	E. Preliminary invitation to explore cooperation, not clearance.
D1 Yes and S9 Yes.	C first; retain the adjudication issue for private advice.
A1 No or Unsure after Result F.	No arbitration recommendation; further legal advice.
A sensitive answer is omitted or cleared by the user.	Recompute as unresolved; never retain a previous reassuring result.
Device safety No or Unsure.	Stop personal questions without collecting contact details.

Also check every branch after changing an earlier answer, restarting, navigating back, switching issue scope or selecting N/A. A privacy or accessibility failure is a launch defect even if the result rules work correctly.

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REFERENCE NOTES

Sources and legal scope

Sources were checked on 26 October 2026. Numbered references support the legal and professional principles, not the validity of the original questions or routing design. The assessment is Canadian general information, with an Alberta context; it is not a complete survey of every province or territory.

[1] Department of Justice Canada. Family dispute resolution: resolving family law issues out of court.

https://www.justice.gc.ca/eng/fl-df/fsfdr-firdf.html

Process definitions, party decision-making, mixed processes and parenting coordination.

[2] Parliament of Canada. Divorce Act, section 7.3.

https://laws-lois.justice.gc.ca/eng/acts/D-3.4/section-7.3.html

Attempting family dispute resolution only to the extent appropriate. Official consolidation displayed as current to 30 September 2026.

[3] Parliament of Canada. Divorce Act, section 16.

https://laws-lois.justice.gc.ca/eng/acts/D-3.4/section-16.html

Best interests, safety, family violence and children's views. Official consolidation displayed as current to 30 September 2026.

[4] Department of Justice Canada. HELP Toolkit, Legal Response Guide.

https://www.justice.gc.ca/eng/fl-df/help-aide/guide.html

Interim remedies, preservation, family dispute resolution and litigation abuse; especially LR.1 and LR.2.

[5] Ontario Association for Family Mediation. Policy on Intimate Partner Violence and Power Imbalances.

https://www.oafm.on.ca/about/standards/policy-on-intimate-partner-violence-and-power-imbalances/

Professional screening and process suitability; sections D-H. Policy states revision 15 September 2025. An association standard, not a Canada-wide statute.

[6] Department of Justice Canada. Income Disclosure for Child Support Purposes.

https://www.justice.gc.ca/eng/fl-df/fact2-fiches2.html

Complete, current financial information and consequences of non-disclosure under the applicable guidelines.

[7] Court of King's Bench of Alberta. Family Focused Protocol and Urgent Application Process.

https://albertacourts.ca/kb/areas-of-law/family/family-focused-protocol

November 2026 Guide, pp. 26–29 and 45–49: identify the court process, ADR timing and any parenting-related disclosure. For waivers or deferrals, see pp. 183–184. Protocol reference updated November 9, 2026.

[8] Government of British Columbia. What is collaborative family law.

https://www2.gov.bc.ca/gov/content/life-events/divorce/family-justice/who-can-help/lawyers/collaborative-family-law

Separate collaborative lawyers, participation agreement and lawyer withdrawal if the process fails; page updated 10 August 2026.

[9] Government of Ontario. Family arbitration.

https://www.ontario.ca/page/family-arbitration

Ontario-specific independent legal advice and screening safeguards. Official search extracts were available; direct full-page retrieval was blocked. No complete Ontario enforceability opinion is given.

[10] Department of Justice Canada. Child Support.

https://www.justice.gc.ca/eng/fl-df/child-enfant/index.html

Children's right to financial support and the need to identify applicable guidelines.

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REFERENCE NOTES

Jurisdiction notes glossary and limitations

Confirm the law and service actually available

Canada does not have a single set of rules governing every family mediation, settlement or arbitration. Provincial and territorial laws differ. Court-only matters, child protection, cross-border issues, support enforcement, rights in reserve lands and third-party interests may require specialized advice. A private agreement cannot create legal authority that the professional or tribunal does not have.

In Alberta, consult the current Family Focused Protocol, its exceptions and waiver procedures, and the urgent application process. Elsewhere, check the relevant court's current pre-court requirements and available public services. A requirement to attempt dispute resolution is not necessarily a requirement to retain a private mediator. [2, 7]

Additional Alberta urgent-process source: https://albertacourts.ca/kb/court-operations-schedules/urgent . The page states a province-wide effective date of 9 March 2026. Procedures must be rechecked when an actual application is considered.

Short glossary

- **Adjudication:** a legally authorized third party determines disputed issues.
- **Arbitration award:** the arbitrator's decision; legal effect and challenge routes depend on the applicable law and process.
- **Coercive control:** a pattern of behaviour that restricts another person's autonomy through intimidation, domination or control.
- **Disclosure:** providing the relevant documents and information needed to understand the dispute and proposed terms.
- **Independent legal advice:** advice from your own qualified legal adviser, separate from the other party and the impartial mediator.
- **Interim order:** a court order addressing matters pending further resolution or a later decision.
- **Shuttle mediation:** the mediator communicates separately with the participants rather than requiring a joint discussion.
- **Suitability screening:** a professional assessment of whether, and on what conditions, a proposed process can be used appropriately.

Limits of this assessment

This is general educational information. It does not give legal advice or representation, diagnose anyone, assess parenting capacity, determine whether violence occurred, or predict safety or success. Its questions and routes have not been clinically or statistically validated. Accuracy and completeness cannot be guaranteed, and laws, procedures and services change.

Using this assessment, contacting Considered Mediation or attending mediation does not create a lawyer-client relationship. Considered Mediation is not a law firm and does not provide legal representation. Obtain independent legal advice where you live before making or relying on legal commitments. Confidentiality and reporting obligations must be explained in the applicable service arrangements.

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