

Why Mediation works in childrens cases

1. Addressing the underlying issues

Rarely are children cases about the law. On the surface they will look like they are about the dates and times for contact, or whether contact needs to be supervised or not, or whether a holiday should be allowed, or a surname changed.

In reality these surface issues are not the cause of the problem at all. The problems are the underlying emotional issues that run between the parents, the fall out from their separation, the loss of trust, the need to punish, and the dysfunctional communication that follows from all of that.

Mediation can help those underlying issues come to the fore. There is time in the mediation setting to air them, be honest about the parties hopes and fears, and tackle what is really at the root of the problem. Time can be spent with the parents giving them the tools and ground rules needed to build a more positive parenting relationship where the focus is less on how they feel about each other, and more on what their children need for a stable and loving future in both homes.

2. Time pressures

Due to the fact that child cases are so often intertwined with emotions and feelings, which means a journey of ups and downs, it is often not possible for a lasting solution to be found at any one fixed point in time. What a parent thinks is reasonable on one day, could look very different 2 days or weeks later. Mediation enables decisions to be made and reviewed over a period of time, with parents being able to return, often at short notice, to address problems that have arisen quickly, before they have any lasting effect on the child arrangements. It can help problems to be nipped in the bud, avoiding long periods of no contact or volatile exchanges which can be so damaging for the children involved.

3. Flexibility

Parents are often genuinely unsure as to what arrangement will work best for their child. They are in a new world that they have no experience of. Who knows what is right or wrong? There is no rule book. It is therefore helpful to be able to say to parents, 'Why don't you try this and come back in a week, or two weeks, and we can see how it is going?' Arrangements can then be adjusted and tweaked until the parents feel they have got something that is the best that can be achieved for everyone. Flexibility also works for the child. The parents can keep under review how a child is coping with any new arrangement, safe in the knowledge that they can come back to discuss any concerns should they arise and look at alternatives where necessary.

4. Improving Communication

Time and time again, the mediations we have over child arrangements begin with our observation of the dysfunctional communication between the parties. Rarely does a mediation session go by without us having to discuss how the communication breakdown has caused many of the past problems and perceptions.

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In ongoing conflict one or both of the parties may feel:

Ignored
Devalued
Put down
Bossed around
Not listened to
Overriden
Not taken seriously
Unacknowledged

Parents in conflict need to be given the tools to address the above issues, such as:

how to phrase things differently;
agreeing when the best time is to talk;
taking time out before responding;
avoiding discussions about past events;
accepting that there may be some areas on which they will never agree;
accepting that it is someone's perception of a certain method of communicating that matters rather than how the person talking may have intended it;
or accepting that as parents they are entitled to their own views but need to listen and respect the views of the other party and find a way to reach a compromise.

These tools and statements can seem so obvious to the bystander who is not involved in the parental conflict. But when parents are in the middle of their own emotional struggles and concerns, the obvious is hard to find. The mediation can be used to get these ground rules agreed, and written down, and repeated as and when necessary.

If you need help with child arrangements following separation please contact us by phone on 01202 721822 (Bournemouth and Poole) or 02380 715432 (Southampton) or email your enquiry to info@laceyssolicitors.co.uk

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