

LISTENING TO YOUR CHILDREN

Now you have decided to separate, life is going to change for all the family. You are beginning to make decisions about living apart, perhaps selling the family home and you are probably already finding the process very challenging.

Making arrangements for your children, both during separation and when you have divorced is always very emotional for all members of the family. Of course you will still be your children's family, even when the actual divorce process is a distant memory. It often causes conflict too as parents struggle to cope with difficult feelings - fear, guilt, anger, loss, to name just a few.

You have chosen to manage your separation by using what is known as 'alternative dispute resolution'. This may be family mediation or collaborative law, which means that you are going to decide on the arrangements for your children yourselves. You are in the position of knowing your children better than anyone else and can use your expertise to put in place workable arrangements that will be right for them.

Children can adapt well to having two homes where their parents are co-operative and positive about the situation (although being positive is not the same as pretending that nothing has really changed). This co-operation may not be in the form of friendly co-parenting, but hopefully you will at least be able to be 'parallel parents', ensuring your children do not experience further conflict. It is important you know you are both working to give your children the best, most secure, most loving childhood possible.

And what your children might be experiencing at the moment

At this early stage, you might have talked to your children about what you are planning, or you might be waiting until you are more certain of your plans. Your children will certainly sense that things are changing, even if you haven't actually talked to them about the separation and the possible house move.

Whatever their age, children will have their own thoughts and feelings about what is happening and however much you would like it to be so, these will not be exactly the same as yours.

- If they are very young, they will not be able to put those feelings into words but you may notice that they are trying to manage difficult feelings such as anxiety with changed behaviour.
- At junior school age, they may talk about headaches, tummy aches, signs that they are feeling stressed and anxious.
- From around 10, children begin to identify and name feelings of anxiety, confusion, anger and guilt (yes, guilt because children frequently feel to blame for their parents' separation).

The children are fine, they would tell us if they weren't, wouldn't they?

The answer to this is probably not. For example...

'If I tell Daddy I am unhappy, he will be even more sad'

....or....

'How do I tell Mummy I am feeling very worried about all the changes when she seems so positive about what is happening'

....or....

'If I hadn't refused to get in the car, then Daddy and Mummy wouldn't have argued, and they would still want to live together'

Quite naturally, children often choose to 'spare' their parents their more difficult feelings. They do not want to worry their parents who they sense are already burdened with their own worries.

But where children are able to share their feelings about the changes happening in their lives with caring parents, they will feel less worried and happier. This is where Child Inclusive Mediation comes in.

How can Child Inclusive Mediation help?

In a very detailed report published in 2016, the Ministry of Justice recommended that all children aged 10 and above should be able to talk to a mediator when child arrangements are being made. The mediator is specially trained to meet with children in this setting.

It is very important that parents understand the thoughts, needs and feelings of their children, and involving them in the mediation process is a good way to do this. Children like to know what is happening, and appreciate having their views and options heard, although it is always made clear that they are not responsible for any overall decisions. Decisions about child arrangements need to be made by their parents.

What happens in Child Inclusive Mediation?

Involving children in mediation can be complex and preparation is needed before a mediator speaks to a child. The age and maturity of your child need to be taken into account and your child as well as both parents have to agree to the meeting. The mediator must also decide whether child inclusive mediation is appropriate in this



case. Although the guidelines are for children aged 10 years and over, in exceptional circumstances younger children may be seen.

In Child Inclusive Mediation, your child will meet the mediator separately. This conversation is confidential between the mediator and the child and usually lasts between 45 minutes and one hour. Siblings will be seen separately or together depending on what the children themselves prefer.

Although the meeting is confidential, very often the child does have something that they want the mediator to tell their parents, and that they would like the parents to take into consideration when making their decisions. Strictly with the child's permission, the mediator will then talk to the parents in the next mediation meeting about what the child has asked them to say, bringing the child's voice into the mediation. There is no written feedback, and your child only meets the mediator once.

Should I worry about what the children might say?

No. Parents can feel very threatened by the idea of their children talking to the mediator about what is happening. Understandably, they often worry that their child will say they don't want to spend time with them.

Children are not being asked to decide on child arrangements. They are being given the chance to talk about what is happening, their worries, and whether there is anything they would like to say to their parents that would help their parents to make things easier for them. Knowing how your children are really feeling may be uncomfortable, but it gives you the chance to make things as manageable as possible for them.

Is this like counselling?

No. It may be helpful for your child to see a counsellor qualified to work with children. That would be completely separate from mediation.

How do I arrange for my child to see the mediator?

Both parents need to give their permission in writing before your child is contacted by the mediator. You both have parental responsibility and this needs to be a decision you take together for the benefit of your children.

Once you have given your permission, the mediator will write to each of your children (either by email or post) to invite them to come to a meeting with the mediator. Examples of the sort of letter your child would receive are attached. They are age-appropriate, but of course it is very helpful if you talk about the invitation with your children so that you can allay any concerns your child may have.

If we decide that we don't want our children to see the mediator?



Child Inclusive Mediation is voluntary, both for parents and children. If you feel that you don't want your children to meet the mediator, that is fine. Equally, if your children decide that they don't want to meet the mediator, that is fine too. All mediation is voluntary.

Sample letter to a younger child

Dear

I would like to invite you to come and meet me for a chat on xxx at 3.45pm at my office in Clanfield.

As you may know, your Mum and Dad are coming to see {my colleague} and me for some mediation. Our role is to help them discuss things calmly and carefully, without taking sides. Of course, one of the biggest concerns for them both is the effect of their separation on you, and how to make things as easy as possible for you.

Listening to the views of children of separated parents is a very important part of family mediation.

I know that your parents have already spoken to you about coming to see me for a chat. When parents separate, it can be very difficult for their children to talk about how they feel about what is happening, and also what they would like to happen. I am sure you have ideas of your own about this, and you might find it very helpful to share those ideas.

If you are happy to come to this appointment, our conversation would be private. It would give you some time with me to talk about how things are going, how you feel about the arrangements and what you might like to be different. We would also talk about whether there are things you would like me to pass on to Mum and Dad, or whether what we talk about is between you and me.

I do hope you agree to come. If you would like to see who I am and what I do, have a look at our website www.choicefamilymediation.co.uk

I am looking forward to meeting you.

With best wishes

Hazel



Hazel Manktelow
Family Mediator

Sample letter to a teenager

Dear

I would like to invite you to come and see me at my consulting rooms in Drift Road, in Clanfield at xxxxx

As you may know, your parents are coming to see me for some mediation, where, amongst other things, they are talking through the arrangements for you and xxx. My role is to help them discuss these things calmly and carefully, without taking sides. Of course, one of the biggest concerns for them both is the effect of their separation on you and your xxx, and how to make things as easy as possible for you all.

Listening to the views of children of separated parents is a very important part of family mediation and all children are offered the chance to speak to a mediator.

I know that your parents have already spoken to you about coming to see me for a chat. When parents separate, it can be very difficult for their children to talk about how they feel about what is happening, and also what they would like to happen. I am sure you have ideas of your own about this, and you might find it very helpful to share those ideas.

If you would like to come to this appointment, our conversation would be private. The only exception to this privacy is if someone tells me that they or another child they know are currently being harmed or abused in some way. Our meeting would give you some time with me to talk about how things are going, how you feel about the arrangements and what you might like to be different. We would also talk about whether there are things you would like me to pass on to your mum and dad, or whether what we talk about is between you and me.

I have also invited xxx to come to this appointment - the 3 of us would meet together for the first 20 minutes, and then I would spend 20 minutes with you both on your own.



I do hope you agree to come. If you would like to see who I am and what I do, have a look at my website www.jm-lfamilymediation.co.uk.

I am looking forward to meeting you and Rose, but if you don't want to come, that is perfectly ok too. Please ask one of your parents to ring me and let me know.

With best wishes

Hazel

Hazel Manktelow
Family Mediator