



Child Informed Mediation - Information*

What is Child Informed Mediation?

Child Informed Mediation encourages the safe and indirect involvement of children in the Family Dispute Resolution (FDR) process, facilitated by a trained child specialist (Child Consultant) with the purpose to support both parents to resolve their disputes, while keeping their child's needs and interests as their key priority.

After separating, some parents may disagree about how they will parent their children. They may debate about how much time the children will spend with each parent, forms of discipline, or schooling and care arrangements. Child Informed Mediation brings children's views, perspectives, opinions and issues, related to their wellbeing, into the FDR process. Children have an independent interview to talk on their own to a person trained to understand their feelings and views.

Rather than parents assuming and/or arguing over what each child needs, each child has a direct voice into the mediation room via a Child Consultant, who is a different person from the Mediator. Child consultants who work with families and particularly with children, have had specialist training and experience in this field. The FDR, between the parents, is informed by the Child Consultant who, when appropriate, provides the parents with the child/ren's perspective.

Child Informed Mediation helps to determine the best needs of the child/ren in a caring and supportive environment and in support of the paramount consideration for parenting arrangements to be in the child's best interests.

The role of the Child Consultant in FDR is a specialist role. The Child Consultant contributes to the parents being able to achieve better outcomes for their child/ren and, consequently, for themselves.

How does it work?

Parents who are undertaking face-to-face mediation can agree to have a Child Consultant spend time with their child ahead of that mediation session. Both parents, and the Family Dispute Resolution Practitioner (FDRP) / Mediator, must consent to this approach. The Child Consultant, upon referral from the Mediator, will then join the parents' FDR process to represent the concerns and priorities of the child/ren in that process. This process is managed jointly between the Mediator and the Child Consultant.

Generally, when appropriate and if both parents consent, school aged children are offered a private consultation, in a safe space, to talk about their experience of the separation, their needs, their interests, and concerns /worries and what they would like to see happen as to a co-parenting arrangement.

The Child Consultant is a specially trained practitioner and uses specific tools to gain a genuine understanding of the child or young person and their needs. In their sessions, they explore a range of topics, such as:

- How the young person feels when they see/hear their parents arguing or saying unkind things about each other;
- How they feel about being 'messengers' between parents
- How they feel about siblings, school, or friendships
- Things they are worried about, excited about, or hoping for
- The strengths in their family; and
- Areas in their family they wish were different.

Depending on age and the individual child, they may express themselves through drawing, playing, talking, stories or other activities. If there is more than one child in the family, each maybe seen separately. These sessions can run with all the children of the family present together, to help understand the dynamics.

On the day of the child's session with the Child Consultant, which is confidential as between the Child Consultant and the child, the child is encouraged (through activities) to share as much or as little as they wish, and the Child Consultant will confirm with them what information they can share with the child's parents. The child is informed that their parents have been asked not to ask the child questions after the session.

These sessions will be a once off and may last for approximately 45 minutes. Children are never asked to make decisions- that's their parents' job. It can be a relief for a child to be able to express their views to a person who is not involved in the conflict. Its purpose is to allow the child to share what it is like for them and to help parents in their decision making in Family Dispute Resolution.

From this interview the needs of the child are acknowledged and shared with the parents. This information is shared in a mediation session, this is a one-off session with the Child Consultant present.

When is Child Informed Mediation suitable?

Child Informed Mediation is not for everyone. The Family Dispute Resolution Practitioner, benefiting from intake sessions with the parents, will undertake a careful assessment to determine whether Child Informed Mediation is a safe and appropriate option for the child/ren involved. Ultimately, a question for assessment may be: "Can these two people put their own conflict aside for the sake of their child/ren and really listen to their child/ren's voices?" If parents are willing to put conflict aside and do the necessary preparation, Child Informed Mediation can be transformative for everyone.

The offer of Child Informed Mediation must be based on the parents' readiness to listen and hear, without risk of repercussions, to the concerns and needs of the child/ren, and to reflect how they will meet the needs and concerns in the arrangements they make for each to parent the child/ren, and how the child/ren will move readily between the two households.

The Process

In practice, where Child Informed Mediation is appropriate, we (as the FDRP) will generally adopt the following process (subject to the discretion of the FDRP):

- Intake sessions with each parent to assess suitability for FDR and Child Inclusive Mediation takes place, during which the parents are provided with information on the child consultation process and purpose, including the confidentiality that will be contracted with the child/ren;
- Upon the parents consenting to proceed to a Child Inclusive Mediation:
 - The child consultant sees the parents in a separate meeting;
 - The child consultant sees the children either jointly or separately, and they decide on what will be taken back to the parents;
- The child consultant and the Mediator meet to discuss the outcome of the consultation;
- The first joint session is held by the Mediator with the parents and before opening statements of the parties; the child consultant, with the mediator, brings the agreed feedback from the consultation to the mediation ("feedback session");
- The Child Consultant leaves the mediation and the FDR session continues to conclusion. Note that while it is usual for only the Mediator to continue the mediation, in some cases the consultant may be asked by the Mediator to remain and assist in the development of parenting arrangements.

The Costs

The costs of the Child Consultant are generally paid by each party sharing joint fees. These fees are arranged prior to the engagement of the Child Consultant and are arranged directly between the Child Consultant and the parents when arranging of the consultant's intake sessions. These fees are in addition to the fees paid to the Mediator.

Stradbroke Dispute Resolution Centre, in addition to their normal rates for Family Dispute Resolution, may charge additional fees for the purposes of attending to the referral and communications with the Child Consultant and parents in relation to the provision of information and attending to other Consultant's requirements. No further fees are payable for the purposes of the "feedback session" as this forms part of the FDR session fees.

Information only

Please note that the above information is given as a guide only and the determination as to the process and assessment as to suitability remains with, and at the discretion of, the appointed mediator and Child Consultant. It is to be taken as general information only and should be discussed with the Family Dispute Resolution Practitioner on a case by case basis.

* Publication notes and recognition of content:

Stradbroke Dispute Resolution Centre acknowledges that the information and text in this article has been derived and adapted from the following publications:

- An article written by Karen Marshall – Psychologist and Clinical Supervisor – September 2021 “Child Informed Mediation & published by Relationships Australia;
- An article published on the Better Place Australia website at <https://www.betterplaceaustralia.com.au/mediation/child-informed-meditation/>; and
- Mediating with Families by Brandon, Fisher & De Biasi, 4th Edition, published by the Lawbook Company 2018, Chapter 5 The Child’s Voice in Family Dispute Resolution)