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## Child-focused mediation available in public, private arenas

In July's Collaborative Concepts column, I discussed the practice of child-focused mediation in family law cases. This month's column will focus on the distinctions between child-focused mediators in the public versus private spheres.

As a refresher, in child-focused mediation, parents are encouraged to focus on their ongoing obligation to parent their children and to focus on the impact their decision-making has on their children. See "Child-Focused Mediation: Bringing Children into the Process," Daily Law Bulletin, July 15.

Pursuant to Illinois Supreme Court Rule 905, mediation is required for parents who are in conflict over custody, visitation, removal and other child-related issues other than child support. Mediation for domestic relations cases in Cook County is governed by Cook County Circuit Court Rule 13.4(e).

### Public mediation

In Cook County, parents are referred to Family Mediation Services for mediation if they cannot agree on a mediator. FMS is a department within the Cook County Circuit Court's Domestic Relations Division and is offered at no charge to the parties. The vast majority of the FMS mediators have a mental-health background.

FMS requires a mandatory parent education course, which focuses on improving communication between the parents. This class, taken either online or in-person, centers on the importance of establishing a co-parenting relationship, minimizing conflict and assisting children in successfully adjusting to the separation or divorce of their parents.

To begin, each parent fills out an intake form separately and meets with the mediator individually to review the intake questions. This gives each parent the opportunity to discuss whether he or she is comfortable with directly involving their children in the mediation process.

The intention of the initial interview is to shift each parent

from being conflict-focused to being child-focused. The mediator aims to identify potential conflict points, which helps set an agenda for future sessions.

Thereafter, parents participate in two joint sessions lasting two hours each. The goal of these sessions is to empower and reinforce each parent as a decision-maker for the children. The mediator also focuses on eliminating blame in an effort to focus the couple on their children's needs and to identify strengths in what they can agree on in parenting style.

The mediator consistently works to bring the conversation back to the parties' children by asking questions such as, "How will that affect your children?" and to remind parents to substitute "our child" for "my child."

Children become involved in the process during the second session. Prior to meeting with the parents, the mediator will meet with any child who is between 4 and 17 years old. Each interview lasts approximately 10 minutes and is conducted separately from the parents.

The goal of the interview is to assess how each child is adjusting

*While parents may want to keep their children from having to participate in the divorce process, it is often beneficial to everyone if their voices are heard.*

to the divorce by uncovering his or her feelings, reactions and responses to the new family system. The mediator will ask the child for permission to share information with the parents.

The mediator joins the parents for the second and final session to work on issues raised by the children. In situations where the children permit the mediator to share with the parents, the child's thoughts and feelings expressed during the 10-minute interviews may upset one or both of the parents.

When this happens, Dave Royko, the FMS director, helps

### COLLABORATIVE CONCEPTS



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parents take a step back by saying, "Don't defend. Don't blame. Just listen."

The second session ideally ends with an agreement. FMS provides the terms of the agreement to each parent, the judge, any attorneys involved and any child representatives or guardians ad litem.

### Private mediation

The alternative to FMS is private mediation. Each private child-focused mediator brings children into the process differently. Margaret S. Powers, a private mediator with M.S. Powers

and Associates in Arlington Heights, pointed out this is a strategic decision made on a case-by-case basis.

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