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## Child-focused mediation: Bringing children into the process

Over the last few decades, more attorneys have begun using mediation in the divorce process with the understanding that not all issues can or should be taken before the court. As an attorney, choosing a mediator who will best fit your client's needs is paramount. Just as every client has different needs, every mediator has a different style.

Utilizing a mediator who practices child-focused mediation might be one solution in assisting a client who is experiencing challenging parenting issues. This column provides a broad overview of child-focused mediation and a toolkit of questions for attorneys to ask when looking for a child-focused mediator.

### Right balance

The fundamentals of child-focused mediation originated in Australia and New Zealand, where the court systems are rooted in collaborative methods. Child-focused mediation is a process in which the mediator empowers parents to focus on the effect their decision-making and continuing role as parents have on their children.

While this method is utilized differently among mediators, nearly all agree that divorce is not an adult-only problem, and that the voice of the child must be heard and taken into account throughout the process.

The goal in child-focused mediation is not to bring the children into the middle of the divorce but to recognize they have a place in the process and ensure their voice is heard. Further, mediators strive to motivate and assist parents to shift from a conflict-focused state of mind to a child-focused state of mind.

As Margaret S. Powers — a private mediator with M.S. Powers & Associates Inc. in Arlington Heights practicing child-focused mediation — explained, “The family is a system. The goal in child-focused mediation is to rebalance the family since divorce alters this system greatly.

All family members need to be able to have a voice in order to move forward.”

A child-focused mediator works to constantly bring the conversation back to the children. The mediator works to help the parents understand how their behavior affects their children. Parents are often unable to see how their children are experiencing divorce, particularly in heated situations. In many ways, divorce can give parents tunnel vision as they work through their own emotions and feelings of loss.

David Royko, director of the Cook County Circuit Court's Family Mediation Services, stated, “The ideal result is for parents to see the ‘alternative’ in alternative dispute resolution.”

Supervisor and court mediator Cookie Levitz added, “Without question, divorce can be emotionally devastating. Parents often forget children might react to the divorce and experience different emotions than the parents do.”

As such, child-focused mediators utilize a plethora of techniques to bring the parents' focus to their children.

### Techniques

Child-focused mediators work to bolster the parents' communication skills between each other and with their children. One technique mediators may utilize

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is naming the couple mom and dad instead of their first names. This reminds them while their romantic relationship has ended, they have a continuing duty to act as parents for the benefit of their children.

Mediators in the Cook County Family Mediation Service encourage parents to begin viewing

### COLLABORATIVE CONCEPTS



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their parenting relationship as a business relationship whose goal is encompassing the current and continuing emotional well-being of their children.

“I help the parents begin using the words ‘we’ and ‘our children’ in light of a continuing parenting relationship,” Levitz said. “I advise them to look at the other parent as a business partner and ask, ‘Would I say this to my co-worker, my colleague or my boss?’ If the answer is no, I advise them to take a step back and appropriately reframe what they want to say.”

### Children's role

Including children in the mediation process raises strong and contrasting opinions. Some mediators firmly believe children have no place in the process.

On the other hand, Family Mediation Services interviews the parents individually, meets with the parents together and interviews the children individually before returning to the parents. Here, children are never in the same room as their parents.

In both situations, the mediators provide children with a confidentiality agreement to ensure nothing will leave the room unless the child agrees otherwise. Sometimes, the mediator may acknowledge or validate the child's feelings and ask for permission to share. Only in circumstances where a child or third party is endangered will the mediator share without the child's permission.

Supervisor and court mediator Dan Hunter said, “The mediator may be the only neutral adult in the child's life during the divorce.” With this in mind, the mediator returns to the parents with a neutral perspective on how the children are experiencing the divorce. More often than not, children want their feelings communicated back to their parents.

### Finding a mediator

If an attorney is looking to recommend a specific mediator, it is important to first identify your client's goals and concerns.

For clients experiencing high conflict parenting issues, a child-focused mediator is a good fit. Being a child-focused mediator holds a different definition to individual mediators. When looking for a mediator who will focus on the children and bring the children into the process, here are some questions to ask to ensure the mediator is well-equipped:

- What training have you participated in to become a mediator?
- What is your professional experience working with children? Particularly, do you have experience in child development?
- What type of mediation style do you utilize?
- What role does the child play in mediation?