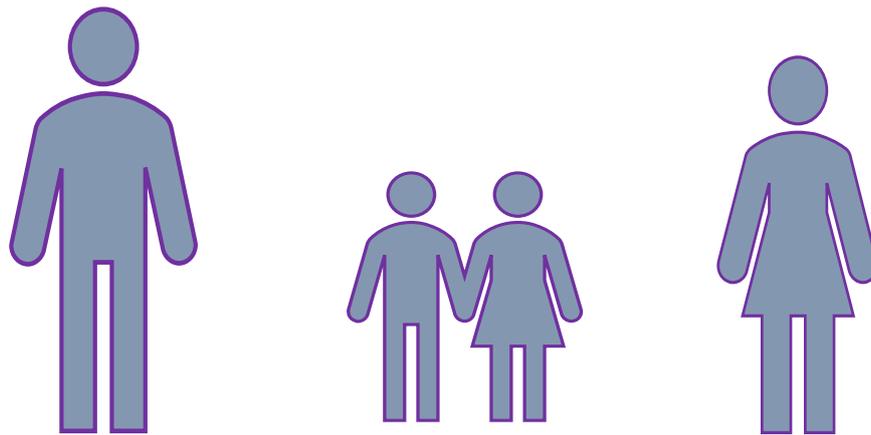


# CHILD INCLUSIVE MEDIATION

## LISTENING TO YOUR CHILDREN



## **LISTENING TO YOUR CHILDREN**

Now you have decided to separate, life is going to change for all the family. You are beginning to make decisions about living apart, perhaps selling the family home and you are probably already finding the process very challenging.

Making arrangements for your children, both during separation and when you have divorced is always very emotional for all members of the family. Of course you will still be your children's family, even when the actual divorce process is a distant memory. It often causes conflict too as parents struggle to cope with difficult feelings - fear, guilt, anger, loss, to name just a few.

You have chosen to manage your separation by using what is known as 'alternative dispute resolution'. This may be family mediation or collaborative law, which means that you are going to decide on the arrangements for your children yourselves. Since you are in the very privileged position of knowing your children better than anyone else, you can use your expertise to put in place workable arrangements that will be right for them.

Children can adapt well to having two homes where their parents are co-operative and positive about the situation (although being positive is not the same as pretending that nothing has really changed). This co-operation may not be in the form of friendly co-parenting, but hopefully you will at least be able to be 'parallel parents', ensuring your children do not experience further conflict. It is important you know you are both working to give your children the best, most secure, most loving childhood possible.

### **And what your children might be experiencing at the moment**

At this early stage, you might have talked to your children about what you are planning, or you might be waiting until you are more certain of your plans. Your children will certainly sense that things are changing, even if you haven't actually talked to them about the separation and the possible house move.

Whatever their age, children will have their own thoughts and feelings about what is happening and however much you would like it to be so, these will not be exactly the same as yours.

- If they are very young, they will not be able to put those feelings into words but you may notice that they are trying to manage difficult feelings such as anxiety with changed behaviour.
- At junior school age, they may talk about headaches, tummy aches, signs that they are feeling stressed and anxious.
- From around 10, children begin to identify and name feelings of anxiety, confusion, anger and guilt (yes, guilt because children frequently feel to blame for their parents' separation).

## **The children are fine, they would tell us if they weren't, wouldn't they?**

The answer to this is probably not. For example...

*'If I tell Daddy I am unhappy, he will be even more sad'*

....or....

*'How do I tell Mummy I am feeling very worried about all the changes when she seems so positive about what is happening'*

....or....

*'If I hadn't refused to get in the car, then Daddy and Mummy wouldn't have argued, and they would still want to live together'*

Quite naturally, children often choose to 'spare' their parents their more difficult feelings. They do not want to worry their parents who they sense are already burdened with their own worries.

But where children are able to share their feelings about the changes happening in their lives with caring parents, they will feel less worried and happier.

This is where Child Inclusive Mediation comes in.

## **How can Child Inclusive Mediation help?**

In a very detailed report published in 2016, the Ministry of Justice recommended that all children aged 10 and above should be able to talk to a mediator if they wish to do so when decisions and arrangements which affect them, especially when you separate, are being made. The mediator, or child consultant is specially trained to meet with children in this setting.

It is very important that parents understand the thoughts, needs and feelings of their children, and involving them in the mediation process is a good way to do this. Children like to know what is happening, and appreciate having their views and options heard, although it is always made clear that they are not responsible for any overall decisions. Decisions about child arrangements need to be made by their parents.

## **What happens in Child Inclusive Mediation?**

Involving children in mediation requires preparation before a mediator speaks to a child. The age and maturity of your child need to be taken into account and your child as well as both parents have to agree to the meeting. The mediator must also decide whether child inclusive mediation is appropriate in this case. Although the guidelines are for children aged 10 years and over, in exceptional circumstances younger children may be seen.

In Child Inclusive Mediation, your child will meet the mediator separately. This conversation is confidential between the mediator and the child and usually lasts about one hour. Siblings will be seen separately or together depending on what the children themselves prefer.

Although the meeting is confidential, very often the child does have something that they want the mediator to tell their parents, and that they would like the parents to take into consideration when making their decisions. Strictly with the child's permission, the mediator will then talk to the parents in the next mediation meeting about what the child has asked them to say, bringing the child's voice into the mediation. There is no written feedback, and your child only meets the mediator once.

### **Should I worry about what the children might say?**

No. Parents can feel very threatened by the idea of their children talking to the mediator about what is happening. Understandably, they often worry that their child will say they don't want to spend time with them.

Children are not being asked to decide on child arrangements. They are being given the chance to talk about what is happening, their worries, and whether there is anything they would like to say to their parents that would help their parents to make things easier for them. Knowing how your children are really feeling may be uncomfortable, but it gives you the chance to make things as manageable as possible for them.

### **Is this like counselling?**

No. It may be helpful for your child to see a counsellor qualified to work with children. That would be completely separate from mediation.

### **What about my children's rights?**

- Each and every child has the right to have two parents and to love each without fear of anger or hurt from the other
- Each child has the right to develop an independent and meaningful relationship with each parent and to respect the personal difference of each parent and each home
- Each child has the right to be free from being present during the parents' personal battles, or to being used as a spy, a messenger or a bargaining chip
- Each child has the right to enjoy Mum's family and Dad's family and to see each of the families as being different from each other, and not have these differences referred to as 'better' or 'worse'
- Each child has the right not to be questioned about the other parent's private life
- Each child has the right not to hear their parents speak ill of each other, nor to hear about the difficulties with the other parent
- Each child has the right to see their parents being courteous and respectful to each other
- Each child has the right to develop and maintain their age-appropriate activities and friends without fear of losing time with a parent
- Each child has the right to their roots which include grandparents, uncles, aunts and cousins
- Each child has the right **to be a CHILD**, to be free from parents' guilt and not to have to assume adult and parenting roles

### **What about my rights as a parent?**

- Each parent has the right to love and nurture their children without harassment from the other parent
- Each parent has the right to expect respect and courtesy and has the obligation to give respect and courtesy to the other parent
- Each parent has the right to participate in and attend special activities in which the children are engaged
- Each parent has the right during their time with the children to follow their own standards, beliefs or style of child-raising without interference
- Each parent has the right to their own private life

### **So how do I arrange for my child to see the mediator/child consultant?**

Both parents need to give their permission in writing before your child is contacted by the mediator. You both have parental responsibility and this needs to be a decision you take together for the benefit of your children.

Once you have given your permission, the mediator will write to each of your children (either by email or post) to invite them to come to a meeting with the mediator. Examples of the sort of letter your child would receive are attached. They are age-appropriate, but of course it is very helpful if you talk about the invitation with your children so that you can allay any concerns your child may have.

### **If we decide that we don't want our children to see the mediator?**

Although your children should be offered the opportunity to meet with the mediator, they do not have to if they say they don't want to. As parents with parental responsibility, you both need to give your written permission the mediator to contact your children. If you feel that you don't want your children to meet the mediator, it might be helpful to discuss your concerns with the mediator, who may be able to reassure you. If your children decide that they don't want to meet the mediator after all, that is fine.

### **How do we find out more about Child Inclusive Mediation?**

Now you have read through this leaflet, I am sure you have questions you would like to ask.

Please either call Judith on 07717 716602 or email her at [judith@choicfamilymediation.co.uk](mailto:judith@choicfamilymediation.co.uk) for answers to your questions. There is also more information at [www.choicfamilymediation.co.uk](http://www.choicfamilymediation.co.uk) which will help you.

## Child Inclusive Mediation Parental Consent Form

### Information for parents when parents have requested a Children's Appointment to coincide with parent's attendance at mediation or collaborative law

- Children will be seen by a Mediator by agreement of both parents and the Mediator(s)
- Children will be involved in the decision to attend the appointment
- Attendance at the meeting is voluntary
- The content of the meeting is confidential between the child/children and the Mediator(s), subject to safety issues
- The same rules of confidentiality and privilege apply as apply to adult mediation
- The child/children will decide, with the Mediator(s), what information, if any, they would like to be taken back to the adult mediation or collaborative process
- No written documentation will emerge from the meeting unless, exceptionally, the decision to do so is made by the participants
- Mediators who will be talking to children do so under the strict Code of Practice or in accordance with the Code of Practice of the Family Mediators' Association and the requirements of the Family Mediation Council

.....  
I/we confirm that I am/we are the parent(s) of

1.....

2.....

3.....

4.....

I/we consent to the above-named child/children attending an appointment with

.....  
Mediator/Mediators

.....  
Name of Mother

.....  
Mother's signature

.....  
Name of Father

.....  
Father's signature

## Sample letter to a younger child

November 2018

Dear

I would like to invite you to come and meet me for a chat on xxx at 3.45pm at my office in Midhurst.

As you may know, your Mum and Dad are coming to see me for some mediation. My role is to help them discuss things calmly and carefully, without taking sides. Of course, one of the biggest concerns for them both is the effect of their separation on you, and how to make things as easy as possible for you.

Listening to the views of children of separated parents is a very important part of family mediation.

I know that your parents have already spoken to you about coming to see me for a chat. When parents separate, it can be very difficult for their children to talk about how they feel about what is happening, and also what they would like to happen. I am sure you have ideas of your own about this, and you might find it very helpful to share those ideas.

If you are happy to come to this appointment, our conversation would be private. It would give you some time with me in a safe, comfortable place, to talk about how things are going, how you feel about the arrangements and what you might like to be different. We would also talk about whether there are things you would like me to pass on to Mum and Dad, or whether what we talk about is between you and me.

I do hope you agree to come. If you would like to see who I am and what I do, have a look at our website [www.choicefamilymediation.co.uk](http://www.choicefamilymediation.co.uk)

I am looking forward to meeting you.

With best wishes

*Judith*

Judith Macdonald-Lawson  
**Family Mediator**

## Sample letter to a teenager

Dear

I would like to invite you to come and see me at my consulting rooms in Knockhundred Row, in Midhurst at xxxxx

As you may know, your parents are coming to see me for some mediation, where, amongst other things, they are talking through the arrangements for you and xxx. My role is to help them discuss these things calmly and carefully, without taking sides. Of course, one of the biggest concerns for them both is the effect of their separation on you and your xxx, and how to make things as easy as possible for you all.

Listening to the views of children of separated parents is a very important part of family mediation and all children are offered the chance to speak to a mediator.

I know that your parents have already spoken to you about coming to see me for a chat. When parents separate, it can be very difficult for their children to talk about how they feel about what is happening, and also what they would like to happen. I am sure you have ideas of your own about this, and you might find it very helpful to share those ideas.

If you would like to come to this appointment, our conversation would be private. It would give you some time with me in a safe, comfortable place, to talk about how things are going, how you feel about the arrangements and what you might like to be different. We would also talk about whether there are things you would like me to pass on to your mum and dad, or whether what we talk about is between you and me.

I have also invited xxx to come to this appointment - the 3 of us would meet together for the first 20 minutes, and then I would spend 20 minutes with you both on your own.

I do hope you agree to come. If you would like to see who I am and what I do, have a look at my website [www.jm-lfamilymediation.co.uk](http://www.jm-lfamilymediation.co.uk).

I am looking forward to meeting you, but if you don't want to come, that is perfectly ok too. Please ask one of your parents to ring me and let me know.

With best wishes

*Judith*

Judith Macdonald-Lawson  
**Family Mediator**