

Some examples of mediation in action.

“I don’t want them playing happy families with *my* kids.....”

Gary and Sue lived together for five years. Their relationship had deteriorated over the last couple of years and Sue left the house after a row with Gary about 5 months ago. At this time she had nowhere to stay and so moved in temporarily with family friend Julie and her husband Steve. Having no permanent home she left their children Michelle (3 yrs old) and Thomas (18 months) with Gary. Sue came back to the family home in the daytime to care for the children while he was at work.

Sue and Steve have subsequently started a relationship and live together in the substantial house that Steve recently inherited from his dad. Sue now wanted to have the children living with her. Her view being that living with their dad was only temporary and that she could now offer stability, and a good home.

At the point at which Gary and Sue came to mediation the situation between them had become very hostile and communication had completely broken down. Whilst they both agreed that the relationship between them had long since been over, Gary was very angry that Sue had gone on to “destroy” relationships with their close friends. Gary was also really worried that if the children lived with Sue and Steve, they would become estranged from him. Steve, who the children knew well and liked, would take over as the “new dad”.

Sue was also really worried. Whilst she felt she had a good case for wanting the children to live with her, she did feel that Gary had the moral high ground. A number of her own friends and family had “turned against her” and she feared that if the children lived with their dad they would eventually be poisoned against her as the bad mother who left them.

The high levels of distress, anger and distrust between these parents had left them unable to agree any arrangements. Contact between the children and mum had recently been stopped by dad after mum had contacted a solicitor.

When they came to mediation, discussions were initially very difficult as both parents accused the other of trying to cut them out of their children’s life. The mediator helped them to distinguish between how they felt about each other as ex partners and the feelings and needs of their children who were very important to each of them.

Both parents had always played a big part in the children’s lives and wanted them to be able to have the best from both parents, and feel loved by both of them. They also agreed that even though they may have new partners, it was important for the children for their parents to co-operate with each other for their benefit. They both agreed that any new partners, however much the children liked them, could not should ever replace the children’s real parents.

They both said that the other was a good parent and that they were both important in the children’s lives. They also recognised that looking after Michelle and Thomas was getting difficult and expensive for Gary, who works full time and had been using a combination of child minders and his mum (who was really too unwell to look after two young children on a regular basis). They agreed that Sue, who does not work, should look after Michelle and Thomas during the week and that they stay with Gary 3 weekends out of 4. It was also agreed that Gary will drop Michelle off at nursery on Mondays when she starts next term and see the children for tea on Wednesdays.

By the end of mediation, much of the conflict between the parents had subsided, mostly because they had been able to reassure each other that they were both

important to the children and neither wanted the children to lose contact with the other parent, however angry they may feel with each other. This made it easier for them to negotiate with each other and focus on the children's needs. It would also make planning for changes in arrangements easier as the children got older. Mediation made it possible for the parents to make plans in co-operation to meet their children's needs rather than in competition fearing that every development was an attempt to remove them from their children's lives.

Listening to your children – consulting children as part of mediation.

Barry's parents had both decided that their relationship was over and that they wanted to separate. They wanted a separation that was going to be fair and amicable. They used mediation to sort out all the arrangements including what they were going to do with the house and their finances.

They also wanted a fair arrangement when it came to Barry. They both thought it was important that Barry spent as much time as possible with each of them and that they shared both the week time and the weekends. After giving it a lot of thought they had come up with an arrangement where Barry spent from Sunday to Wednesday morning with his dad, and Wednesday afternoon after school to Saturday with his mum. Though both his parents were sure this would work, Barry seemed very unenthusiastic though neither parent could find out exactly why.

Barry's mum and dad had always been worried that their separation might have a bad effect on him and were desperate to make sure he was happy with arrangement. After discussing it fully with the mediator, they decided to ask Barry if he would like to talk to the mediator himself about the arrangement and what he felt would work and what wouldn't.

Barry was keen to come and talk and it was made very clear that whilst his opinion was being sought, it was down to mum and dad to make final decisions. The mediator talked generally with Barry about what he liked doing when he was with his mum and with his dad as well as his other interests. The Mediator then talked with Barry about the arrangements mum and dad had suggested and how these fitted in with what was important in his life.

Barry said that he knew his parents were trying very hard to be fair to each other and he wanted to be fair to both of them. The problem was that the arrangements mum and dad had come up with were causing him some real problems. The first thing was that mum likes to pick Barry up straight from school on Wednesday. He knows that she looks forward to seeing him as he does her. The trouble is that Barry has always gone to art club, which he really enjoys, but the club has changed days and is now a run on Wednesday after school. Barry would really like to go to art club but he doesn't want to upset his mum or give her less time than he would have with his dad.

Barry also talked about his pet rabbit Ollie. His dad's new girlfriend's son Mark is supposed to feed Ollie when Barry is at his mums. Barry is sure that Mark forgets. He also worries that Mark will accidentally let his rabbit out while he's away and lose it.

Finally, although it is nice to see both parents at the weekends, Barry spends a lot of his time travelling as mum and dad now live quite a long way apart. This means that Barry can never go for a whole weekend with either parent like he used to. What he would like is to sometimes have a whole weekend with mum and a whole weekend with Dad. This would also mean that he could have some time with just dad without Mark who sees his dad every Saturday.

Barry was happy for the mediator to pass on what he had said to his mum and dad. Neither parent had realised that art club had changed days and both thought that Barry had just lost interest and no longer wanted to go. Barry's mum had no problem picking him up from school an hour later on Wednesday; in fact it would take the pressure off her, as it was a real rush to get from work to collect him at the end of school.

Barry's dad said that he knew that Mark didn't really like having to feed Barry's rabbit though he was sure that he did the job every day Barry was away. He would let Barry know that he would take over caring for Ollie if he was worried about it.

As a result of what Barry said they changed the weekend arrangements. It wasn't possible to do whole weekend with each parent alternate weeks but they did decide to do one weekend in four with mum, one weekend in four with Dad, and the other two weekends with the changeover on Saturday as before.