

Tips to Prepare for Child Custody Mediation

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Since the early 1980's, parents have increasingly used the process of divorce mediation to help them resolve their differences and reduce the scars of battle. Child custody mediation is a process in which parents work together to develop a plan for parenting their children after divorce with the help of a neutral 3rd party. While mediation can be done privately, the use of court-connected mediation has rapidly grown over the last ten years. In many states, the use of such mediation is mandatory before parents can litigate custody issues. The mediation process is one in which parents work together to devise a parenting plan that is mutually acceptable to both parents. This parenting plan may be quite structured, specifying the day-to-day time share of the children, as well as plans for holidays, vacations, and other special issues of the family. By working together in mediation to develop your parenting plan, you can avoid the battles which are so damaging in an adversarial process, and you can include your children in the decision-making in a way that empowers them in a healthy way.

When you use mediation and develop a parenting plan on your own, your children will be able to avoid loyalty conflicts and are less likely to feel the stress of battling parents. When your children are included in the decision-making process, they benefit because they can express their feelings and know that you are listening to them. Mediation gives children a much greater sense that they have a say in their life and a freedom to contribute to the decisions that affect their life.

Courts that offer mediation services do their clients a big service. Research shows that mediation can reduce litigation over custody. When parents participate in mediation, they are likely to reach a settlement 60 to 70 % of the time. Parents are usually much more satisfied with mediation than with litigation. Most important, however, if you use mediation, you will have control over the parenting plan, whereas in adversarial litigation, the judge determines how you will spend your time with your children. With the improved satisfaction, the increased mutual decision-making, and the decreased hostility, mediation is clearly a healthier alternative than litigation. For those parents who live in an area where court-connected mediation is not available, private mediation services are usually available and are typically well worth the investment, especially in comparison to the alternative of litigation. Remember that you will probably save money and have more control over the outcome if you use mediation.

Approaching Your Mediation

First, approach your mediation with an open mind, willing to listen. Parents who are open and listen to the mediator and their ex-spouse are the ones who are able to reach a

settlement and develop a mutually satisfactory parenting plan. Those who believe there is only one solution to custody and visitation issues are usually fairly stubborn and generally refuse to compromise. If you come prepared to be open, you can brainstorm options until you find a solution that works for everyone, especially your children.

Next, come prepared with several options. Do your homework before mediation. Think about and write out your proposals so that you can refer to them in the mediation session. You won't want to forget to discuss something that is important to you in the mediation. Make sure you understand your child's needs and stay focused on your child and his needs. Be aware of the impact of conflict on your child.

Third, mediation is not the place to focus on the other parent. Mediation usually breaks down when parents argue about the "he said - she said" issues between them. This is not a place to re-hash your marital problems but a place to solve parenting problems after your divorce. Communicate about your child and your perception of her needs. If you're concerned about the other parent's anger, talk about your child's need for peace. If you're concerned about the fact that the other parent lets your daughter stay up too late, talk about her need for routine and structure. Be open to what you might need to change for your child's benefit. Avoid character assassinations.

Finally, bring a sense of balance and humor. At times during mediation, things get tense. Maintain a perspective that balances your desires, the other parent's desires, and your child's needs. While this is your goal, it may not be easy. If things get tense, remember that you're there for your children, not yourself. Remember that you don't have to like your ex-spouse to make an agreement on behalf of your children. You just have to love them more than you hate your ex-spouse. Take a brief time-out from the mediation session if necessary. You may need several mediation sessions to reach a satisfactory settlement. Listen to the mediator's advice and consider it. He'll most likely have your child's best interests in mind, even if you and your ex-spouse can't agree on what that is. Recognize that your mediator's job is to try and balance your child's needs and each of your desires. He does this while encouraging you to reach a parenting solution. If nothing else works, sometimes a humorous, but not rude, comment can break this tension, and help everyone get back to work. While you will want to hold firm to your beliefs and values, remember that there may be many ways to satisfy these beliefs. Be open to different ideas, keep working to satisfy your goals, and be willing to compromise to reach a peaceful solution on behalf of your children.

Do's and Don't's for Mediation

Do focus on your child's needs.

Don't focus on your needs.

Do think of custody as a separate issue relating only to what is best for your child.

Don't discuss child support or property when trying to resolve your parenting plan.

Do acknowledge your child's special needs according to her age, temperament, and development.

Don't assume there is a standard plan that fits the needs of all children.

Do acknowledge the other parent's strengths and bring up only valid concerns about the other parent's ability to care for your child.

Don't bad-mouth the other parent.

Do acknowledge that your child needs time with both of you, in a safe environment, developed by a parenting plan.

Don't punish the other parent by withholding your children.

Do go to mediation prepared with:

- A proposal for custody and a time-sharing plan
- A calendar which identifies school holidays, your work schedule, your child's activities
- A flexible and business-like attitude

Don't go to mediation unprepared.