

Workshop Case Study Handout – Mediating with Hurt and Angry Parents

Case Study 1

Sally, the mother, claims that Paul, her ex-husband is unreasonable in his demands that she have a support person with her when she picks up the 2 children for her fortnightly Saturday access visits. The children, Alicia (5) and Ben (8), live with their father. Both children have limited speech and reduced cognitive capacity as well as other complications related to their disability, including problems with bowel incontinence from time to time. Paul claims that their condition has been genetically transferred from their mother and that they had agreed, after medical advice, not to have more children after Ben. Paul says Sally became pregnant with Alicia in order to try to keep him in the relationship. Paul took over caring for the children when Sally's parents declared that Sally was not able to look after them after their separation 3 years ago. Sally has been inconsistent, according to Paul, in her contact with the children. Paul says Sally drinks heavily and has had numerous casual relationships with men. He alleges she has convictions of 'Driving Under the Influence'. Sally does not pay any child support as she receives a disability pension. The children need regular specialist medical and remedial attention which Paul manages, as well as working and studying for a degree. Sally reports that she has not been able to maintain regular contact with the children because her sister is required to be with her for access visits and is not always available.

Paul believes that Sally is an alcoholic and that she can not be trusted to look after the children on her own.

In the mediation Sally puts forward that Paul is trying to prevent her from having a relationship with the children. Paul behaves in a very condescending way towards Sally and mediation goes to private session when he makes yet another sarcastic comment.

Case study 2

Laura and James have three children, a boy 9 and two girls 6 and 3. They have managed to stay focused on the children quite well after their split about 6 months ago. Initially Laura moved out with the children and James spent time with the children every second weekend. For the last four months they have had shared care; children moving house once a week.

When the mother moved out she took the children out of school and moved them to a school next door to her new home.

Mother says that the reason for the break-up is James' addiction to marijuana and his subsequent depression and passivity. Both parents agree that the son is very much like dad and the girls like the mother, outgoing and active. Father says they broke up due to him just not loving her anymore.

During the pre-mediation when asked how the children had coped changing school the father was noticeably upset when he told of his son's comments to him after a day at school. The son had said that he had had the worst day in his life. James asked him why that was the case and the son's answer was that no one had played with him, rather he was all by himself.

The mediation started fairly lightly, with things running smoothly and with good child-focus. We started with good positive and cooperative opening statements and exploring what the parenting relationship should look like. When the topic of decision making came up, the father raised his voice and started accusing the mother of selfish and inconsiderate behaviour. She became teary and asked for a break. In caucus with the father we started to explore common emotions immediately around time of separation. We agreed that we humans tend to go into survival mode and that empathy and consideration for others is low, during such stressful times. We also unravelled and explored the emotions he was feeling around the son's difficulty in changing schools.

In caucus with the mother her frustrations about the father being such a poor role-model surfaced and we acknowledged her pain in seeing this but moved it toward a focus on what could be done about it, toward being proactive.

Once together again we simply put the name of the son on the board and brainstormed what he needed, in terms of role-modelling, activities, support etc.

Assessment and Pre-med

Priming for good parents/child focus

- Informing throughout process of the benefit to children when parents cooperate and highlighting anything they do well as parents.
- Giving parent examples of how they can work together as parents and examples of how this has worked for other families. Applying it to their life
- Encouraging 'we' language. You two as parents.
- Child focus, asking questions such as:
 - What do you think your children need from you right now?
 - What do they love doing?
 - What are they like?
 - What do you love doing with them?
 - Tell me about your children?

Priming for self fulfilling prophecy

- Creating absolute faith and confidence in process and the practitioner, through giving success rate and examples of impact on the family lives.
- Interweaving setting positive expectations, confidence and priming with Principle*; *Expect the best*, saying:
 - 'it will be a step in the right direction.'and asking leading questions such as:
 - 'How are you going to create a parental alliance, in order that the children will have the best possible childhood?'
 - 'What can you do to separate your own 'stuff' from you as a parent?' Assuming that they can do it, just a question of how.

Stress antidote

- Supporting their stress through casualising process saying:
 - 'You can always come back to tweak things.'
 - 'We just do what we can on the day, we can always come back and work more on the plan.'
 - 'It is a step by step process, it will not be a miracle change but it will be a step in the right direction.'
 - 'It is your process, I am here to support you both all the way.'
 - 'It is ok to get upset, we will handle it, it just means that the issue is important to you.'

Mediation

Self fulfilling prophecy + priming

- Opening statements are only positive and cooperative:
 - Example: We are here because we both love the children and would like to work together to give them the childhood they deserve. We would also like to both be there for the 21st.
- Room set up, creating the illusion of the children being present. 'Talking' them into the room, saying things like:
 - 'Imagine they are sitting there dangling their legs, what would they want you to sort out?'
 - 'What would be most important to the children that you stop doing or start doing?'
- Repeatedly stating progress made and how well they are going.
- 'Imagine how your children feel at change over time, how would you like them to feel?'
- Asking questions from the children's point of view eg,
 - 'What on the agenda do you think it would be most important to your children that you sort out?'
 - Or starting mediation with: what are the needs of your children; emotional, physical, safety, medical, academic etc. This can also be used if the conflict is escalating and parents are losing ability to stay child focussed.
 - 'What do you think is important for your children around Christmas/birthdays?'

Five Principles of the Conflict Management from the Quakers:

- Respect for self
- Care for others
- Work together to find a solution
- Think before reacting
- Expect the best

How to acknowledge emotions in mediation?

- model emotional stability and respect in your body
- breathe deeply and regularly
- maintain eye contact
- listen carefully, stay with them
- reflect back the feeling tentatively, don't assume
- don't name causes or infer blame
- normalise the emotional impact
- acknowledge the importance of the issue for them
- sets the tone for honest expression
- paint it in the past
- move them forward – don't wallow

When to acknowledge emotions?

- at intake – assessment & rapport
- at pre-mediation – coach with strategies for mediation
- during mediators introduction – “there have been difficult feelings for both of you in the past
- in joint session
 - address their difficult emotions to you
 - reframe without blame or cause
 - reflect the difficulty, pain, anger, disappointment, ...
- only ask the other parent to reflect if they can be compassionate
- in private session when necessary

'I' messages – Why?

- Based on respect for self and others
- Minimises assumptions
- Take ownership of self
- State feelings and consequences
- Indicates what is wanted
- No blame
- Points to the future

'I' messages – How?

- Describing the behaviour objectively
- Describe the impact on themselves and the children
- Say what they would prefer to happen

'I' messages – When?

- Pre-mediation – coach them in the technique
 - Sell the benefits – other parent might listen
- Mediators intro – guidelines – speak from your own perspective
- Joint session – lead with questions
 - ‘Pls tell Joe what happens at pickup time’
 - ‘How does that make you feel?’
 - ‘Have you got any suggestions to Joe that you feel would help?’

List of References re Dealing with Emotions in Mediation

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