SEIRBHÍS IDIRGHABHÁLA TEAGHLAIGH



FAMILY MEDIATION

Information to help you to work through family problems such as divorce, separation and child welfare issues and avoid going to Court

Better for you, better for your children, better for the future

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Family mediation – who is it for and how does it work

Mediation is a service to help couples who have decided to separate or divorce, or who have already separated, to negotiate their own terms of agreement, taking into account the needs and interests of all involved. In certain circumstances, mediation can also assist in disputes within families. Mediation allows people to make their own decisions and hold onto their own power.

The breakdown of a marriage or relationship propels families onto an unexpected and unplanned journey of change and transition. It is a stressful and difficult time.

However, it is also a journey filled with potential for growth and development. Many people underestimate the challenges that such a transition brings. This booklet is written to help families understand the impact on their lives of separation and divorce.

The information contained in this booklet is compiled from our experiences as mediators in the Family Mediation Service, with some ideas from a number of excellent publications.

What is the Family Mediation Service?

The Family Mediation Service is a state run service staffed by professionally trained and accredited mediators. It has been in operation since 1986 and has been part of the Legal Aid Board since 2011. There are 17 offices located around the country and a number of Court-linked initiatives.

This service is for married and non-married couples who have decided to separate. It also assists same-sex couples who have decided to separate and parents who have never lived together but have a child or children to take care of. In certain circumstances, it can also assist in disputes within families.

It is a FREE service.

Mediation is **not** marriage counselling or a legal advice service.

How can mediation help?

The Family Mediation Service encourages the separating couple to co-operate with each other in working out mutually acceptable arrangements on all or any of the following:

- · Parenting the children.
- Financial support.
- Family home and property.
- Pensions.
- Other issues related to the separation.

What is the mediator's role?

- To see a couple together and look at issues to be discussed and agreed.
- To create a climate in which neither party dominates but in which both parties participate fully in good faith.
- To create and maintain an atmosphere of co-operation and responsibility.
- To help couples deal with difficult emotional issues that can prevent them reaching agreement.
- To help couples reach agreement that they both find acceptable.

How does the service operate?

- A professionally trained mediator assists the couple to reach their own agreement.
- Both parties attend.
- Discussions are confidential.
- The mediator does not take sides.

For an appointment both parties must contact the service independently and confirm willingness to attend.

How long does it take?

Mediation usually takes between three to six sessions. Each session lasts approximately one hour.

Outcome

Most mediations end with a Note of Mediated Agreement, which is a written document that sets out all the details of the couple's agreement. This can then be taken to solicitors to be drawn into a Legal Contract or Legal Deed of Separation and/or used as the basis for a Decree of Divorce.

The Family Mediation Service is a child-focused service

This means that the needs and interests of any children involved in the separation are an extremely important part of the mediation process. This is done in one of two ways - direct or indirect child focus.

What are the advantages of mediation?

- It is a confidential service.
- A balanced agreement is reached that is acceptable to both parties.
- Decisions taken together are more likely to be honoured.
- It promotes communication and co-operation, reducing bitterness and distress.
- Parents are helped to remain as partners in childrearing by developing parenting plans that suit their particular circumstances.
- Parents are helped to manage conflict in a way that protects the best interests of their children.

When is mediation not a suitable process for separating couples?

Not all cases are suitable for mediation, for example:

- Where there is recurrent domestic abuse.
- Incapacity due to an on-going addiction problem.
- Lack of intellectual capacity.

Children and parenting in the separation process We are separating. What do we tell the children?

No parent wants to have to give their children news that will be painful to hear. However, your children need to hear from you that you are separating, and they need to know that you will be there for them.

Do **not** tell the children you are separating until the decision is final. They cannot cope with the uncertainty and insecurity of not knowing what is happening.

- Telling the truth of the impending separation or divorce is probably the most difficult and emotional event in the separation process.
- Children of any age are perceptive and aware of tension, sadness or anger. They overhear conversations and see pain in their parents' eyes.
- It is scary for a child to sense that something terrible is happening in the family and no one will talk to them about it.
- When there is no communication, a child struggles to make sense out
 of what is happening by filling in the gaps with their own imagined
 explanations. Usually a child's fantasy can be worse than any reality.
- Children can handle the truth when it is told to them by someone they know and trust. They may find out the truth from someone else, and feel betrayed and isolated within the family.

How do we prepare ourselves?

Work through some areas of concern beforehand:

- Are you feeling guilty or anxious?
- Are you feeling abandoned or relieved?
- Are you blaming and want to get even?
- Are you concerned about crying?
- Do you have expectations as to how the children need to respond?

Discuss **together** what you will say to the children.

Discuss **together** how you might respond to their reactions.

Agree that you will not argue with each other or contradict each other in front of the children.

When should we tell them?

- **Do not tell the children you are separating until the decision is final.**They cannot cope with the uncertainty and insecurity of not knowing what is happening.
- Choose carefully the time to tell the children most children remember it for the rest of their lives.
- Pick a time when no-one is in a hurry to go elsewhere.

- The physical setting is important. The place should be familiar and free from distractions. You want to create an atmosphere in which the children will be comfortable in sharing their thoughts and emotions.
- The amount of time each child needs to adjust to the news depends on their age. A couple of weeks before you separate may be an approximate guideline. Older children may need more time.

Should we tell them together?

- It will be better for the children if you tell them about the separation together.
- It is important that they hear the same information from both of you and that there is no blame attached to either parent.
- Follow up with each child individually over the next day or two giving them time on their own with each of you to discuss and share their feelings.

What if we cannot tell them together?

It is vital to discuss what they will be told, who will tell them and when.

Agree when each of you will talk to the children and make sure that you repeat the same message.

Above all it is vital:

Not to blame the other parent.

Not to criticise each other.

Your children love both of you and do not want to hear bad things about either of you.

What do we tell the children?

- As a parent it is vital that you remain non-judgmental, speak calmly and clearly during this conversation.
- Remember you are sharing very painful news.
- All negative comments, stories or accusations of their other parent should not be mentioned.
- If children ask a question about the other parent, the listening parent needs to defer answering to the other parent. If the parent is unavailable, abstain from speaking for or about him/her.
- If the children ask what has happened to the marriage, answer simply while keeping in mind the age of the child who is asking the question.
- A response that is truthful, yet not accusatory, can be "We have grown in different directions and living together is too difficult. We believe it will work better if we do not live together".

- If there has been a history of abuse or addiction in the relationship those facts need to be told in a caring way. These need to be explained as emotional illnesses.
- Keep in mind that it hurts children to hear negative things about their parent.
- The children must be told repeatedly that a separation/divorce will not change the fact that parents are forever – and you will both always love them.
- Begin by talking about events the children may have already noticed i.e. arguments, tears, sleeping in separate rooms.
- By beginning with facts the children have already experienced, it is harder for the children to deny the impending reality.

Reassurance

Assure the children that the separation/divorce has nothing to do with them.
 Most children developmentally believe that the world revolves around them.
 Therefore they may believe that if they had achieved better grades at school, or cleaned their room, or not argued with the siblings, this painful event would not be happening. Children want to believe their parents are perfect and may be quick to edit out their failings/mistakes.

Anything else we need to say to the children?

- Tell your children how sorry you are, that you know this is upsetting for them.
- Be as specific and confident as possible about future plans and living arrangements. Let them know they will be informed about changes that concern them.
- Encourage the children to ask questions. If there is a question that is too
 personal or painful to answer, honestly explain that to them. Ask them for
 some time to think about how to answer.
- Tell your children you are there for them and they can talk to you at any time about what's happening.
- Encourage them to talk and make sure you keep listening.
- Encourage counseling and/or support groups for the children. Be a role model by attending groups yourself.

What happens if we cry?

- It is appropriate to cry with your children. While you are surrounding your children with a calming protective atmosphere, you can certainly convey your deep sadness and your children's sadness. It is a time of loss for everyone.
- Acknowledge also that the child may feel angry, and that it's OK to express that anger.

What reactions should we expect?

- Each child may respond differently, some may take it lightly or shrug it off, or respond in total disbelief and anger.
- Your child may be upset, or may pretend she/he doesn't care. Allow time for the child to process the information, to adjust and to express any feelings.
- There is no standard way to respond.

Who else should I tell?

It is important that teachers, child-minders and other key people in your children's lives should know, so that they can support the children.

Be aware:

- Separation and divorce are traumatic events which seem to be adult problems but also have a profound impact on the children in the family.
- Children grieve during these times just as their parents do.
- Grief is an expression of love/attachment for someone or something that has changed.
- For children to survive emotionally from separation and divorce, they need sufficient time to mourn their loss.
- Children and adolescents need caring adults to listen and support them while they express their feelings and begin the healing process towards acceptance.

How do children tend to react to separation or divorce?

- How your children cope with your separation depends on various factors

 sex, age, personality, support structures but primarily, how you, their
 parents, are coping.
- How you handle conflict, and how available you are to support your children through their pain will determine their adjustment.

On pages 18 - 22 of this booklet there is a list of some of the needs and reactions of children at different age levels and what parents can do to help meet those needs.

It is inevitable and necessary that children grieve. It's a normal reaction to loss, and children have lost their family structure as they knew it. They now have to adjust to a new family structure.

Parents who manage their conflict and their separation well, and who don't involve their children in the conflict, offer their children a safe passage through this time of change.

NOTE: Recent research has confirmed that children caught in high conflict environments seldom thrive.

Working out a parenting plan

What is a parenting plan?

- A parenting plan is a carefully devised schedule which lays out how to share time with the children, how to manage responsibilities, and how to make decisions about the children.
- School arrangements, child care, holidays, pocket money can all be part of a parenting plan.
- It is a plan that is individual to each family and takes into account everyone's needs and interests.

"As parents we have been given the greatest of all gifts ... children. Their relationship with us is a lifelong commitment that only we can fulfill"

With this quote from "The Single Symphony" by Susy Yehi Marta, founder of Rainbows, in mind, set out below are the answers to questions which may help separating parents continuing parenting effectively:

Why do we need a parenting plan?

- To provide continuity for children in their relationship with each parent.
- So the children will know when they will be with each of you.
- To provide a structure so everyone is clear about future living arrangements.
- · Clearly agreed plans help to reduce conflict.

What are the benefits for our children?

- Children are reassured when they know their parents are in control and are making good decisions about them.
- When parents communicate constructively, they avoid the difficulties children experience when they feel caught between two parents whom they love.
- Children should not feel that they have to hide information or conceal feelings about the other parent.
- Children do need to be consulted and listened to when expressing their views and concerns, but should **never** be asked to choose between parents.
- Firm, gentle structures provide security.

What are the benefits for us as parents?

A parenting plan helps separating parents to communicate. Times can be arranged for telephone calls, discussions around money or child-rearing, and strategies for dealing with grievances as they arise.

- Support in parenting allows a certain sense of freedom to help you rebuild you own life as a single person.
- · Each parent gets time off.
- Children will be less likely to play you off against each other.
- · Your children can love each of you without feeling disloyal.

What if my child doesn't want to go to the other parent?

- Try to work together to understand what is upsetting your child.
- Don't take sides or blame each other.
- Don't over react.
- Part of your schedule may need to be re-negotiated.
- Counselling for the child and yourselves as parents may be helpful.

What if we don't agree on how the other person is parenting?

- All parents have their own individual styles of parenting. It is important to allow for different house rules, different parenting, and different ways of relating to the children.
- If there are major differences, schedule time to discuss them when the children are not around.

Shared Parenting – Some of the "Do's" and "Don't's" DO

- Be positive.
- Support the other parent.
- Be flexible.
- Be co-operative.
- · Have the children ready on time.
- · Consider the children's needs and wishes.
- Allow for different house rules.

DON'T

- Argue in front of the children.
- Disappoint the children.
- Be late.
- · Ouiz the children.
- Criticise the other parent.
- · Give the children too much power.
- Allow the children to play you off against each other.

Your child is entitled to the best relationship possible with each of you. When you support your child's relationship with the other parent, you are promoting your child's healthy adjustment.

Helping children cope with separation - useful hints

- Respect each family member's way of handling the separation.
- Hugs or a comforting arm give reassurance.
- Children wonder "Will we still be a family?" Try to create new rituals, develop new traditions.
- Give your children permission to get on with their lives, which may include people you're less enthusiastic about, like a new partner.
- Be ready to say no to the children when necessary. Children feel more secure when limits are set.

Remember - it is not separation but the emotional adjustment in the home that is the determining factor in the child's adjustment.

A two parent home is not the only emotional structure within which a child can be happy and healthy.

Children in mediation

The Family Mediation Service is a child-focused service putting strong emphasis on the well-being of the child/children involved in separation and divorce.

The mediator ensures that the 'Voice of the Child' is brought into the mediation process. This is done either **directly** or **indirectly**.

Directly involves the mediator consulting directly with the child or children – this only takes place with the parents' and the child/children's permission – and after in-depth discussion between the parents and the mediator.

Children are invited to meet the mediator on their own during the mediation process giving them an opportunity to give their views in a confidential setting.

Indirectly is where the mediator ensures that the needs and interests of the child/children are a central consideration during the negotiations and separation process and in any discussions around parenting and accommodation.

The Family Mediation Service also offers a **family session**.

What is a family session?

When a couple has reached agreement, a session is offered to parents to invite their children in to the mediation centre to discuss their new family arrangements in an encouraging and positive way with the mediator.

Managing the financial issues at separation or divorce What are the usual financial areas negotiated at mediation?

- Earnings and income.
- Maintenance.
- Family home and contents.
- Assets and liabilities.
- Life Insurance policies.
- Pensions.
- Succession Rights.

Earnings and income

When couples are separating, one of the most stressful thoughts is: 'How am I going to survive financially in the future?' In mediation, detailed budgets are completed by each partner with the help of the mediator. From these, each of you can estimate what you are going to need financially and decide how you can divide the money that's available between you. Some couples are eligible for social welfare payments.

Maintenance

When couples have disclosed and assessed their respective financial positions, the mediator assists them in negotiating any supports they may need from each other and/or for their children.

Family home and contents

An issue which frequently needs to be addressed is: 'How can we provide for two homes in the future?'

Mediation offers you and your partner the opportunity to explore the options available to you around this, in order to help you make the decisions which best suit you and your family.

Further questions may be: 'How will both homes be furnished? How can we split what we have? What other requirements have we, and how will these be paid for?'

Assets and liabilities

The mediator will assist you in setting down your assets and help you negotiate how these are going to be shared.

Any liabilities/debts will also be set down and the mediator will help you consider how you will pay your debts and over what period.

Life insurance policies

As a couple at mediation, you will consider what is to happen with existing life insurance policies or whether you need to take out life policies to provide for your family in the future.

Pensions

Your pension and that of your spouse may be a very valuable asset at the time of your retirement. The company with whom you hold your pension scheme or your human resources department can tell you about its benefits to you, your children and your spouse. Together with a current valuation and legal advice you can explore the options open to you to deal with pensions. If you are not in a pension scheme, this may be the time to consider joining one.

Succession rights

These are a spouse's legal right to share in his/her deceased spouse's estate. Again, this can be a valuable asset. At mediation, you can consider carefully the consequences of retaining these legal rights or letting them go.

Seeking professional advice during the mediation process

Having a legal consultation before or during the course of mediation will give you an opportunity to understand your legal position and may help your decision-making at mediation.

If you need information and advice on taxation, pensions, social welfare or any other financial matter, your mediator will help you access the information by giving you the local contact numbers.

For many couples, separation and divorce create the financial strain of managing two homes. Making good decisions that are acceptable to both of you and workable for your family requires honesty and full disclosure of assets. You need a clear understanding of the choices and options open to you, along with being fully informed of the details of your financial situation. You will be asked to provide documentation to support financial information.

How to cope with grief and loss at the end of a marriage/relationship

Anyone experiencing the end of a relationship is likely to feel some or all of the following:

Anger Sadness Inadequacy
Worthlessness Fear/Panic Powerlessness
Blame Guilt - 'If only' Physical illness

Depression - 'In the Pits'

Will I experience all these feelings?

- Not necessarily.
- The length of time and depth of each experience is different for everyone.
- You may experience one or more feelings occasionally, for a short period of time, or struggle with them daily.
- It is a painful time.

Why do I feel so physically unwell?

Because

- Your energy level may drop, leaving you tired, drained and unable to complete even small tasks.
- Your body may feel strange with changing appetite, sleeping problems, difficulty talking, sweaty palms or shortness of breath.

Sometimes I feel I'm going crazy, is this normal?

Yes

- You may feel spaced out, unfocused or off balance, like you're going crazy.
- Your emotions may seem overwhelming, and cause waves of guilt, insecurity, emptiness or anger to flood you at times.

If only things could have been different

- It's not unusual to spend a lot of time thinking about what you might have done to prevent the break-up.
- "If only" can be a common theme causing waves of guilt.
- You may feel depressed or that life has lost its meaning.
- · You may feel lonely or isolated.

What should I do?

- Look for and ask for support from someone you can trust.
- Stick to routine activities and give yourself plenty of rest.
- Consider counselling or joining a support group.
- Do not have unrealistic expectations of yourself.

- Some days will be worse than others.
- The end of a relationship is a great loss for all the family.
- People experience reactions similar to a death.

This is normal.

Remember

- · The adjustment to this loss takes time.
- Holidays and anniversaries can bring on painful feelings.

However, these feelings will gradually change to:

Acceptance Bargaining Negotiation

New structures Different relationships It's okay to be separated

New future.

Children's reactions to separation and divorce

Children have different needs and reactions to separation depending on their age. Listed below are some of the needs and reactions of children at different age levels and what parents can do to help meet those needs.

Birth to 18 months

Needs

- Nurturing care and protection.
- Closeness to primary carers.
- Consistency in environment and routines.

Possible reactions

- Disturbed sleeping patterns.
- · Change in eating habits.
- Clinging to carer.

What can parents do?

- Maintain consistency in environment and caring.
- Keep the atmosphere calm (no arguing).
- Make changes in lifestyle very gradually.
- · Minimal separation from primary carer.

Toddler (18 months - 2 years)

Needs

- Fears losing primary carer's love.
- Doesn't cope well with multiple changes.
- Keenly aware of non-verbal expressions.
- Home and family are important and begin to realise they are missing someone.
- Unable to verbalise feelings, may act them out.
- Bewilderment.

Possible reactions

- Irritability anxiety.
- · Clingy, demands for affection and approval.
- Daily asking for parent that is not present.
- Physical aggression, hitting, biting, bullying.

What can parents do?

- Give lots of attention, holding, cuddling.
- · Limit separation from primary carer.
- · Consistency in routines.

- Simple explanations of separation enforcing it is not their fault.
- Ensure child/children can spend meaningful time with each parent.

3 - 6 years

Needs

- Realise that they are different from others.
- Self-centred.
- Realise someone is missing in the family unit.
- Believe their actions control others' behaviour.
- Identify with opposite sex parent.
- Fears abandonment.
- · Yearning for absent parent.

Possible reactions

- Maintains fantasies of non-custodial parent's return.
- · Regression in behaviour: bed wetting, thumbsucking.
- Irritable.
- · Aggression and hostility.
- · Crying.

What can parents do?

- Give plenty of attention time together and cuddling.
- Explain changes that are occurring.
- Teach appropriate ways to release hostility, aggression.
- Reassure parents' love.
- Ensure child/children can spend meaningful time with each parent.

7 - 10 years

Needs

- Fear of the future, concerns about money, food shelter.
- Self-conscious about family being different.
- Conflicts of loyalty.

Possible reactions

- Prevailing sadness, increased crying or withdrawal.
- Reconciliation fantasies.
- Diminished school work.
- Conflicts with friends.
- Angry and blame parent they are living with or visiting.
- Problem with self identity.

What can parents do?

- Constant reassurance both physically and verbally.
- Maintain consistent routine.
- Discuss with teachers.
- Ask family and/or friends to give additional support.
- Teach appropriate ways of acting out aggression.
- Ensure child/children can spend meaningful time with each parent.

11 - 13 years

Needs

- Self-conscious of their family being different.
- · Conflicts of loyalty.
- Suffering a loss of identity, low self-esteem.
- Insecure, vulnerable.
- Depression.
- Empathetic to one parent.
- Loneliness.
- Busy themselves with activities and friends, seeking approval.
- Feel powerless over their life.

Possible reactions

- Worry about custody arrangements.
- Headaches, stomach aches.
- Withdrawn from friends and activities.
- Academic decline/indifference.
- Preoccupied with perfection.
- Lying.
- Hostility toward one parent.
- Demanding adult explanations.
- Stealing/shoplifting.
- Cheating.
- Drug/alcohol abuse.
- Extreme anger often covering intense emotional pain.

What can parents do?

- Create times for communication.
- Honestly answer their questions.
- Affirm their feelings and teach better coping methods.

- · Seek help from counsellors/therapists.
- Allow some freedom and choice making.
- Make home a comfortable place to be.

14 - 20 years

Needs

- · Feel caught in the middle.
- · Express much negativity.
- · Frequent mood swings.
- · Overwhelmed with additional responsibility.
- · Outward denial of inner turmoil.
- · Loyalty conflicts.
- Embarrassment of parents' sexuality.
- · Dependent/independent conflicts.
- Need peer approval, prefer friends.
- · Sensitive to family tensions/visitation.
- Fear parental illness.

Possible reactions

- Drug/alcohol abuse.
- Gang involvement.
- Sexual activity.
- Decline in academic performance.
- Severe depression/isolation.
- Violence, aggression to self or others.

What can parents do?

- Seek out counselling/therapy.
- Reassure of love and concern.
- · Set clear fair limits and expectations.
- Create time for communication and attention.
- Ask family/friends to add support to adolescent.

The reactions listed below are normal. If they become long lasting or intense, it is best to seek the advice of a counsellor or therapist:

Normal	Troubled
 Dullness of senses Loss of appetite Restless sleep Quiet, into self Irritable, crabby Upset stomach, headaches Shock Decline in grades Discipline problems 	 Decrease in functioning ability Major change in eating habits Won't sleep alone, nightmares Isolation, total withdrawal Physical aggression, violence Psychosomatic illnesses Total denial of event Drop out; expulsion from school Trouble with law; gang activity Drug and alcohol abuse Sexual activity

Reproduced and adapted with kind permission from Rainbows "The Single Symphony" by Susy Yehi Marta.

Managing the stress of separation or divorce

Everyone experiences a crisis at different points in their life. A change of job, marriage, the birth of a child, all present a crisis. These events are expected and can be prepared for.

Separation and divorce are unexpected events and because of this are great sources of stress, often affecting a person's self esteem. It is important to care for yourself during this time. Stress is an inevitable part of living which, if managed well, can enhance quality of life.

Suggestions for coping with stress

Learn to relax: Relaxation techniques do need to be learned. If you are very tense you may say you can't relax. However, there are special techniques to train people to relax.

Work off stress: Physical activity is a great release.

Talk to someone you really trust: At this time it is often difficult to seek support but it is very important.

Be fair to yourself: Take responsibility for your own feelings and needs. It's OK to cry if it makes you feel better. Maintain a sense of perspective; try to avoid blowing issues out of all proportion.

Anger: This can be one of the strongest emotions during and for some time after the separation. It is a normal response. Allow yourself to be angry. Find acceptable outlets for anger and frustration.

Avoid people who create anxiety: You can't be everything to everybody. Delegate responsibility to others. People often want to help but do not know how. If friends offer help, accept it, if it will make things easier. If others take you for granted and you feel you are taking on too much, say no sometimes without feeling quilty.

Try to think positively: Try not to allow yourself to focus on negative things.

Take time out: Try and take time out for yourself and involve yourself in activities that you find relaxing.

Get the balance right: Be kind to yourself and others.

Helpful Hints & Exercises

Breathe it away - Inhale deeply, exhale with a sigh a few times. Let your tension go as you breathe out.

Hold it - Say "Stop", pause and steady your thoughts. Now take a fresh look.

Escape it! - Notice something enjoyable around you. Stay with it for a few moments.

Attack it - Take the first step to solving the problem.

Assert yourself - Believe in your rights; say "no" when needed.

Prioritise - Set realistic goals and identify those things you need to do first.

General and Contact Information

For details of opening hours, phone numbers, fax numbers, postal addresses and office locations of the various full-time and part-time Family Mediation Service offices visit the **Contact Us/Contact the Family Mediation Service** section of the Legal Aid Board website **www.legalaidboard.ie** or contact us on LoCall 1890 615 200 and we will direct you to your nearest Family Mediation office.

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