



Creating child focused dialogues with separated parents

Handbook

Theoretical and clinical underpinnings of child
focused dispute resolution

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THIS RESOURCE WAS ORIGINALLY PART OF THE CHILDREN IN FOCUS PROGRAM, AND WAS ACCOMPANIED BY A DVD. ALTHOUGH THE FULL DVD RESOURCE IS NOT CURRENTLY AVAILABLE THE HANDBOOK IS AN INVALUABLE GUIDE TO CHILD FOCUSED PRINCIPLES. THE PARENT EDUCATION GROUP IS AVAILABLE ON THE CHILDREN BEYOND DISPUTE WEBSITE: childrenbeyonddispute.com

THE HANDBOOK IS BEING UPDATED, AND TOGETHER WITH THE FULL DVD RESOURCE, WILL SOON BE MADE AVAILABLE ON THE CHILDREN BEYOND DISPUTE WEBSITE: childrenbeyonddispute.com

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About this program

The Handbook

This handbook accompanies the DVD entitled 'Dialogues with Separated Parents: Child Focused Dispute Resolution' (McIntosh & Moloney 2006). The handbook and the DVD have been designed for use as an integrated package. The primary purpose of the package is to promote clinical skill development around child focused facilitated dispute resolution processes.

The DVD introduces the viewer to two separating couples and their children. It demonstrates sequences within a child focused group education program (facilitated by Jenn McIntosh), and sequences within two separate child focused mediation sessions (the first—Joe and Belinda's family—mediated by Lawrie Moloney; the second—Amanda and Matthew's family—mediated by Francesca Gerner). The DVD contains 'chapters', which break the material up into segments that viewers may consider separately.

Chapter	Title	Running time mins:secs
1	Post separation parent education group	23:30
2	Case 1 – Belinda and Joe	
	Background (depicts scenes of family life and serves as a general introduction)	5:50
	Joe's perception of events	3:10
	Belinda's perception of events	4:00
	Building a Child Focus (excerpts from Belinda and Joe's first mediation)	23:00
3	Case 2 – Amanda and Matthew	
	Background	5:40
	Amanda's perception of events	5:30
	Matthew's perception of events	6:00
	Building a Child Focus (excerpts from Matthew and Amanda's second or third mediation session attended)	21:00

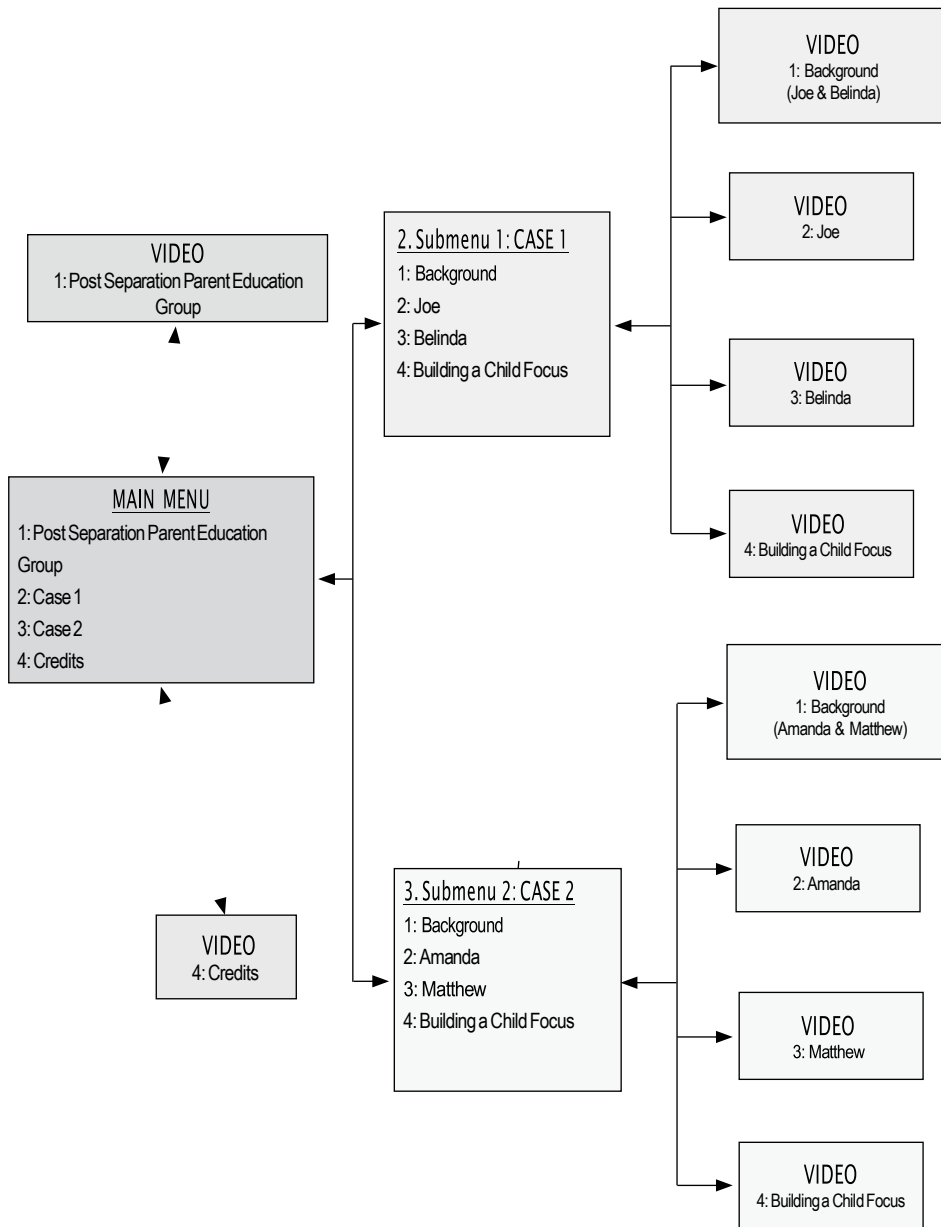
In the transcripts and the DVD, it will be seen that the child focused group education program and the child focused mediation are linked in two ways. First, only one partner from each of the mediation sessions (Joe in the first session and Amanda in the second) are participants in the group.¹ Second, from time to time, the mediator draws on information and metaphors that were used by the group facilitator. We believe it is important that the group education input and the mediation sessions aim to present a seamless and consistent set of child focused messages to parents.

In the model demonstrated, the mediator and group education facilitator are different individuals. Provided one had skills in both domains, a single individual could fulfil both roles. Indeed, there may be service locations in which this is judged to be the most efficient and most logical approach. As a general preference, however, we think there is value in having the functions kept separate. In this way, the messages delivered and discussed in the group education sessions can be reinforced by the mediator(s).² The same core messages delivered by different individuals in different contexts are more likely to have a greater impact. Of course such a model assumes commitment to a team approach in which close attention is paid to good working relationships between staff and good service integration.

¹ To provide some emotional space from each other and to maximise what we call the “head and heart space” for reflecting on their roles as parents rather than partners, it is recommended that former partners do not attend the same group education session.

² The child focused mediations demonstrated are conducted by single mediators. There are many advantages, especially in ‘high complex high conflict’ cases, in adopting a co-mediation model. Sometimes, in our experience, devoting such resources to the early stages of a complex case represents a good long-term investment of both time and money.

DVD Navigation (NO LONGER OPERATIONAL)



Towhom is this program directed?

The material in this handbook and the accompanying DVD articulates a specialist set of child focused mediation/conciliation and facilitation skills. Though our aim has been to make it accessible to as broad an audience as possible, the material is not targeted at entry level practitioners. Rather, it assumes that core training in a recognised form of family dispute resolution has already occurred.

Thus the primary audiences for the DVD and handbook will be qualified family dispute resolution practitioners. In the current climate, most will have received initial qualifications and experience in the legal and social science professions. Going forward, however, we recognise that this profile of qualifications and experience may change. Some of our targeted audience will primarily identify the work they currently do as mediation, some conciliation and some facilitation. Regardless of the language used, all will have foundational skills in assisting disputing parents or former partners to arrive at workable and responsible parenting decisions.

Preliminary comments on terminology

The reader will be aware that within the space of these first few pages, the following terms have been employed:

- (child focused) family dispute resolution³
- (child focused) dialogues
- (child focused) mediation
- (child focused) conciliation
- (child focused) facilitation
- (child focused) family dispute resolution practitioner
- (child focused) mediator
- (child focused) conciliator
- (child focused) facilitator.

³ Brackets have been employed to denote that the full expression is not always used. Sometimes, as when the term 'mediator' is used in the transcripts, the 'child focused' prefix is assumed. Sometimes, as in the previous section describing the target audience for the DVD, the absence of the prefix acknowledges that child focused skills may not yet have been acquired.

The first five terms describe processes. The remaining four describe the professionals who deliver the services via these processes.

The first of the terms in each category—‘family dispute resolution’ and ‘family dispute resolution practitioner’—are the generic terms proposed in the Family Law Amendment (Joint Parental Responsibility) Bill 2005. Other terms reflect the differing but overlapping emphases and descriptions of dispute resolution work with separating and separated families in an Australian context.

In Australia, the formal emergence of terms such as ‘family mediation’ can probably be traced to the First National Conference on Alternative Dispute Resolution held in Canberra in 1986 (see Mugford 1986). Processes that resembled family mediation had of course been occurring in this country for at least ten years prior to that. In particular, from late 1975, the Family Court Counsellors within the Family Court of Australia and the Family Court of Western Australia had been overseeing ‘Conferences’ aimed at assisting separated partners to resolve parenting disputes. In the early 1980s, the New South Wales Community Justice Centres began to engage in similar work.

Terminology in this field remains fluid. Some years ago, for example, the phrase ‘alternative dispute resolution’ largely gave way to the phrase ‘primary dispute resolution’, reflecting the introduction of this terminology in the 1995 amendments to the Family Law Act to indicate that community-based dispute resolution should be tried first before going to court. In separation-related parenting disputes, we have considerable sympathy for the more contemporary distinction between mediation and conciliation suggested by the National Alternative Dispute Resolution Advisory Council (NADRAC) (2002). NADRAC suggests that a conciliator may play an information-giving or even advisory role, whereas a mediator aims to focus as far as possible on process only.

In the accompanying DVD, however, we use the simplest and perhaps most commonly recognised term, ‘mediation’. Although we also favour ‘mediation’ in the Handbook, we sometimes substitute this with the terms ‘conciliation’ and ‘family dispute resolution’. Use of ‘conciliation’ is partly in deference to NADRAC’s definitional distinction—because as noted, we do incorporate into

our model, information and advice based on the best available research—and partly because NADRAC simultaneously notes that ‘mediation’ and ‘conciliation’ are now used to refer to a wide range of overlapping processes. In addition, although we have reserved the commonly employed term ‘facilitation’ to describe the group education process, we acknowledge that this could also describe family dispute resolution processes that are directed at an individual separating family.

Finally, we have consciously linked the words ‘facilitation’ and ‘education’ to suggest that within the group work, we are attempting to both inform and to ‘lead existing information out of’ the parents (which is the literal meaning of the root words, ‘e’ and ‘ducare’). The starting point in all our work is that, by and large, parents already possess an instinctive knowledge of the basic principles that underpin child focused practice. Our further assumption, however, is that this knowledge is likely to have been blunted by the parents’ preoccupation with each other as former partners and with other stresses associated with separation and divorce.

Does a preoccupation with words and definitions matter? In the sense that words attempt to define what we do and do not do, they are important. In the final analysis, however, we are less concerned with settling on a definitive terminology and more concerned with describing and demonstrating processes that can accommodate themselves to proceedings in which a child may have no active or formal voice. The essential challenge in such cases always comes back to the question of how to continue to place the absent child at the centre of the dispute and work outwards with both parents from that point. We call this ‘child focused’ practice. In the section, entitled *Conceptual and theoretical framework*, we elaborate further on this term and distinguish it from the term, ‘child inclusive’ practice.

Using the Handbook

The handbook can be used in many ways. However, we recommend that if you have not done so, you view the DVD before proceeding further. We recommend first viewing the DVD as a whole and then reading the handbook through as far as the beginning of the transcripts. From then on, we imagine that trainers or individuals might segment the viewing and the reading of the transcripts in a variety of ways. Though not atypical, the cases studied are complex and highly

conflictual, and raise many theoretical and practice issues. We believe the cases will provide an ongoing source of stimulus material for trainers and workers who aim to improve their skills in child focused practice.

It is of course possible to use the handbook as a stand-alone resource, but the theory and text cannot convey all of the subtleties and nuances that can be observed in vivo. Clearly, much happens in the spaces between the dialogues. Much is also conveyed by the tone of voice, the timing, the body language, and other communication styles and strategies.⁴

The focus of this DVD-and-Handbook

The DVD-and-handbook focus on building conversations and settlement processes that are centred on mindful consideration of the needs of children affected by their parents' dispute. In both the DVD and the transcripts there are multiple moments within dispute resolution processes in which parents need support to focus or re-focus on their children's experiences and needs.

The approach of the group facilitator and the two mediators cannot be formulaic. Rather, responses aim to be iterative, empathic, and simultaneously attentive to both process and content. Thus, at different times, we see all three practitioners:

⁴ For example, at one moment Matthew gives Francesca a 'knowing wink' – an example of a client's attempt to encourage or persuade the mediator to align with him or her over the ex-partner.

- Following
- Leading
- Containing
- Waiting
- Informing
- Advocating for the child(ren)
- Directing the process.

The responses vary. Though the style inevitably reflects the personality of the practitioner and the purpose of any given response, the work is always informed by the objective of reinforcing or moving back to the children's needs.

Thus it is important to recognise that child focused work with medium to high conflict separating parents cannot be reduced to a predetermined set of prescribed competencies. Research into outcomes and cost effectiveness (e.g. Zsombok & Klein 1997) demonstrates that the specification of competencies in structured and unstructured complex tasks require very different approaches. According to Zsombok and Klein, good practice in structured tasks, in emotionally neutral domains of practice, calls for prior specification of average level competencies. This has been shown to produce fair and safe quality of performance.

On the other hand, unstructured complex tasks require a capacity simultaneously to 'think through' and 'think ahead'. They require flexible adaptation to uncertain, and, at times, emotionally charged and ambiguous situations. Henggler and Sheidow (2002) argue that these qualities are not found in practitioners who demonstrate an *average* set of pre-determined competencies. Rather, in their research into areas such as juvenile justice work, they show how practitioners with less than high level skills and training contribute to a process of cascading errors. They conclude that as the stakes become higher and the complexity of the working environment increases (as it does in high conflict family law disputes), specification of competencies must be based on the highest levels of performance.

More general research into judgement and decision-making confirms this finding. For example, Goldstein and Hogarth (1997) and Connolly, Arkes and Hammond (2000) show how errors in

complex situations are a result of under-preparedness in the cognitive and the emotional domains, and that, with respect to problems of human interaction, even seemingly ‘straightforward’ cases are frequently at risk of being mishandled.⁵

What the DVD-and-Handbook does not cover

The work does not set out to cover general group intervention theory and practice, nor standard mediation, conciliation or counselling processes with separated parents. It assumes comfort and experience in these areas and goes on to demonstrate, in a concentrated manner, some core approaches to establishing, maintaining and returning to a child focus with parents whose conflict has seriously diverted them from pursuing a developmental agenda for their children.

Family dispute resolution practitioners will recognise that the child focused group education and the child focused mediations depicted here, occur *after formal intake procedures have occurred*. Intake procedures are not covered in this material because, as noted, the core levels of professional development which are pre-supposed include awareness of the issues and practices that determine client capacity to engage with each other in a family dispute resolution process. In particular, the essential knowledge of intake-related risk assessment strategies around the key issues of violence, abuse and mental health is assumed.

The authors acknowledge, therefore, that although the child focused interventions illustrated here are designed to be effective with high conflict couples, the model has limitations. Like all facilitated processes, this model is limited by the presence of significant power differences, mental health issues, and/or by other questions that go to the capacity of individuals to represent themselves adequately in the presence of their former partners.

Finally, the material does not illustrate final outcomes and couples are not followed through to an ‘agreement’ phase. Rather, the following processes are emphasised:

- Parents are introduced to new ways of thinking about resolution and settlement in the group education phase.

⁵ Thanks to Sophie Holmes for drawing our attention to this literature. Sophie’s PhD research is in the area of worker competencies, especially in problematic and conflictual family situations.

- All dialogues are acknowledging and respectful of adult relationship difficulties, yet remain primarily informed by a focus on the children's needs.
- Through the activation or re-activation of a parental state of mind, couples are supported in moving to (or back to) higher ground as parents.

When these changes have been established, at least to some degree, the detailed negotiations that often need to take place can be more realistically supported by a greater sense of conviction on the part of each parent and a greater sense of commitment to their parenting roles. It is always important, in our view, for the child focused practitioner to be aware of, '... what each parent can contribute to the child, not reflexively assume that contact with both parents is essential or that one parent can be discarded. This is a child-centered take of a parental-rights approach' (Johnston in press).

'DVD time' versus 'real time'

Viewers of the DVD and readers of this Handbook will also be aware that the interventions make some use of elapsed time. This is because the 'DVD time' available to us made it necessary to concentrate on demonstrating the more overt child focused interventions. Of course, working in real time—usually over several sessions in the case of mediation or conciliation in complex/high conflict cases—gives the practitioner greater opportunity to be more measured in the task of building a child focus. Empathic responses demonstrated by a genuine willingness to hear and reflect back individual adult concerns are always necessary in all forms of child focused practice. Although DVD time allowed for less of this to be seen than would normally occur, we hope there is sufficient client-practitioner dialogue to demonstrate (or reinforce) the importance of establishing and maintaining rapport.

The case of Belinda and Joe (both DVD and transcript) commences some time into the first session. In this case, we see the mediator devoting more time than in Case 2 to working with issues of engagement and to grappling with the clients' continued reluctance to move away from an agenda of mutual criticism. Family dispute resolution practitioners will no doubt be familiar with this frequently shifting capacity of separated partners to respond and then not respond to invitations to think and interact as *parents*.

In Case 2 (Matthew and Amanda), the practitioner has had time to establish greater rapport and thus chooses to be a little more assertive with the child focused suggestions she asks the parents to consider. In terms of DVD time, this session picks up after a coffee break halfway through the second session.

We acknowledge that group facilitators and family mediators constantly need to make judgements about when to respond more directly to adult anger and pain, and when to promote a more overt child focused agenda. The material here is necessarily a little truncated in its illustration of this tension, but we hope it provides enough stimulus material for practitioners and trainers to reflect on the process and consider their own personal responses. Responses must in the final analysis be congruent with one's own 'way of being'. All three practitioners in this program have different personalities and thus deal differently with the dilemmas posed by child focused practice.

Conceptual and theoretical framework

Working with parents whilst keeping children at the centre

In the previous section, we alluded to the fact that the field continues to search for a common language to describe concepts and practices. We suggested that the most generic term to describe the work is *child focused practice*. Equally generic terms, *group education* and *family dispute resolution*, are used to describe the particular forms of child focused practice being demonstrated, whilst *group facilitator*, *mediator*, *conciliator* and *family dispute resolution practitioner* describe the professionals who provide the services. In addition, we use the word *dialogue* in the title to emphasise the two-way nature of the communication that occurs, at least at some level, between each parent and between each parent and each practitioner.

It will be noted that in all three DVD demonstrations and accompanying transcripts, the practitioners also provide a level of information and advice that is underpinned by the best research-based evidence available. We believe that in this work, giving properly informed non-legal information and advice to parents is often necessary because, when parents are in serious conflict, the stakes for the child(ren) can be high.⁶

By way of example, based on the best developmental information available, a practitioner might decide to comment on the inadvisability of a proposal that separated parents share the care of a six-month-old on a week-by-week basis. We provide such an example, notwithstanding our recognition that the offering of advice in this work brings a variety of risks and dangers. Practitioners must always ask themselves:

- What is my *purpose* in providing this advice?⁷
- Is the advice truly grounded in research-based knowledge?
- Are both clients in an emotional and cognitive space whereby such advice might be received and considered by them?

⁶ We review the evidence for this statement in the section entitled *Parental conflict and its impacts*.

⁷ Am I, for example, becoming impatient or frustrated? Do I feel the need to regain control by demonstrating my knowledge? Am I wishing to be an 'umpire' in a dispute between the parents?

Dr Joan Kelly makes the point (Kelly & Moloney 2002) that neither information nor advice is of use if it is simply 'laid on' the parents. She speaks of 'tilling the ground' rather than reverting to a top-down authoritarian method of delivery. We agree, and note that the primary aim in this form of child focused practice is to assist parents to find their own child oriented and child sensitive solutions to the disagreements between them. The primary stance in achieving that aim might be described as one of informed facilitation.

Finally, it is important to acknowledge that although it has not been our purpose to describe arbitration practices as part of this project, genuinely child focused practice can also occur within such a context. For example, much of the currently evolving work being conducted within the Family Court of Australia's Children's Cases Program⁸ would in our view qualify as a form of child focused practice.

The authors' orientation

The work described and illustrated in this package rests heavily on the knowledge and beliefs of each author. Other professionals charged with a similar task may favour different emphases. Jenn McIntosh's contributions draw particularly on her knowledge and experience with developmental and attachment theories, and their applications to family traumatology. Lawrie Moloney draws especially on earlier experience as a Family Court Counsellor, and more recent experience as a lecturer, practitioner and researcher in counselling, psychotherapy, and family conflict resolution.

Our overarching interest is in exploring and promoting child sensitive responses during times of family transition. More specifically, our experiences have led us both towards an interest in child focused and child inclusive dispute resolution in the area of parental separation and family

⁸ First evaluations of the Children's Cases Program are being completed as we go to press. For one enthusiastic description of practice to date, see Justice Le Poer Trench's paper delivered to the Safe Transitions Conference in Sydney, in November 2005. See also the paper by Justice Linda Dessau delivered to the Australian Institute of Family Studies Family Research Conference in Melbourne, 9-11 February 2005. An important aim of the Children's Cases Program is summed up by Justice Stephen O'Ryan, (cited by David Schetzer at the Third Annual Family Law Conference, Melbourne March 2, 2006), who noted that:

There is no doubt that we (the Court) need to do things differently, particularly in disputes over children. The process has to be quicker, less costly and significantly less adversarial.

reformation. Much of our recent published work can be located in the *Journal of Family Studies* (2003, 2004 and 2005).⁹

Child Sensitive Dispute Resolution is described more fully in Moloney and McIntosh (2004). In this particular paper, we distinguish between child inclusive practice, which we have illustrated elsewhere (McIntosh & Moloney 2002), and child focused practice, the work illustrated in the DVD and reproduced in the transcripts later in this Handbook.

In 2003, McIntosh suggested the following distinction to the Family Law Pathways Forum:

Child *focused* practice in facilitated dispute resolution is finding the child's voice, in the absence of the child

and

Child *inclusive* practice in dispute resolution is finding the child's voice, in the presence of the child.

The aims of child *focused* dispute resolution are:

- To create an environment that supports disputing parents in actively considering the unique needs of each of their children.
- To facilitate a parenting agreement that preserves significant relationships and supports children's psychological adjustment to the separation, including recovery from parental acrimony and protection from further conflict.
- To support parents to leave the dispute resolution forum on higher rather than diminished ground with respect to their post separation parenting.
- To ensure that the ongoing mediation/conciliation/litigation process, and the agreements or decisions reached, reflect the basic psycho-developmental needs of each child, to the extent that they can be known without the involvement of the children.

⁹ www.latrobe.edu.au/jfs

Child *inclusive* practices were introduced into the community mediation and conciliation field in Australia by McIntosh (1998, 2000) and have been further developed through training and materials associated with a program entitled 'Children in Focus'.¹⁰ This style of child inclusive practice shares the same goals as those outlined under child focused practices, and crucially also includes:

- Consulting with children, in a supportive, developmentally-appropriate manner, about their experiences of the family separation and dispute in such a way that the style of consultation avoids and removes any burden of decision-making from the child.
- Understanding and formulating each child's core experience within a developmental framework.
- Validating children's experiences and providing basic information that may assist their present and future coping.
- Forming a strategic therapeutic loop back to the child's parents by considering with the parents the essence of their child's experience in a manner that supports them to hear and reflect upon their child's needs.
- Ensuring that the ongoing family dispute resolution process □ and the agreements or decisions reached □ reflect, at their core, the psycho-developmental needs of each child.

We have suggested that the active creation of a child focused environment in separation-related parental dispute resolution must become the minimum standard for good practice. Thus, in Moloney and McIntosh (2004), we concluded:

¹⁰ See relevant articles in the Journal of Family Studies, volumes 9-11, and other material noted at www.childreninfocus.org

It is perhaps not too strong a statement to suggest that in Australia, post separation dispute resolution processes for children are at a crossroads. On the one hand, the lesson of history is that the rights of children (along with the rights of others who are not in positions of power), tend to give way to more urgently and more immediately perceived demands. On the other hand, there is currently a groundswell of support, articulated unequivocally by the Australian House of Representatives (2003) inquiry, for the continued development of child sensitive mediation and, where that is not possible, for non-adversarial approaches to litigation....

For the children of parents in high conflict, post separation disputes represent a crisis – a time of “dangerous opportunity”. For professionals dealing with adult anger and manipulation on a daily basis, it is not easy to relate continually, either to the danger or to the opportunity that exists for each child. For this reason, child focused and child inclusive work with separating parents requires skill, mindfulness, clarity of purpose and ongoing support.

Parental conflict and its impacts

Why is it that for children, high conflict at times of separation and family transition represent both danger and opportunity?

In essence, some conflict and emotional distress is a normative part of post separation parenting (King & Heard 1999). But persistent conflict between spouses—ex and current—pervasively undermines the quality of parenting, parents’ affective response to children and style of discipline (Fincham, Grych & Osborne 1994; Krishnakumar & Beuhler 2000). A further spillover of negative affect between parent and child is a common result of entrenched conflict (Kerig 2001), with negative parenting behaviours associated with a myriad of child outcomes that are linked to poorer social awareness and social withdrawal (Kline, Johnston & Tschann 1991; Harrist & Ainslie 1998).

In this regard, Kelly and Johnston (2001) have also contributed a key re-formulation of the ‘Parental Alienation Syndrome’ that addresses the impacts of extreme, protracted conflict. They highlight ongoing parental conflict as the chief protagonist within a complex web of factors in the creation of the alienated child. Particular risk occurs when children are used directly in the expression of marital conflict—pulled into the marital conflict as ‘major players in a Greek chorus’. Kelly and Johnston go on to observe:

The intensity of the conflict, its burdensome presence for one or more years, the polarization of extended family and larger community and the failure of parents to address their children's needs combine to create intolerable anguish, tension, and anger for children. (p. 256)

One psychological resolution commonly seen by family dispute resolution practitioners, lawyers and judges is for the child to diminish the feeling of being torn apart by rejecting the 'bad' parent and ceasing contact or expressing a desire to do so.

A meta-analysis of 39 studies supports the hypothesis of a spillover effect from parental conflict to parenting quality, with greatest impacts including increasing harshness of discipline and decreasing parental acceptance (Krishnakumar & Beuhler 2000). The research of Wolchik, Wilcox, Tein and Sandler (2000) concludes that parental acceptance and consistency of discipline in particular, provide vital protective buffers against the stressors associated with divorce. On the other hand, children with the greatest adjustment problems experience many stressors but report minimal maternal resources (Kitzmann 2000; Wolchik et al. 2000).

The pathway between high marital conflict and child outcomes is shaped by the type of parenting the child receives post separation and the quality of the parent-child relationship in divorced and intact families (Grych & Fincham 2001). A good relationship with one and preferably two parents can buffer the impacts of separation/divorce (Buchanan & Heiges 2001). Parental warmth plays a vital role in buffering the impact of conflict, even high conflict (Emery 1999). Thus in their longitudinal study, Katz and Gottman (1997) found that parental warmth, praise, and what they referred to as 'parental scaffolding', combined with low levels of derogatory comments about the other parent, completely buffered children from negative outcomes of academic difficulty, emotional regulation problems, negative peer relationships and child physical illness. Parents acknowledging and helping to coach children about their emotions were similarly influential.

The extent to which fathers' involvement impacts on child adjustment after divorce is also related, as always, to a complex web of variables. Conflict again plays a key role. When parent conflict post divorce is low, increased father involvement appears to be closely associated with better child outcomes (Amato & Rezac 1994).

Parental attunement and sensitivity: The safeguards in parental conflict

The research literature on ameliorative characteristics for children in high conflict separation (summarised in McIntosh 2003) show two properties of parental presence to be important. At the psychological level, parental attunement is a concept upheld across the attachment and divorce literature as the cornerstone of a child's security, in the face of all manner of trauma. At the behavioural level, sensitivity of parental response is the manifest expression of parents' attunement to their children's needs and experiences.

Parental attunement, or more specifically, parental reflective function, refers to a *parent's capacity to take their child's perspective*. It is the clarity and accuracy of the parent's reflection on their own internal emotional states and ability to differentiate and process the child's internal states that lead to security for the child in their attachment relationships and their sense of self. Parental reflective function is a crucial human capacity that is intrinsic to affect regulation and productive social relationships (Slade 2005). This links to the concept of a 'secure base'.

A 'secure base parent' refers to parents who, despite their own current experiences, have the capacity to experience, hold and regulate emotion, in themselves and for their children. There is a child who must make only minor adaptations to his/her own internal experience. *This child does not have to modify what they feel, in order for the parent to better cope* (McIntosh, in press).

As Marvin, Cooper, Hoffman and Powell (2002) describe, major or ongoing derailments of parental reflection and sensitive response to children are at the heart of 'the lack' that is most powerfully disruptive to a child's development. In the high risk arena, frequently at the core of such derailment is the parent's own profound and unresolved attachment trauma, often first experienced in childhood, and later exacerbated through adult relationship trauma.

For good reason, such a parent cannot differentiate the young child's internal states from their own. This results in ego distortions and defensive exclusions that permeate the child's own experience of the world. In turn, this ushers in an unregulated, disorganised inner state with respect to attachment (McIntosh, in press).

It is important to recognise that this end of the spectrum is not readily dealt with in brief counselling or dispute resolution forums. Family mediators, conciliators and counsellors need skills to recognise when to move to forms of therapeutic dispute resolution (see review by Smyth & Moloney 2003), and when to refer to and/or work in tandem with more in-depth and longer-term service providers.

For many separating parents, however, derailment of sensitivity associated with separation and divorce is transient. In these cases, a child focused approach is capable of providing an effective screen for the children of those parents who need assistance to be able to focus on their children's needs with greater sensitivity. Thus, from the point of view of many children of separating and divorcing parents, the quality of the dispute management processes entered into by their parents at this time is extremely important.

Appraising parental attunement through child focused dialogue

A child focused approach to family law disputes over children often provides both a catalyst and support for the parental state of mind to re-emerge in a healthier form, and for parents to become more mindful of the conditions that erode their capacity to focus on their children. The educational and therapeutic strategies employed in this program actively target these elements of the parental state of mind.

Throughout, the mediator is attuned to the parental state of mind. We suggest the 'Working Model of the Child Interview' (Zeanah et al. 1995) as a good entry level framework for appraising a parent's state of mind with respect to their children. This work begins at intake and is an ongoing filter for listening to parents' dialogue as the work progresses. When parents present in a balanced, available state of mind, there is little need to direct the process actively toward their children's needs; they do it themselves. However, when narrative and dialogue become disengaged or distorted with respect to the children, this is a cue to support a different perspective on the process. The basic table for understanding parental states of mind with respect to each child is given below. It is recommended that readers pursue the original source material and related reading.

Assessment of Caregiver Subjective Experience (Zeanah et al. 1995)

Clinical Features of the Parent's Working Model Interview:

The practitioner listens for the following features of responses to the request:
'please tell me about your child'

Narrative Features	Affective tone	Narrative Classification
Richness of perceptions	Joy	Balanced
Openness to change	Pride	
Coherence	Indifference	Disengaged
Intensity of involvement	Anxiety	
Care giving sensitivity	Anger	Distorted
Acceptance/rejection	Disappointment	
Perception of difficult child	Guilt	
Irrational fears, e.g. of loss	Shame	
	Other	

As described below, one listens to parents' individual and joint discussions of their children, with an ear for the 'balance' or absence of balance in the narrative. Are these parents operating from a secure base, able to proceed with negotiations that take into account the possible divergent needs of their children from themselves? Or are these parents somehow compromised in this capacity? Can they be supported together, or if not, individually, to attain greater balance?

Clinical principles in building a child focused dialogue with separated parents

The DVD draws on some of the principles below that were developed by McIntosh.

1. Consider the underlying aims of dialogue with parents as aiming to achieve:
 - a stronger, more attuned parental alliance
 - a more secure emotional base for the children post separation
 - an enriched, child focused agenda.

2. Consider the additional importance of the practitioner establishing strong rapport with both parents.
3. Take the child's perspective whenever needed: 'Let's allow this to be a space and a time to consider the experience of your children, and what they need us to achieve in this mediation'.
4. Position the parties to be present as parents – 'I know you come to this session as hurt/sad/angry spouses, but for this conversation and the rest of the time we have together, Mary needs you to be here as her parents'.
5. Position yourself as a respectful part of a team, to think together about Johnny and Mary.
6. If parents have been in entrenched conflict, focus on how this conversation needs to be different, for the child's sake. State that the child 'needs us to get to a different place today/over our time together...'
7. State that the focus is on the child, how they see things and what they need...while retaining maximal respect and empathy for parents' needs.
8. Monitor and support capacity in each parent individually – capacity for thought, and capacity for reflection on and empathy for the children.
9. Support parents' capacity for reflection and empathy for themselves, and for their children.
10. Focus on the parental alliance, through their ability to experience and act out of shared attunement to the child. Observe and point out erosion in child focused thought. Observe what closes or opens the shared space for parental thought.
11. Use and support each advance in the child focus: take each parent and the parental alliance further by responding to those parts of their words and behaviours that support their children's needs.

12. Use the child's developmental lens.
13. Support the sharing of knowledge of the impact of conflict/trauma on children in ways that parents can hear and accept.
14. Work on the circle of security from parent education booklet *Because it's for the kids: Building a secure parenting base after separation*" (McIntosh 2005). Consider how the current conflict and new arrangements pose new challenges for the child in retaining their secure base.
15. Accept that process in human interaction is not usually linear.
16. Avoid preaching.
17. Use metaphors and analogies □ the space for thought, scaffolding etc.
18. Notice growth in the determination/capacity to stick to the child focus.
19. Retain empathic responses to parents while simultaneously and without apology advocating for the children's need for a secure base.
20. Aim for thought to increase and reaction to decrease.

The post separation parent education group

In the DVD, we meet eight individual separated parents (not couples), attending an introductory Parent Education Group at a Family Relationship Centre, prior to a mediation appointment with their former partners. Their former partners attend a different group or groups that are offered at different times and days.

Two group members, Joe and Amanda, and their respective former partners (whom we meet in 'flashbacks'), provide the focus for the mediation sessions illustrated in Case 1 and Case 2.

There is a range of presentations in the parents attending the group. Their core issues include:

- a. The overwhelmed parent – the cluttered mind
- b. The disengaged parent
- c. Hostile alliances and impacts on children
- d. Men wanting to be active fathers, not visitors
- e. Moral high ground disputes
- f. Altering the status quo
- g. Young children and infants
- h. Adolescent issues
- i. Ethnic/cultural tensions versus the universal language of parental attunement.

In the Parent Education Group, we see that Joe is in the early stages of separating from Belinda, and that Amanda has already separated from Matthew some time ago. It is these couples' stories that form the core material for the sessions illustrated in the second part of the DVD. We also see:

- | | |
|------|----------------------------------|
| Lee | (ex-partner Yumi, 2 children) |
| Mark | (ex-partner Kathryn, 4 children) |

Richard	(ex-partner Anna, 1 infant)
Janet	(ex-partner John, 3 children)
Moira	(ex-partner Frank, 2 children)
Astrid	(ex-partner Tom, 2 children).

All have attended separate intake sessions prior to their participation in the group education process. As noted earlier these intake sessions have determined the capacity of each of these participants to safely and competently represent themselves within group education and mediation.

In this child focused model, the group education session is a required step for parents who are going on to mediation or counselling over their parenting dispute. The group is called 'Building a secure base for parenting after separation'. Specific material is drawn from the parent education booklet *Because it's for the kids: Building a secure parenting base after separation*" (McIntosh 2005).

The group runs for 1.5 to 2 hours in real time, covering a multitude of issues. Again, the pieces of the group illustrated here are confined to the more concentrated aspects of the child focused input. These cover:

1. The difference between separation and conflict.
2. What parents want to achieve from mediation.
3. What children need parents to achieve in dispute resolution, and is it different?
4. What makes separation easier for kids?
5. Parents' state of mind, attunement and parent alliance.
6. What does it look like, inside your parent mind?
7. What shape is your parenting alliance in? What is that like for your kids?
8. Working toward higher ground as parents, after separation.
9. Further things to think about before you begin dispute resolution.

Transcript of the post separation parent education group

Jenn	<p>Thank you for introducing yourselves. I'm Jenn McIntosh. I'm a child and family psychologist. My research over the last several years has been about children whose parents decide to separate, but especially what I've been interested in is what helps children to come out of separation in the best emotional shape possible. So today I want to share a bit of that with you. And also give you some space and some time to think about the mediation that you've got coming up here from a different perspective. To think about it from the point of view of what your children might need you to achieve through the mediation.</p> <p>Now you've all come here with your own ideas about what you want to achieve in a divorce settlement. So let's start there. I wonder: would someone be willing to share what is your main aim in coming here for this particular mediation?</p>
Richard	<p>I want to come out of it with a 50:50 deal. I want to see my son half the time. I'm not settling for anything less, and I'm not paying child support when I'm fully prepared to take care of him myself.</p>
Moira	<p>I'd jump for joy if my husband wanted that – I just want him to do something to help me out – to be more reliable about picking up the kids. Just give me a break sometimes, and maybe pretend that he gives a damn about his kids.</p>
Joe	<p>(sullen) Well, I don't want to be here for a start. She has to come to one of these things too, right?</p>
Jenn	<p>Yes. We ask both parents to come to one of these sessions to spend some time thinking about the mediation through their children's eyes. But don't worry; no-one's going to be put on the spot today. If I do my job properly, you'll go away with some really useful ideas up your sleeve. So, Joe, do you want to say something about what your main aim is in mediation?</p>
Joe	<p>I want to spend more time with my kids – I don't want to be shut out.</p>

Amanda	I feel the same way ☐ and I also want my house back. I think that means taking the scenic route through the Family Courts.
Astrid	I want my kids to see their dad more than they do but they are really little and I worry about them. I don't like the idea of them sleeping somewhere else, not in their own beds, and all the coming and going in cars, and different child care. Maybe when they're older, yes, but not yet...
Janet	It doesn't get easier when they're older. We've been separated for over a year now and I want to move back to Queensland, and for him to accept that's where my support is, and that's where the kids will be happier, and the very least he could do for me is to let us go.
Mark	I want my ex to get off my back about money and time – work it out. I see those kids as much as I can. I don't have the lifestyle to do any more than what I do. It's quality not quantity ☐ right?
Lee	I don't really know what I want – it's really hard to know what's best for the kids and I guess we are here to work that out. We really can't agree about what they need.

Jenn Right, thanks. Let's step back and have a look at what you've all said. There's some here about time – how much of your children's time you'll all have. There's some about property, some about assets and some about geography. Now all of that is important, and a good mediation is going to help you sort that out. But today, we've got some time to think deliberately from a different angle – from your children's perspective.

Most parents worry about whether the separation is somehow going to harm their kids. Now here are some facts that hopefully will be helpful to think about.

Bottom line is if the separation is well managed between the adults, it doesn't have to be harmful for kids. You might have heard the line, divorce doesn't hurt; it's conflict that does.

So is conflict harmful for kids? Sometimes it is. It's the conflict that doesn't get sorted out; that goes on and on between the parents. That's the kind of conflict that really can do some damage.

Now mediation for adults is a place to come and sort out how you are going to divide your property, your time, your assets, and your responsibilities. And those are really important agenda items for adults. If you have a look at mediation through a child's eyes, the agenda looks a little different. Let's have a bit of a look and what kids say they need to get out of mediation.

Here are some statements that children have given me over the years about what they want their Mum and Dad to try to achieve out of mediation.

On an illustrated flip chart – Jenn reads:

'I wish they would stop fighting'

'Tell them I'm not a thing that gets shared just to make it fair for them'

'I want them to get married again'

'I want them to be the adults, and me to be the kid'

These are the sorts of things that really matter to kids at this point in your separation. How does it strike you?

	The group is fairly quiet – Lee and Astrid reflective, Janet troubled, Richard feet shuffling, Mark defiant, Joe confused, Amanda coughs uncomfortably.
Moira	My kids say that kind of thing, especially my 12-year-old.
Jenn	<p>Let's focus in on the second one □ about time. A lot of parents come to mediation with time as their number 1 priority. They want to sort out how much time they'll have with each of their kids – and fair enough. But I have to tell you that time is not usually a child's number 1 priority. It's more about relationships. This is a picture a little girl did for me; she's only six. And she said, "this is how my Mum and Dad see me'.</p> <p>Now from your children's perspective it matters a heck of a lot more what kind of relationship they have with each of their parents, not just how much time.</p> <p>OK. So before you start your mediation here, we want you to have some time to think about the kind of conflict that came with your separation and what parts of it your children might need you to settle, before you settle anything else.</p>
Lee	I never thought about it how you're suggesting. I mean, I thought this was really a legal thing to sort out, you know about time and money.
Jenn	It is at one level. But I guess what children remind us is that separation is first and foremost about relationships.
Astrid	There is a big difference about what the kids want and what we do. It's embarrassing.
Mark	My kids wouldn't say that stuff. We make it easy for them by not speaking, except through our lawyers.
Lee	What do your children say then, about how they feel?
Mark	I don't know; but not that. Look, I don't think this group is right for me. I'm not getting what I want out of this.

Jenn	<p>Mark. Today is about thinking about what your children need and what children want from separation. So when I ask you to stick with it, maybe be here as a father instead of an ex-husband. Because if you can, I think, you could go away with some ideas that can be really useful for your children. It does matter because the risks of ongoing conflict for children are just too high.</p> <p>So what creates these risks for children?</p>
Janet	The tension: it makes me feel like a wreck, and I know it affects them too.
Joe	<p>My kids tense up whenever I drop them off at her house, like they are getting ready for the next round.</p> <p>I just switch off.</p>
Jenn	That's one solution for kids. We might be able to help you find a better one.
Amanda	We don't fight – because I choose not to speak to Matthew □ so the children don't know about the tension that we really have.
Richard	Yeah, but for me though, the cold war is actually worse than the shouting. My ex tries to freeze me out and it makes me that mad. Maybe, he needs to see us communicating.
Jenn	<p>You're all spot on. These are the sorts of things that create the real risks for kids. High conflict: when parents stay very angry with each other, avoid each other, lots of arguing; go to court a lot, threatening behaviours, aggression, lots of trouble communicating, etc. These are all spelt out in your booklets.</p> <p>Now if you've got any of these things going on in your separation, please think carefully about it. This is the sort of thing you can make a priority here in your mediation □ equal to sorting out time and finances.</p>
Mark	Mediation wasn't like this in my first divorce.
Jenn	It had to change. I guess we know way too much now about the way in which conflict impacts on kids. And we also know parents need a lot of support to be able to think about their conflict separate from who's going to pay the bills.

Astrid	Or pay for the nappies. Can you believe it? We fought about that on the weekend.
Jenn	I can believe it. Small things matter and they do need to be sorted out. It's just that parents do a whole lot better at sorting them out when they think like parents, instead of like bitter ex-partners. Let's switch to the bright side. Do you know which kids come out of separation in the best shape? <i>(list from 'Because it's for the kids' booklet)</i>
Moira	Kids whose parents get their shit together.
Jenn	That's one way of putting it. And here's another way. These are the sorts of things that parents do that really help to keep their kids out of the thick of it. You don't have to do them all but if you can aim at some of them like – trying to keep the conflict away from the kids. Moreover, letting them know that you are trying to sort it out and not putting them in the middle of it. And trying to be positive about the other parent even when that's hard.
Janet	Look, that's easy to say but none of you are dealing with an ex-husband like mine. We'd never achieve any of this. So what do the kids end up, a mess?

Jenn	<p>No – look, not everyone achieves this. In fact only about a third of the people achieve all of it. So we’re not trying to get you to end up like the Brady Bunch here. In reality, it is about a third of parents that end up with something that we call cooperative co-parenting (flip chart). Like they have good communication. Things are pretty smooth and they have smooth ways of sorting this out.</p> <p>At the other end of the spectrum we have a third of parents who get embroiled in what we call conflicted co-parenting. That’s the pretty ugly end of the spectrum. Some of you might have been there.</p> <p>Fortunately, there’s a middle ground and it’s what we would call parallel co-parenting or two-track parenting. So, what this is about is saying – we don’t think much of each other but we will agree to make the big decisions together and then we will agree to leave each other alone, pretty much, to parent in their own domains. Now mediation can help you to sort this sort of thing out.</p>
Joe	So it can change?
Jenn	Absolutely. That’s the good news. The place to start is doing exactly what you are doing right now. It’s about clearing a space in your minds for thinking about your kids separately from yourselves. Now in separation, parents’ minds can get very crowded (show picture) with grief, worry, confusion, and anger. It can feel like a very crowded, cluttered sort of space.
Joe	You’re not wrong. It’s like being stuck in peak hour traffic in the city.
Jenn	Good image. What about the rest of you?
Astrid	I do OK most of the time, the kids are a relief to be with. It’s just sometimes when he calls... the fog rolls in.
Lee	Yeah, I don’t think about the kids very well.
Amanda	With me it’s like a constant noise going on in my head – it’s like the radio station’s not quite tuned in.

Jenn	<p>Oh that's a great image – that is a great image. Being a parent before separation and after separation is not about being perfect but it is about being well enough tuned in to our kids so that we see what they need, and when we make mistakes, which we will, we repair them.</p> <p>So it's hard enough having that fog going on in one's mind, what happens when you and your ex-partner are both having trouble thinking clearly about the kids. What happens when you can't think together about them?</p> <p>Kids are very affected by how strong or how weak the alliance is between their parents after they've separated. So an alliance is a bit like a bridge that runs between you and your ex-partner. Some parents can really manage to keep a clear, smooth bridge. They can manage to think together about their kids and its fairly solid territory for the children to be on.</p> <p>Other parents have a bit more of a shaky bridge going on there. It's like their alliance gets a bit eaten up by the conflict that's going on. And it's not such stable ground for the kids to be on.</p> <p>Some parents for some short time – and unfortunately for some, for a long period of time □ end up with a bridge that is absolutely destroyed. It's not there anymore and not only is it not there, they keep chucking the grenades at each other – the emotional bombs.</p> <p>It's not such a safe place for a kid to be.</p> <p>What's the bridge like now between you and your ex-partner? What's it like for your kids to try to get across that bridge at the moment?</p>
Lee	<p>Ours isn't too bad. Maybe you could say it has some roadwork going on. I guess that means that the kids have to take care.</p>
Amanda	<p>Ours is a just empty. It wasn't always like that, but now...</p>

Joe	Well, our bridge, if you want to call it that, has had the crap bombed out of it and the missiles keep coming. She refuses to be reasonable about anything. Her parents take pot shots at me. And I have to defend myself. So I'd say for me and my kids, it's a battlefield.
Moira	It's not easy for my little kids.
Richard	Ours is full of rubbish.
Jenn	Lots for kids to trip up on?
Richard	Yeah I guess, and us too. We could clean it up.
Janet	Well that leaves me. We don't actually have a bridge. We have an ocean – with sharks. You know the whole bloody works. And the kids don't even try to get across it.
Jenn	Look it's sad but true – for some couples there just is an ocean and it stays. I guess the thing we are talking about is that somehow to try to build some islands at least for the kids so that it doesn't feel like such an ocean for them. I know that's hard. A good mediation will help you to sort it out. I guess what we are talking about ultimately is making some kind of stepping stones for your kids to get across between you. Something that's safe enough for them to find their way between Mum and Dad.
Mark	Look, again, this isn't relevant to me. My wife and I don't have to think about the kids together. That's what our lawyers are for. I don't know why she got me doing this mediation thing without them. All we have to do is just exchange kids from time to time, and smile together at birthday parties. My kids just understand that's how it is. And they know it's very different with my new girlfriend. And that it's not my fault what happens with their mother.
Moira	That's sad I think. You should fix it.
Mark	It's not broke from where I stand.

Jenn	<p>It might be broken from your children's point of view.</p> <p>Just now you used the word 'fault' and that's something I wanted to pick up on. Children don't often see this situation through a lens that's about fault and blame. They look and they see their Mum and their Dad, two people they love, two people that they usually want to keep some kind of relationship with. So they are far less inclined to think about whose fault it is.</p> <p>And I guess, one of the best things you can do for your kids is to help them to build some kind of bridge between you and your former partner that makes it safer for them to get between the two people they want to keep some sort of relationship with.</p>
Mark	<p>Look, it's just a lot of new gear for me to get my head around.</p>
Jenn	<p>Yeah, I appreciate that. Take your booklet home. It fleshes what we've talked about today. Just take your time to bed down some of these ideas as I do understand that I'm asking you to think from a different perspective.</p> <p>We are about out of time and I guess I just wanted to say that I hope that today's session has been of some use for you and that particularly you might go away with some ideas that are useful and might make a difference for your kids.</p> <p>Are there any questions or comments?</p>
Janet	<p>Thank you, I think that was very helpful. I just hope that you say all that to my ex.</p>

Jenn	<p>Look, I will be. All of your partners will be coming to this same session at a different time. So they'll all be hearing the same material and all be talking about the same sorts of things. By the time you start your mediation you'll be starting from the same footing.</p> <p>I want to leave you with three key questions from today, to mull over in your own time:</p> <ol style="list-style-type: none">1) What do you think your children need you to achieve with an emotional settlement separate from the legal one?2) What sort of bridge do your children need between you and their other parent?3) And when your kids are older and they look back on this time, what do you want them to remember about how you managed the conflict? <p>So we'll leave it there.</p>
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Case 1: Building a child focus

In the first of the mediation transcripts, the mediator's moment to moment reactions, reflections and thoughts are noted in the column immediately to the right of each segment of dialogue. The more formal thinking and the principles that inform the mediator's actions are then noted in the third column. You are invited to reflect on your own immediate responses to the dialogue. In the light of this, you can then reflect on what action you would have taken.

In the second mediation transcript—that of Amanda and Matthew—the columns beside the transcript are left blank. Again, we suggest reflecting on your immediate response and then formulating your own statements of intent and the principles you would apply to advance the child focused dialogue.

Case 1: Belinda and Joe

Again it is important to emphasise that though the intake sessions are not shown in the DVD, it is critical to understand that appropriate intake and screening procedures have occurred and that Joe and Belinda have been assessed as able to safely and competently represent their own interests.

Joe's perception of events

'Sometimes I wish my parents had never migrated to this country. You do your best to get ahead. You work your fingers to the bone. And your reward is that the bitch throws you out.

She's been after the income and the status. She thinks it will all happen if I just sit on my arse and watch others climb the ladder past me. Where I came from, a woman would be proud of the efforts her husband was making on behalf of the family.

She wants me to be everything. I was supposed to feed the baby at 6 am and organise Ella's lunch. I have to leave so early I hardly ever see her except at weekends and to say goodnight—that's if Tess wasn't thrust into my arms the moment I opened the door.

And why did I agree that we would live out in the sticks like this? The train takes more than an hour to get into the city. My parents live on the other side. What would have been so bad about living in the Western suburbs? She could have had some support from my parents. I'm beginning to think she never wanted our children to pick up any of their grandparents' funny accent.

My parents never said much about the marriage. 'It's your life', they said. 'We came to this country to give you the sort of opportunity we never had.' But I know deep down they were disappointed. They were disappointed I didn't find somebody who understood our traditions. And they were right! I just wish I'd been a bit more tuned in to what they were trying to say.

She says she separated because of the affair. I admit I strayed. I'm not proud of it. But how can she now just throw everything out? Everything we've worked for. I believe we could save this marriage if we're both prepared to work hard for it.

Anyway, there are no more early mornings or late nights at the office for me. There's a good promotion opportunity if I'm prepared to go interstate. But then I've started to re-think where the important things lie—like being a father. Why continue to try to climb the bloody corporate ladder? If I focus on the kids more, I'd probably need a bit of help from my parents. But if Belinda thinks she can just throw me out, get the house and the kids, and then cut me out completely, she has a rude shock coming. I may have a bit to learn—but I actually think I could be a better parent than her!

Belinda's perception of events

'Boy, did I make a huge mistake! I married a man who thinks he still lives at home with his mother and who thinks that things should work the way they did in the old country. I tried to drag him away from all that—moved about as far away as we possibly could without changing cities. I don't mind making the fortnightly pilgrimage across town to see the in-laws. Of course they have a right to see their grandchildren. But I just wanted us to have our own life. What's wrong with that?

The thing is I've been trying to juggle everything. I've got my part-time job, which is great because it helps me keep up my skills. I'm looking after Tess as she's been sick and not able to go to crèche. I'm driving Ella off to kindy and then picking her up—shopping for the meals,

cleaning the house and then cooking the evening meal. He's got no idea. When he's home, I feel like I've got three children in the house!

His life is so simple. He goes off to work in the morning to a job with his friends and colleagues and he's got all that time on the train to kick back, read the paper, listen to his music—then he comes home, usually with his dinner cooked for him. And he tries to tell me it's tough out there. What a joke! He thinks my problems are trivial. We usually have dinner with Tess on our laps. Then when I've finally got her down, I'm completely exhausted. We normally have a fight or if things are OK, we watch TV or something.

I mean, things were pretty bad between us, but what tipped the scales for me was when I discovered the affair. He said that it was only for a fortnight. But what he doesn't seem to realise that one night would have been too much for me. I mean if he can go off and do that once that means he can go off and he can do it whenever he wants, like, and I'm not just going to hang around waiting for him to do that. I can't trust him anymore.

So, my solicitor tells me that I'll probably be able to keep the house and that I'm obviously the primary carer and that the Courts would recognise that. Anyhow, there is no way Joe would be able to look after the girls. He's away from the house for up to 14 hours a day. He barely knows them! He would make a complete mess of it. The best thing that he can do for us is for him to continue to support the girls financially and to leave me alone so I can get on with it.

He's pretty pissed off about having to move out of the house and I can't trust him to be rational about it. We definitely need a break. Maybe after that, we could start slowly. Maybe he can be with the girls a couple of hours a fortnight or something. He's probably going to palm them off to his parents anyway. I mean he keeps going on about how he wants to get back with me. But I mean the amount of time he spends away from home you'd think that he never wants to see the girls at all—or me!

Transcript of Case 1: Belinda and Joe

As noted above, this session picks up some time into the session; clients have independently attended information sessions and have had independent intake sessions designed to establish rapport, further orient the clients and test suitability for this form of family dispute resolution.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Joe: ...yeah, so I strayed; it only happened once; it was all over in a fortnight. The thing is I want us to move on together. This whole separation is ridiculous ... to throw out everything we've worked for! We shouldn't be in mediation, or whatever this is. We shouldn't be going down this family law path. I want us to start again.</p>	<p><i>Joe is playing down the affair and expresses a strong desire for reconciliation.</i></p> <p><i>There is likely to be a clash of expectations between Joe and Belinda.</i></p>	<p>Listen carefully to Joe. Signal through body language that Belinda will have a 'right of reply'.</p>
<p>Belinda: Joe, I told you that if you ever went behind my back it would be over. You've just got no idea. You think it was just an incident. You think it's OK for me to be worried sick about when you're going to go off and do it again.</p>	<p><i>The affair has had a serious impact on Belinda. She is unlikely, at this time, to entertain thoughts of reconciliation.</i></p>	<p>Listen carefully to Belinda.</p> <p>Signal through body language that you remain in touch with Joe.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>(Omitted from final DVD)</p> <p>Lawrie: Look, this is difficult stuff. I understand that. I want to just check where you are both starting from. Is that OK?</p>	<p><i>The situation is highly charged. It will be difficult at this time for Belinda and Joe to reflect on each other's perspective.</i></p>	<p>Allow space for Joe to hear what he has said and for Belinda to hear it in a less emotionally charged way. Allow similar space for Belinda. Seek permission to do this because each is likely to want to counter the other's statements.</p>
<p>Joe and Belinda nod</p>		
<p>Lawrie: Joe, you're saying you want your marriage to continue. You're not hiding the fact you had an affair. You're saying it was brief and that it's over. And you're saying you don't think that should be enough to end your marriage. Have I understood that correctly?</p>	<p><i>Mediator has Joe and Belinda's agreement. Feedback Joe's statements evenly without embellishing, softening or interpreting.</i></p>	<p>Try to capture the essence of what Joe said. Check that you have succeeded adequately in this.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Joe: (hesitates)... Yeah that's right.	<i>How much weight should I give to Joe's hesitation?</i>	Move to Belinda and so avoid the risk of being recruited into a more expansive and complex story from Joe. ¹¹
Lawrie: Belinda, you're saying that Joe simply doesn't understand the seriousness of going behind your back. You are not prepared to live in fear that this could happen again.	<i>Feedback Belinda's statements evenly without embellishing, softening or interpreting.</i>	Try to capture the essence of what Belinda said.
Belinda: Yeah, he thinks it can just be forgotten. Well it can't!	<i>Belinda uses the feedback to reinforce her current position, but this time more succinctly. I note to myself that the children as yet are nowhere to be seen in this conversation.</i>	Nothing further from the mediator is required (or probably appropriate) at this point.

¹¹ The decision here might be different if the mediator was working as a therapist. It would still be a matter for judgement, but from a therapist's perspective, it might be considered important to explore the hesitation further.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Joe: So you're prepared to throw out everything we've worked for, everything □ out the window!</p>	<p><i>Joe hears Belinda but challenges her. He is not prepared to give up on the marriage.</i></p>	<p>Remain respectful of the differing positions. Seek a moment later on to inform Joe and Belinda about other services should they want them in the future. For now, begin to move the process towards child focused mediation.</p>
<p>Belinda: You should have thought of that!</p>	<p><i>Belinda holds her ground. Her position remains consistent with her position during individual intake.</i></p>	<p>Allow the statement simply to stand and find a way to now introduce the children into the equation, using their names.¹²</p>

¹² This is an active decision to work towards changing the direction of the discourse that has occurred to date. It is frequently resisted by one or both parents (or others if the work involves more than two parties). The mediator needs to 'work with' the resistance rather than oppose it. At the same time, the mediator is not distracted from the intention to move towards a discussion (which is not the same as a resolution) with respect to the parenting arrangements.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Lawrie: There's a lot at stake here – for both of you, and for Ella and Tess.	<i>I feel Joe and Belinda's core grievances have been heard. I now want to shift emphasis and test their capacity to begin to focus on their role as parents.</i>	'A lot at stake' reinforces the importance of the personal concerns of both Joe and Belinda. In that sense, the mediator remains 'neutral'. ¹³ The children are also linked to this phrase and are introduced by name.
Joe: Yeah, what about the kids Lindy?	<i>Joe's statement reflects a continuation of his adult dispute with Belinda and disengagement from the parental state of mind.</i>	Resist the temptation to move too quickly to a more child focused stance. 'A lot at stake' also refers to Joe and Belinda's relationship with each other. Belinda has demonstrated that she can speak clearly for herself, so allow space for this to happen.

¹³ Mediators and conciliators recognise that, strictly speaking, there is no such thing as neutrality. Child focused practitioners may wish to reflect on this concept with respect to their own cultural assumptions and how they try to avoid imposing them on clients. They might also reflect on child advocacy that is an unashamed and non-neutral aspect of this work. In what ways might a child advocate's approach become counter-productive?

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Belinda: Yeah, like I just said, you should have thought of that!	<i>This statement also reflects a continuation of her adult dispute with Joe. She has not engaged with a child focus, nor yet demonstrated a capacity to do so.</i>	Belinda continues to be angry but explicit with respect to her intentions. Continue to search for a way to change the discourse towards child focused mediation, but be respectful of the pace that Joe and Belinda can cope with.
(Joe turns directly to mediator)		
Joe: Isn't it better for the kids if we stay together?	<i>Joe is attempting to recruit me as a mediator to his point of view. His use of the children in the dialogue is principally in the form of children as weapons. This isn't yet a father talking.</i>	There is an extensive body of research that attempts to tease out this complex issue. It is important to remain true to these findings without pursuing further discussions about reconciliation at this stage. Belinda has made her current position on this clear.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Lawrie: That's usually the case if the couple can continue to manage their relationship.	<i>I want to represent the research findings fairly. At the same time, I want to continue to move the discourse in the direction of the impact of conflicted parental relationships on children.</i>	Address the relationship between them rather than the structural issue of whether to remain married or separated.
Joe: Well, I can manage.	<i>Joe continues to struggle. He lets Belinda know again that he does not want the marriage to end.</i>	Allow Belinda space to respond and then consider summarising my role as a mediator.
Belinda: Well, I can't Joe – not after this.	<i>One cannot predict the future. This may be a 'road bump' (albeit a major one), or the end of the road for the marriage. Belinda remains clear that at this time she is not willing to pursue the question of reviewing the marriage.</i>	The fact that responses have become increasingly succinct suggests that this topic can be left for now. Joe and Belinda are emotionally charged, but the hope is that they have been sufficiently heard to be able to respond to the mediator's more formal statement of intent.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: Let me be clear about how as a mediator I can help you. I'll be talking with you about how you can continue to be good parents to Ella and Tess. Belinda, I've heard what you've said about separation. That has to be your choice. As time goes on you may become confirmed in that choice. But if ever you wanted to think about it further, I can talk to you about relationship services.</p>	<p><i>I operate from a value stance, supported (though not unequivocally) by research. It is that other things being equal, children are likely to do better if their parents remain together. I want to respect Belinda's decision (only she can make it). I also want to frame it as a decision she has made at this point in time. And I want to inform or remind both Belinda and Joe of the existences of relationship services.¹⁴</i></p>	<p>Emphasise that the goal is to remain good parents. As the session proceeds, become increasingly engaged with issues of parental mindfulness and with the fact that being separated does not preclude this from happening and continuing to happen.</p>
<p>Belinda: I don't want marriage guidance if that's what you mean.</p>	<p><i>It is predictable that introducing this topic will bring such a response.</i></p>	<p>Be clear with Belinda and Joe about the service that is being provided from here on.</p>

¹⁴ This is also consistent with current thinking that sits beside the establishment of Family Relationship Centres, whereby additional money has been set aside for a range of support services.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: (looks at both) I won't be working with you as a marriage counsellor. As a mediator, I'll be focusing on you as Ella and Tess's parents. It's just important for you to know there's a whole range of other services that sit beside this one – apart from mediation – the sort of services that Jenn would have spoken to you about in the information session.</p>	<p><i>Belinda did not sign up for relationship counselling. I want to be clear about the fact that this will not be happening here, without at the same time apologising for raising the issue.</i></p>	<p>Acknowledge the tension in speaking simultaneously about relationship services and the fact that this is not what is being offered. It might have been better to have said, 'I'll be focusing on you as Ella and Tess's parents, now that you are living apart'.</p>
<p>Joe: (looks at Belinda) Well, I haven't given up on us. And Lawrie, I don't think you really answered my question I asked you before. Isn't it better for the kids if we stay together?</p>	<p><i>I make an assumption that Joe is having a final tilt at his argument about it being better for the children if he and Belinda remain together. But he is not protesting about the proposed agenda. I note the ongoing distortion in their ability to consider both his and Belinda's ability to think about their children, and this signals to me the need to gently persist.</i></p>	<p>Avoid the invitation to move into detail and possibly into a male-to-male discussion on research findings. Go instead to the core of the issue from the children's perspective.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: It's true I didn't answer that adequately Joe because there isn't a simple answer. But from where Ella and Tess stand, they will be OK if you two can manage things between you. They need to know they are loved by both of you. That's the core thing, whether or not you are living together.</p>	<p><i>I want to give Joe something for himself and at the same time invite him to focus more fully on his children.</i></p>	<p>Try to bring this part of the discussion to a close by using what Salvador Minuchin calls a 'gypsy statement' – that is, a statement that is generally recognised by all to be true. Place the children at the centre of the statement.</p>
<p>Joe: (looks at Belinda) OK – Just so long as you know that this doesn't mean I've given up on us</p>	<p><i>Joe is signalling sufficient willingness to proceed with the child focused agenda.</i></p>	<p>Acknowledge the part of Joe that is willing to move on.</p>
<p>(Pause – Belinda looks uncomfortable.)</p>	<p><i>Discussion about assistance with relationship issues may have disturbed Belinda. She may not be as certain as she appears to be.</i></p>	<p>Empathy with Belinda's discomfort would not be useful here. She needs her strength to manage the work that is to come.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Lawrie: I think you've made that very clear Joe. I take it as read that we don't give up our marriages lightly.	<i>Sometimes, tentatively speaking for the other partner assists the process to move on.</i>	Keep the phrase a little ambiguous with respect to who is acknowledging Joe's statement. Monitor Belinda's response.
Belinda: (looks sad and a little distant) So can we get back to the kids?	<i>Belinda seems to be relieved and signals a desire to negotiate about the children.</i>	Reinforce Belinda's statement. Increase the specificity with respect to the children.
Lawrie: To Ella and Tess – yes...	<i>Each child has his/her own unique needs.</i>	Use the names of the children wherever possible.
Belinda: (gathering energy) Well they know that they are safe with me; and he has hardly spent any time with them. Things aren't going to change much that way – so I don't see what the fuss is about.	<i>How important is the issue of safety for Belinda? Is she genuinely concerned that Joe would harm or neglect them. Her claim (more or less) is for continuation of what she sees as the status quo before the separation. I note that Belinda's entry level into the conversation about her children remains centred on her needs and is yet to convey anything from their perspective.</i>	Allow Joe space to respond – and note what aspects of Belinda's fairly complicated message he responds to.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Joe: That's rich. Who was up every morning at 6, changing Tess's nappy, organising Ella's lunch – then off to work – a bloody hour on the train!</p>	<p><i>Joe is angry. He has not responded to the safety claim. What does that mean? His protest centres on his perception that he did what he could, given that he was the major breadwinner. He may begin to panic around a perception that by playing this role, he has disadvantaged himself as a future parent.</i></p>	<p>Allow Belinda to respond and monitor which aspects of Joe's response appear to have salience for her.</p>
<p>Belinda: Yeah, an hour to kick back ☐ read the paper and listen to your music!</p>	<p><i>Belinda is angry and cynical about Joe's protests about hardship. Time share studies in Australia suggest that the domestic/paid work distribution remains a major area of tension for many couples. These issues are often overtaken around the time of separation.</i></p> <p><i>While the children have again dropped away, I need to respond to this issue, before cycling back to the developmental view.</i></p>	<p>Test the hypothesis that there is a core issue of perceived injustice here. This may be getting in the way of Belinda and Joe's capacity to focus on the importance of each of them to their children.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: Belinda, from your point of view, it seems as if you feel you are carrying a sense of injustice in the way things were organised; and Joe it seems as if you also feel you got the rough end of things.</p>	<p><i>Justice is often something the law makes a ruling on. Can Joe and Belinda work out their own responses to perceived injustice?</i></p>	<p>Acknowledge the feelings of each without buying into the 'correctness' of either position. In a situation like this, justice is not an abstract concept but an emotionally charged one.</p>
<p>Belinda: Well I did 90% of the parenting. He can't deny that!</p>	<p><i>This may be Belinda's core 'rational' argument. It is an understandable one and indeed there has been strong albeit minority support, especially in the United States, that the logical solution to post separation disputes is to define what was happening pre-separation and, in effect, continue that regime.</i></p> <p><i>I wonder where has 'Mum' gone, and how can I help her to re-engage as a reflective parent, rather than an adult with a balance sheet to settle?</i></p>	<p>Belinda has named a core issue and thrown out a challenge. It is important that Joe be given space to respond.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Joe: And who earned 90% of the money to keep it all going?</p>	<p><i>This may be Joe's core 'rational' argument. In Joe's case, however, it is likely that he is feeling on more shaky grounds. I wonder where 'Dad' has gone too. Is this chronic incapacity, or reactive? I need to find out, now.</i></p>	<p>The mutual feelings of injustice have now been named and defined. They are both unique to this couple and at the same time universal. The working assumption is that giving voice to these core issues is important and possibly necessary before a more overtly child focused agenda is pursued. The danger point for the mediator here is that, once voiced, these issues will dominate the remainder of the mediation.</p>
<p>BEGINNING TO REFOCUS</p>		

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: Let me tell you how I'd like to continue from here. I want to start with the simple assumption □ that no matter how angry and frustrated you are with each other, that you are Ella and Tess's parents and you want to do the best for them.</p>	<p><i>This battle can quickly escalate with no likely benefits for the children. It's important to take charge of proceedings now that voice has been given to the fundamental feelings and perceptions of difference. The differences are real. But the question of how to be actively involved as parents post separation remains.</i></p>	<p>Signals an intention to change direction. The mediator's control over the process is only effective if Joe and Belinda are now willing to hand over some control. It is likely that their urge will be to continue to defend their individual positions.</p>
<p>(Joe and Belinda look at each other but remain silent.)</p>		
<p>Lawrie: That might be difficult to hear – and – might even be difficult to believe at this stage.</p>	<p><i>Don't expect an enthusiastic 'Yes' to this statement. An acceptable response at this stage is an absence of a strong protest to the suggestion.</i></p>	<p>Anger and frustration are normalised. The seed is sown of 'doing one's best' for Tess and Ella.</p>
<p>(Joe and Belinda look at each other but remain silent.)</p>	<p><i>There is silent 'permission' to continue with this line. It feels counter-intuitive to accept that permission, as the energy in the room is still directed at adult-to-adult issues.</i></p>	<p>Acknowledge the difficulty but don't permit the difficulty to distract from the core aim of focusing on post separation roles as parents to Ella and Tess.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Joe: Yeah, especially when I've made just one mistake and –you know. I don't want this marriage to end.</p>	<p><i>Joe will carry regret for some time. If the separation is permanent, he may carry it forever. At times he may direct anger for this towards Belinda; at times towards himself. In the face of his anger, his children again tend to disappear from his view.</i></p>	<p>Joe is again struggling. Acknowledge this and try to find a metaphor he might be able to hang on to.</p>
<p>Lawrie: As I said, this is difficult stuff. It's hard to clear enough mental space for Tess and Ella. Maybe it's hard to get back in touch with that part of each of you that is a parent.</p>	<p><i>Child focused work meets resistance from many conflicted, separating couples. It's often a case of two or three steps forward and one or two steps back.</i></p>	<p>The fact that it is difficult is OK. Hopefully, Joe may recall the concept of, 'clearing some mental space' from the group work that preceded the mediation.</p>
<p>Belinda: Look, this is bullshit. He's out screwing other women. Now he wants to be a father again. He should have thought about that!</p>	<p><i>The term 'each of you' in the previous statement contains the meta message that both parents are likely to be struggling. Perhaps it has touched off in Belinda a desire to reclaim the moral high ground.</i></p>	<p>My intention here is to acknowledge that parenting after separation is different. But Joe interrupts...</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Joe: So that's the game is it? I make one mistake and you're ready to walk off with the house and the kids – no bloody way!</p>	<p><i>Joe is angry and fearful. Perhaps he is overcome by a sense of just how much he stands to lose.</i></p>	<p>It is important that Belinda and Joe begin to take responsibility for their roles as post separation parents. The mediator's credentials have been established and he decides to present the choices in starker format</p>
<p>Lawrie: So what would you like to do from here? Sometimes couples at this stage decide it's all too hard and they'll just hand it over to their lawyers to decide.</p>	<p><i>This strategy has some risks. It can, for example, be met with bravado: 'My lawyer is better than your lawyer'. The embedded invitation to engage or re-engage in mediation is unlikely to be taken up instantly or with enthusiasm. If Joe and/or Belinda have been reflecting on using litigation, this is likely to bring out this issue.</i></p>	<p>Test the nature of the dispute resolution contract and how it currently stands. What other processes might Joe and Belinda have in mind?</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Belinda: You know you must have read my mind. Handing it over to my lawyer is starting to look like a really good idea □ and I've had advice too about my situation.</p>	<p><i>There is no shortage of 'advice' from qualified and unqualified individuals. Most of it rests on hearing one side of a story. The advice can be over-optimistic, or can be heard by the person seeking the advice in ways that create unrealistic expectations.</i></p>	<p>Resist offering modified advice or giving social/legal information. Entering into direct competition with Belinda's lawyer or legal advice will place Belinda in an untenable position.</p>
<p>Joe: Yeah, well I've had advice that the court now favours 50-50 parenting arrangements after separation.</p>	<p><i>The 50-50 presumption raises many issues. In its simplest form, it risks commodifying children in no less a way than any other formulaic approach to decision-making about children after separation.</i></p>	<p>Similarly, resist entering into a discussion/debate about the merits of a 50-50 presumption. Return to Joe and Belinda as parents.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: Well, you could both go out and pay a lot of money for well-meaning advice. But you know you are the parents and the truth is that nobody can predict what sort of arrangements there will be for Ella and Tess if you decide to hand your family's affairs over to somebody else.</p>	<p><i>I hold this as a core value unless there is prima facie evidence of parental neglect or lack of capacity. But it's always a question of when to make such a statement. If made too early, it can sound empty.</i></p> <p><i>Externally-based decision-making in family law is a very inexact process. By definition, one cannot rely on precedent taken from a previous case as all families and all children have unique needs.</i></p>	<p>Don't buy in to competing socio-legal principles. Reinforce the core question, which is whether Belinda and Joe want to stay in charge of their lives as parents.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
(Belinda and Joe look at each other.)	<i>It feels like the statement has had some impact.</i>	<p>Make the statement more specific with respect to Ella and Tess.</p> <p>Link the idea of remaining in charge of being parents to Ella and Tess with the alternative of poor predictability of outcome if legal processes are relied upon.</p>
Belinda: So you're saying it's up to us.	<i>Belinda has heard the message. Though this doesn't necessarily mean she is convinced by it.</i>	Distinguish between this and cases in which, from a child focused perspective, legal processes might have a more legitimate role.
Lawrie: If you were neglectful parents, it might be important for somebody else to make a decision.	<i>Most post separation disputes, even high conflict ones, are between parents who wish the best for their children. Most are not systemically neglectful. Rather, they have lost sight of what their children need.</i>	Remind Belinda and Joe they are 'OK parents'.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Joe We're not perfect, but we've never been neglectful.	<i>Joe uses 'we' in a realistic and essentially positive way.</i>	Build on Joe's confirmation.
AT THE FORK		
<p>Lawrie: I'm sure that's true. So let's come back to Tess and Ella – so they don't fade from our view.</p> <p>You're sitting in this space because you are Ella and Tess's Mum, and Ella and Tess's Dad. That's what your children know. To them you simply are the most important people in their worlds.</p>	<i>There is a slightly increased sense of togetherness and engagement as parents between Joe and Belinda. They may be ready to bear a little more 'monologue' from the mediator.</i>	Right now, Belinda and Joe are more focused on their roles as parents than on their fight with each other. The mediator has 'earned the right' to speak for Ella and Tess, at least in general terms.
(Pause. Belinda and Joe look pensive.)	<i>Joe and Belinda's body language suggests it's OK to proceed.</i>	Try to find a metaphor that might stick in Belinda and Joe's consciousness.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: Remember Jenn talking about the idea of 'Building a parental alliance' – no matter how frustrated and angry you feel with each other, that you're there actually as parents for your children.</p>	<p><i>The idea that you can be in conflict with each other but still work together as parents is a difficult one. Bob Emery calls this process 'Counter-intuitive'. There are moments when separating couples can be helped to grasp it – though it will fade and need reinforcing, especially in the early stages.</i></p>	<p>Use a concept that Joe and Belinda have already been introduced to. Check whether they recall it and if it had meaning for them.</p>
<p>Joe: Yeah, that was a full-on session. I remember Jenn saying something about separating □ like having a really cluttered mind when you separate. I told them something about mine feeling like it's stuck in peak-hour traffic.</p>	<p><i>Joe had focused on his sense of feeling overloaded. It's a great metaphor that might be able to be used later.</i></p>	<p>Reinforce the essence of Joe's metaphor.</p>
<p>Lawrie: A lot happening eh?</p>	<p><i>This is a common experience for separating couples. It's useful to normalise it. It's likely that Belinda will recognise it as a reality for her also.</i></p>	<p>Reinforce the metaphor as simply as possible. A good metaphor does not need elaboration by the mediator.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Joe: Exactly.	<i>Joe confirms that he has felt understood.</i>	Re-focus on Belinda. She will have attended a different session, but with similar content.
Lawrie: Belinda, do you remember that session that you had with Jenn?	<i>Belinda's experience may have been very different.</i>	Keep the invitation to Belinda open-ended. Her response does not have to echo the response from Joe.
Belinda: The main thing I remember is that it's the conflict and fighting that's bad for kids, not so much the separation itself.	<i>Belinda's memory is more oriented towards the impact of conflict on the children.</i>	Build on Belinda's memory.
Lawrie: Yeah, it's about how to keep the mental clutter under control – how to get enough 'head and heart space' for Ella and Tess. When you see the world from Ella and Tess's point of view, it's clear that they rely on you for just about everything.	<i>This feels like an important passage, even though it will probably take very little for Joe or Belinda to revert to the adult-to-adult conflict.</i>	Combine Joe's idea of clutter with keeping conflict under control. Speak from the position of Tess and Ella.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Belinda: Well they know that I'm never going to let them down.	<i>Belinda is struggling with her sense of herself as a good mother and the realisation that the angry scenes in front of the children are doing them harm.</i>	Reinforce both parents' commitment to their children.
Lawrie: I'm sure that neither of you would let them down. But when you're fighting <input type="checkbox"/> fighting each other, fighting over them, it's very frightening for them. Even when you hand over your power as parents to others to decide things, from Ella's and Tess's point of view, that's not a very safe space either.	<i>It feels like I continue to have their attention and can continue to reinforce the danger of high parental conflict from the children's point of view. Perhaps I can also link this with the idea of mediating rather than litigating.</i>	Begin with an affirmation of Joe and Belinda as parents. Combine this with a challenge to take charge as parents and to thus help their children to feel safe.
(Joe and Belinda appear pensive and uncomfortable.)	<i>Joe and Belinda have heard the monologue, but are struggling with conflicting thoughts and emotions.</i>	Allow for expression of feelings.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Belinda: It just pisses me off that he runs off with another woman and I have to sit here and negotiate.	<i>There is a 'truth' to Belinda's statement. Affairs may be the result of complex dynamics between couples. But the sense of betrayal on the part of the other partner is usually strong.</i>	There is no value in buying into this statement. It is simply important that it is heard.
Joe: Yeah, well it pisses me off that you're prepared to just walk away from the marriage.	<i>This is likely to remain an issue between Joe and Belinda until and unless they can reach a place where they can see beyond the affair.</i> <i>For Joe too, the grief and anger triggers disconnection from his focus as a father.</i>	It may be useful towards the end of the child focused process to make a general comment on affairs – maybe even suggest one or two books on the subject. But now is not the time to buy into this.
Lawrie: I guess the question right now is whether you're prepared to see each other as parents and focus on what Ella and Tess need from both of you. If you're prepared to do that, my commitment to you is to help you find a way forward.	<i>I need to be the one to re-focus the dialogue. Now is the time to return to the children.</i>	Continue to reinforce the issue of parenting. Expand the partnership. The mediator is not just detached, but in the child focused model, is working with the parents for an outcome that will enhance the children's lives.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Joe: Well we've come this far...	<i>Joe has come back to a focus on parenting.</i>	Wait for a comment from Belinda.
Belinda: I guess! But I don't think he has any idea how hard this is for me.	<i>Belinda has come back, but continues to struggle. She wants the mediator to know how difficult it is.</i>	Acknowledge the difficulty but stay 'on message'.
Lawrie: It is hard. Sometimes I think this is a bit like being at the dentist – you know, you don't really want to be there – but the difference this time is that you're doing it not just for yourselves but for your children.	<i>How many people could say they enjoyed going to mediation – even child focused mediation?</i>	Analogies work best if they are drawn from material brought by the client(s). But 'going to the dentist' feels like a sufficiently universal experience. The analogy is strengthened by the idea that this is being done for Ella and Tess.
Belinda: OK. Well let's do it!	<i>'Do it' is an active statement. It's hopeful.</i>	Wait to see Joe's reaction.
Joe: (sighs) Yeah I'm in.	<i>This feels more business like – but a commitment.</i>	Return to Ella and Tess. Try to strengthen their presence.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: OK. I think that's a really responsible position to take. So you've already heard my 'pitch'. My working assumption is that you both want the best for Ella and Tess. Right now you have all sorts of differences between you □ but your intentions as parents are obviously good ones.</p>	<p><i>I want to be as scrupulously even-handed with Joe and Belinda as I can. But in this moment I'm also an advocate for Ella and Tess.</i></p>	<p>Reinforce the parts of Joe and Belinda that want to continue to be good parents.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: (addressing both) So I'm going to bring Ella and Tess into the room a bit more. I'm going to put their photographs up on the whiteboard.</p> <p>Well, they're really beautiful children, but I guess I don't need to tell you two that. What I'd like to do now is to ask you both to reflect on times that you've spent with Tess and Ella. And maybe if I could start with you Belinda? I wonder if you could just talk about a time when it was a real joy for you as a Mum to be with Ella.</p>	<p><i>I want to be an advocate. But I don't want to forget the reality that Belinda and Joe really are the experts with respect to Ella and Tess.</i></p> <p><i>I want to begin to explore other aspects of the parental state of mind, and their capacity to re-attune emotionally to their children. The question of 'joy' is a strategic one, to elicit depth and assess perspective in the narrative.</i></p>	<p>'Remind' Joe and Belinda of their strong connections with their children. There is also a power in each doing this in the presence of the other.</p>
<p>Belinda: ... This is hard... (Takes deep breath.) Alright, I really loved it when she came home so excited from her first day at Kindy – though I remember she was pissed off she couldn't read after one day.</p>	<p><i>Belinda continues to have to work to 're-connect' with Ella. It is likely that it is some time since she has shared such a moment in the presence of Joe.</i></p>	<p>This is a beautiful memory. Try to reinforce the light hearted aspect of it.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Lawrie: Did she blame herself or did she blame the teacher for that?	<i>I remember a similar story with respect to one of my own children.</i>	Continue to engage Belinda with a story of her relationship with Ella.
Belinda: (Smiling □ as if genuinely for the first time) I think she blamed the teacher.	<i>Belinda is focused on an experience as a mother. Joe is listening.</i>	Ask Joe about Tess rather than Ella and thereby lessen the chance of distracting from Belinda's experience.
Lawrie: Joe, could you tell me a similar time with Tess – a time when you felt it was great to be with her?	<i>Moments like this can be quite poignant. If Joe and Belinda were a couple, I would be tempted to invite more conversation about the moment when Ella came back from Kindergarten. But my goal is not to increase intimacy between them.</i>	The word 'great' will hopefully put Joe in touch with something special.
Joe: Well, nothing beats those first few minutes after her birth. You know it's just a miracle, so extraordinary (becomes teary).	<i>This is a very heartfelt response.</i>	Resist the temptation to 'linger' too long on this response as it may be difficult for Belinda.
Lawrie: Belinda, what's one of those times for you with Tess?	<i>Belinda has a choice of responding to Joe's memory or providing one of her own.</i>	Keep the question open-ended.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
(DVD fades out. The continued sharing of memories about each child from each parent is not recorded. Fade in...)		
Lawrie: I've brought some extra chairs in. I like you to imagine Ella and Tess sitting there.	<i>Belinda and Joe are engaged with the process, and have demonstrated relatively sound reflective capacities. Their accounts of their children are very personal and seemed unfettered by their dispute; they seem able to consider the core experiences of each child, without disengagement or distortion. I feel I can take another step.</i>	Increase further the reality of Tess and Ella and their needs.
Joe: I suppose so.	<i>Clients tend to resist unusual requests.</i>	Wait for a response from Belinda.
Belinda: I guess.	<i>Belinda is tentative, but possibly because she is not sure what I have in mind.</i>	There is sufficient affirmation to carry this forward.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Lawrie: Think for a moment about how she would be sitting. How would she hold herself, how would she hold her head, where would she place her feet?	<i>I used to think that all family mediation sessions should have chairs representing the children. I now think it is better to build towards an increasing child focus – to build towards a point at which the parents are less distracted by the conflict between them.</i>	Give some specific aids to Joe and Belinda's imagination.
Joe: You can always tell if she's happy. She sort of swings her legs like this.	<i>Joe can literally 'see' Ella.</i>	Ella's presence is sufficiently established to move to Tess.
Lawrie: OK, what about Tess?	<i>Try to direct this question to Belinda.</i>	The question can be kept brief because Joe and Belinda seem to understand the purpose.
Belinda: She wouldn't be staying seated.	<i>This is no doubt literally true.</i>	Try to make use of this to further enliven the scene.
Lawrie: She'd probably be toddling in and out of the circle – sort of visiting us the way children of her age do. But one thing's for sure. She'd be very tuned in to the atmosphere between you.	<i>I remember a supervisor speaking of young children as 'emotional barometers' in a room.</i>	Use Belinda's comment to reinforce the fact that children are not merely passive recipients of what is happening around them.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Belinda and Joe pause and look at each other.	<i>Joe and Belinda continue to be engaged.</i>	Move to the task in mind.
<p>Lawrie: OK. I'm going to ask you to just think about three questions and they are questions that are very similar to the ones you got from the booklet you got at the information session. You might like to jot your thoughts down on the back page of the booklet. There is a spare page there.</p> <p>So the first question is really about Ella and Tess. What do you think they would say about what it's like to be them right now? What would Ella say and what do you think that Tess would indicate to you?</p>	<p><i>I see a chance to consolidate.</i></p> <p><i>I want Joe and Belinda to see the group education session as an integral part of the mediation.</i></p> <p><i>The exercise should not be threatening. They write for themselves and there is no request from me to see what is written or share what they have written with each other.</i></p>	Invite Joe and Belinda to step into their children's shoes, in a structured, non-threatening way which asks for their personal reflection, rather than a verbal response.
Pause while Joe and Belinda reflect – both pick up paper and pen and write.		

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Lawrie: And the second question is really about you. How much head and heart space do you think you have right now for Ella and for Tess?	<i>There is a focus and intensity in what Joe and Belinda are doing.</i>	Move out of Tess and Ella's shoes and invite reflection on how much parenting capacity is available.
Pause while Joe and Belinda reflect – write.		
Lawrie: And the final question, I want you to assume just for the moment that you remain separated and that Ella and Tess are now looking back – years later. What would like them to say about how you handled things, how you managed things as their parents?	<i>I am aware of the power of this question.</i>	Place the current anguish within a larger perspective.
Fade.		
YEAH BUT...		

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Belinda: But I'm not sure how much this actually helps us. We can't slice the kids down the middle. And there's a lot of practical stuff that we need to work out. You know the kids are still really young. Tess's really little.</p>	<p><i>Belinda is anxious about practicalities and she is ahead of where I now plan to go.</i></p>	<p>Acknowledge that Belinda has been heard. Try to use the resources that Joe and Belinda bring rather than make suggestions.</p>
<p>Lawrie: Tess is very young and Ella is quite young too – and that does actually raise special issues for parents when they're separated. I'm wondering what your take is on this Joe?</p>	<p><i>There are many practical issues with respect to young children. I first want to see how far Joe and Belinda can take this. I see this phase as experimental. It may take a few sessions over a bit of time to gradually firm up arrangements. Much will depend on the commitment Joe and Belinda have and continue to have to this difficult process.</i></p>	<p>Engage Joe as an active participant in this issue.</p>
<p>Joe: Well, I kind of agree with Lindy. I'm hearing what you say about not slogging it out in court – but I'm not sure about how we are going to solve this. I want to see as much of the kids as possible.</p>	<p><i>At this stage, Joe is continuing to come at the problem from the perspective of his own needs.</i></p>	<p>Return to the children's perspective.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: When you ask children what they want when their parents separate, they nearly always say they want to see more of both their parents. That's the emotional truth for them, even though from a logical point of view, of course, there just isn't enough time to do that.</p>	<p><i>I don't want to challenge Joe on this. I want to put his dilemma in terms that reflect the children's dilemma also.</i></p>	<p>This is something Joe and Belinda need to solve for the children as well as for themselves.</p>
<p>Belinda: They need a sense of place – and really that's with me.</p>	<p><i>Belinda is claiming the more traditional mother role, but her mind, at this moment is not fully with the children.</i></p>	<p>Find a way of incorporating Joe into the idea of a sense of place.</p>
<p>Lawrie: Can you imagine them having a sense of place with Joe as well?</p>	<p><i>A sense of place does not have to be an either / or proposition.</i></p>	<p>Promote the idea that one idea does not necessarily exclude the other. Both Joe and Belinda have important roles as parents.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Belinda: No. He's only going to end up dumping them on his parents.	<i>Belinda is expressing little faith in Joe as a father. There are many possible reasons for this – maybe a genuine belief that men do not have adequate parenting skills; maybe anger; maybe frustration at the cultural differences etc.</i>	Remain focused on the idea of Tess and Ella needing both their parents. There is no evidence to date that Joe is a bad or inadequate father.
Joe: (getting angry) That's crap; anyway what I do with them is my business.	<i>Joe and Belinda continue to struggle to focus on being cooperative parents. However, this particular comment from Joe is likely to be largely a defensive angry one.</i>	Belinda's anxieties about Joe's alleged inadequacies need some level of acknowledgment.
Belinda: Bullshit!		
Joe: Oh, come on Belinda!		
Lawrie: Whose business it is is really an important issue Joe and I'd really like to come back to that but I'd first like to check something with you Belinda. Is that OK?	<i>Joe and Belinda are sniping at each other. I feel they are also competing for the mediator's attention. I don't want to dismiss Joe but I want to tease out the extent of Belinda's anxieties about Joe's fathering</i>	Support Joe but seek permission to take up an issue of importance to Belinda.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Belinda and Joe:Yes.	<i>I feel I have achieved a level of trust from Belinda and Joe and can increasingly move into difficult issues.</i>	Raise the issue of Joe as a father.
Lawrie: Belinda, if I understand correctly, you are concerned that Joe hasn't spent a lot of time with Ella and Tess and you're not convinced that he will manage well on his own.	<i>I want to put a name to Belinda's anxiety.</i>	Put this in terms of the way Belinda currently sees things. Perceptions are more subject to alteration than clear statements of fact.
Belinda:That's right.	<i>Belinda accepts the summary.</i>	Introduce the idea of parenting from a new perspective.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Lawrie: So, maybe it's important to think about what kind of father you'd like Joe to be for Ella and Tess into the future. You're in a new situation now – and I know you didn't get married in order to separate but separation forces us to think carefully about what kind of parents we are now going to be. I'd just invite you to give that some serious thought over the next couple of weeks.</p>	<p><i>This is a lot to take in. I don't expect agreement or even full comprehension from Belinda at this point.</i></p>	<p>Check that the invitation has been heard and accepted.</p>
<p>Belinda: (hesitates) OK.</p>	<p><i>Sometime hesitation means, 'No, not really'. In this case, I think Belinda has grasped the concept. I won't push it further for the moment.</i></p>	<p>Return to Joe's issue.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Lawrie: Could I come back to whose business this is, Joe?	<i>Joe said this in anger. But it is (or will become) a core issue between Joe and Belinda as time goes on. Essentially, their choices are these. They can cooperate as parents □ parent Ella and Tess quite separately from each other, or remain in conflict.</i>	Put this way, the question gives Joe the chance of modifying his statement if he wishes.
Joe: Yes, please.	<i>Joe stays with his statement.</i>	Introduce the concept of three basic styles of parenting.
Lawrie: You say that's your business. It's true that some parents have very little idea what the other is doing when the children are in their care. That can work – it's a form of parallel parenting. It's much better than being in conflict with each other – but it's also much tougher on kids than being cooperative parents with each other.	<i>The idea that children can survive 'parallel parenting' can be a relief for parents when things are very difficult between them.</i>	Accept Joe's solution to the parenting issue, but gently challenge him to think of doing better for Ella and Tess.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Joe: Yeah, well, right now I'm thinking this parallel thing is maybe the best way to go about it right now.	<i>The word 'maybe' could be important.</i>	Wait to see where the energy lies.
Belinda: That doesn't work for me. I need to know where they are.	<i>Belinda seems very clear about this. Her intentions are good, but the literal interpretation of what she is demanding is likely to make Joe feel devalued and frustrated.</i>	Try again to get to the essence of Belinda's concerns.
Lawrie: Belinda, do you need to know exactly where they are or do you really need to know that they are safe.	<i>I don't feel this is a vindictive or angry statement from Belinda. It seems to be coming from a place of genuine anxiety.</i>	Even if it does not capture the whole picture, feeling confident that the children are safe will almost certainly be a part of Belinda's concerns.
Belinda: Well, I'd prefer to know exactly where they are. But the main thing is that I know that they are in good hands. Joe you've had so little time with them! And they're still so young! I don't know if I can trust you.	<i>Trust is often in short supply at the time of a separation – particularly after an affair. Quite possibly, there are realistic concerns from Belinda. But they may also be confused with feelings of betrayal.</i>	Follow Belinda's concern about trust.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
(Joe looks agitated.)	<i>Speaking of trust in the abstract is rarely a fruitful conversation. I remember how it has the potential to be quite destructive.</i>	Acknowledge the difficulty of the conversation. Be more specific about the idea of trust.
Lawrie: This is another difficult conversation. But I'd like to support you both in hanging in there on this. And Belinda I want you to think carefully about what you mean by being able to trust Joe as a parent.	<i>I can only support Joe and Belinda if I have begun to have a relationship with each of them.</i>	Link trust to Joe's parenting.
Belinda: Look, I know he loves them; I know he would never set out to hurt them.	<i>This is an important concession from Belinda and bodes well for the future.</i>	Monitor Joe but stay with Belinda.
(Joe again has tears in his eyes.)	<i>It clearly has an impact on Joe.</i>	Invite Belinda to take this further if she wishes.
Lawrie: That's a very important comment Belinda. Do you want to say anything else about that?	<i>Moments like this can make child focused mediation exquisitely challenging.</i>	Recognise the importance of the moment. Allow space for it to possibly take the process further.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Belinda: (another pause) ... It's just that ... Joe I don't think you would know what to do – you know □ if either of them was really upset.</p>	<p><i>Belinda's anxieties become a little clearer.</i></p>	<p>Joe is finding this difficult to hear. He and Belinda are hovering between being in the role of parents to Tess and Ella, and sliding back into former partners who remain angry and distrustful of each other.</p>
<p>Joe: (again begins to look agitated) ... You mean I wouldn't treat them the way you do!</p>	<p><i>Research suggests that men and women tend to parent differently. Different styles of parenting from a mother and a father can be very beneficial for children.</i></p>	<p>Try to introduce the idea of different but valid styles of parenting.</p>
<p>Lawrie: Belinda, can you think of a time when say Ella was upset and Joe managed to handle it?</p>	<p><i>It feels like time to reintroduce the children by name.</i></p>	<p>Try to assist Belinda 'discover' the idea of different but valid parenting styles.</p>
<p>Belinda: Not really ... Well ... Yes.</p>	<p><i>Parents who are together are unlikely to be fully conscious of these things.</i></p>	<p>Provide a minimal prompt if necessary.</p>
<p>Lawrie: How do you remember Joe managing it?</p>	<p><i>I am conscious of Joe being very engaged in the conversation between myself and Belinda.</i></p>	<p>It is important for Belinda to try to be specific.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Belinda: Well he just gave her a cuddle and sort of jollied her out of it.	<i>This is possibly a more frequently male response. The core issue here is that it is likely to be different from Belinda's habitual set of responses.</i>	See if there are any examples that apply to Tess.
Lawrie: What about Tess?	<i>Joe continues to be very engaged.</i>	Belinda has grasped the idea. The question about Tess should be as short as possible.
Belinda: That's a bit more difficult... I remember one time when Tess hit her head on the car door. She sort of couldn't be consoled. Joe took her from me and sort of started up this game with her –you know– silly faces and stuff like that. Next thing, Tess had forgotten about the door. She was laughing.	<i>Another nice example.</i>	Accept Belinda's basic anxiety about Joe's relatively small amount of time with the children. But invite her to see him as different rather than deficient.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Lawrie: (to Belinda) OK. So it's true that Joe hasn't spent as much time with Ella and Tess as you have. But also it seems as if, when he's with them, he does things differently.	<i>I do not want to oversimplify this situation. Very young children pose special challenges for separating parents.</i>	Reinforce the 'difference is OK' message but accept that this will not allay all Belinda's fears.
Belinda: Yeah, that's true, but...	<i>Belinda is trying to put words to her continuing anxiety.</i>	It may be that a key issue in Belinda's mind is the age of the children. Whether this is the case or not, the matter needs to be canvassed.
Lawrie: (waits) ... You also talked about them being very young ...	<i>I can feel Belinda responding to this comment.</i>	Keep the statement open-ended and allow Belinda to define the issue further.
Belinda: Yes – I mean Tess is only two.	<i>The issue has salience for Belinda. I can also feel Joe becoming a little agitated again.</i>	Allow space for Joe to respond.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Joe: I'm not stupid. I know they need different things.</p>	<p><i>Men are frequently defensive when these issues are raised. Frequently, they are indeed on the 'back foot' if they have been the major breadwinner and have very young children.</i></p>	<p>'Go with' Joe's statement about different needs and at the same time assure Belinda that her concerns about Tess's age will be taken seriously.</p>
<p>Lawrie: We've been speaking of Tess and Ella as separate people and it is important that we don't roll them in to one package. Tess is very young and it is going to be very important when you begin to work out parenting arrangements that Tess is able to spend time with each of you but is not apart from you for very long at any given time.</p>	<p><i>A core principle with very young children is that as far as possible they do not experience lengthy absences from either parent.</i></p>	<p>Embed the 'short absences' principle into a statement that expresses confidence in Joe and Belinda's capacity to resolve this issue.</p>
<p>BELINDA WANTS SPACE</p>		

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Belinda: Look, even if we can work out all the times...it's not that simple. It's not just about the kids. How do I know that he's not going to try and get back with me every time we see each other?</p>	<p><i>Belinda seems to have accepted that there will be some form of joint parenting. The details will require some close negotiating. Some of the child focused structures have been put in place. They will of course need revisiting. In the meantime, Belinda is raising an issue of significant concern to her.</i></p>	<p>Indicate that this request is taken seriously.</p>
<p>Lawrie: Well, Belinda, what would it take for you to feel assured about that?</p>	<p><i>Because of the anxiety surrounding them, these sorts of issues are not infrequently raised late in a session. It often helps if reasons are not drawn out and if the solution is couched very much in interim terms.</i></p>	<p>Invite Belinda to put a proposition rather than continue with the expression of anxiety.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
<p>Belinda: Well, I'd prefer it if Joe didn't come into the house ... just for now. And that whenever Tess and Ella move between us that he calls my mobile and I'll come out.</p>	<p><i>Belinda has a clear proposition. Perhaps the words 'at least for now' have softened this difficult request. I feel anxious nonetheless that this might be too challenging a request for Joe.</i></p>	<p>Don't try to reframe Belinda's request. There is enough of a relationship with Joe and Belinda to assist them to deal with the issue. There is also a foundation of Joe and Belinda as parents to Tess and Ella that can be built on.</p>
<p>Lawrie: Joe?</p>	<p><i>I am planning a coffee break before we move into discussing more detailed interim parenting arrangements that can build on the work Joe and Belinda have done. This will probably need resolution, however, before we can proceed.</i></p>	<p>Simply invite Joe to respond.</p>
<p>Joe: Look, this is really humiliating. But ... look this is about Ella and Tess. I'll do what it takes.</p>	<p><i>There is a sense of relief in the room. Under some protest, Joe agrees. Is he being mainly pragmatic? I suspect (perhaps hope!) that he has been influenced by thinking of his role as a parent.</i></p>	<p>Check with Belinda.</p>

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Belinda: Thanks Joe. I don't want to make this more difficult – but I really need this space right now!	<i>I feel hopeful that Joe and Belinda will be able to reach agreement on the more pragmatic issues of post separation parenting.</i>	Check Joe's response.
Joe: I don't have much choice do I?	<i>This is a difficult moment for Joe.</i>	Acknowledge Joe's choice.
Lawrie: You know Joe some me, in a situation like this, just remain frustrated and angry. Some disappear altogether from their children. You aren't doing either of those things.	<i>I am conscious in this moment of the many children who lose contact with one of their parents (mainly their fathers) after separation.</i>	Contrast a sense of personal hurt with taking responsibility as a father.
Belinda: Look, I just want to say □ Joe, I don't want to cut you out from being a Dad. It's just that there are a lot of	<i>Belinda is signaling fairly clearly that she is willing to negotiate some form of sharing of the parenting.</i>	Use Belinda's cue to suggest moving on to the more detailed negotiations.

Dialogue	Mediator's initial reflection to self	Mediator's intentional response
Lawrie: So would this be a good time to start talking about some of the details – at least to get to some kind of start-up parenting plan going?	<i>I have a sense that a lot of interpersonal issues have been named. It is not my role to resolve them. But I recognise that avoiding can be like ignoring the elephant in the room. My sense is that Joe and Belinda are more confirmed in this role as parents; however, this may now unfold, and a little less anxious about being in each other's presence.</i>	The phrase 'start-up plan' keeps the expectations for the rest of the session modest. There is also an embedded message that things will continue to evolve and that child focused mediation does not have to be a one-off event.
Belinda: There's a lot to work out.		
Joe: Well let's make a start then.		

Case 2: Building a child focus

Case 2: Matthew and Amanda

Again, we emphasise that intake sessions are not shown in the DVD, but that it is critical that the viewer understands that appropriate intake and screening procedures have occurred, and that Amanda and Matthew have been assessed as having the capacity to take part in the process.

Amanda and Matthew have had individual intake sessions and have had one joint session. Good rapport with the mediator has been established and each party is well able to represent themselves. In this session, the mediator judges that she has ‘earned the right’ to be appropriately challenging of Amanda’s and Matthew’s tendency to revert to blaming each other and thereby lose sight of their parental roles.

Amanda’s perception of events

I can’t believe this is happening somehow. I’m sure everyone says that but... when I think back—like when we first married—I was absolutely convinced that each of us was the best thing that ever happened to the other. We filled in the gaps; supplied the missing pieces. Even our mood swings balanced each other. Unbelievable, really, to have that sort of beginning and...well...this sort of end.

The last few years I felt so trapped by that man, I can’t tell you. I mean look at this world! So much is happening—politically, socially, with the environment—not all of it good, I’m not saying that—but there’s so much to do and be engaged with! Even with friends and family. It doesn’t matter where—and I... I want to be part of it—participating. You know what I mean? But Matthew?! I honestly think he doesn’t notice. Or if he does he just shrugs and goes off to smoke a joint or ‘meditate’, for God’s sake! They could put a toxic waste dump next to the house and he wouldn’t care! He’s just a big wet blob. There’s no bounce. No energy. No nothing. The word boring doesn’t begin to cover it. And he sucks up all the oxygen around him. I felt so claustrophobic. No matter how bad work was—I couldn’t wait to get out of the house in the morning. Anything was better than staying there!

When we split it wasn't really a big thing. I mean there weren't any fireworks or huge fights—it was just.... a whimper really. Sort of like sliding apart! Again, hard to tell if he noticed! Maybe I was trying to ease my way out... I dunno... I dunno what I was thinking, but I honestly believed we could share the house—and the kids—and just go our separate ways. How wrong could you be? Do you want to be sharing a house with a claustrophobic hippy blob? I don't think so! Life is too short.

So....it made sense to me at the time that I should move out. And he agreed—of course! Because I was working full-time, didn't have the free hours to spend with the kids—which he does—and oh my God I needed the fresh air! And on that level it's been fantastic. I feel like I'm just getting to know myself—and to respect who I am and what I believe in! After all these years.... and my energy level is....soaring!

And now I've woken up to the price I'm paying—it's too high. Way too high! The deal is that I pay for everything: house, school fees, medical insurance, etc. etc., while I live in this dingy little flat. He has everything paid for, doesn't have to push his career (even if he could), gets all the time he wants with the kids and he permeates their lives with his hippy values, values that are reinforced by the school that they go to and they never have enough time with me to understand the values I have! I'm sorry, but this is not what I call co-parenting, if that's what we're supposed to be doing. This is what I call sponging off me!

And what do I get in return? Yeah—my freedom and some much needed oxygen—but what I want is equal time with the kids. I want them to understand that there is another way to live, that being a parasite isn't the only choice! I'm pretty sure he's trying to cut me out of their lives by making me out to be some sort of power-hungry business woman, which is unfair to say the least. The kids wouldn't feel that if they spent more time with me. I mean Sam is a worry—here he is, he's reaching adolescence, no boundaries, no parameters—and is Matthew going to give them to him?! I don't think so. Jordy is so sensitive to everything and she keeps it all inside. I want time with her to help her to open up, to be with her, to reassure her. And Winnie is a handful—but what can you expect when his father never sets any limits? And as soon as I do, I'm an ogre!

So, what I want is to spend more time with the kids and I want my house back. I'm paying for it after all! Let Matthew live in a flat! That's all he needs or wants—four walls, a kneeling rug, a sleeping pad, and a tap.

I love that house.... and I love my kids!

Matthew's perception of events

I guess we're just one of the one in three statistics these days. It's too bad, but...that's just the way it is, y'know? I don't think pointing the finger is going to get us anywhere. I mean I'm still basically the same guy she married, so...what does that say about who's changed? I'm still living by—well, trying to anyway—by the same values we felt so passionate about when we met; y'know, like we weren't going to be climbing the ladders; we were going to be creative, however that got expressed; we were going to be open to new ideas, responsive to the world, and accepting responsibility for what was happening to it; we were going to centre our lives on—I dunno—the essence of being a human being. And yeah, that sounds all very naïve and cute and could be called a wank in some circles—definitely would be, but...and here's the rub, can anyone who thinks they're decent argue with those values? Like I said, I'm still trying to live by them! But Mandy?! Spend five minutes with her and you'll get the gist of where she's at: totally addicted to the consumer-driven crap that gets forced upon us every day. It's really sad because she's a highly intelligent person. I don't hate her; I just think she's tragic. And every now and again, when she stops her ranting and raving or something happens, I can still see the gorgeous woman I married...but then, I don't know, it's like this mask drops over her or something...basically she's gone. She's warped.

So we're living in this brave new century. I don't understand why people can't see what's happening to them. Take Mandy. It all started when she took that job with that first company, and discovered she had a talent for managing people. Power's a drug, y'know? Yeah, yeah, cliché after cliché. But it's true! Once she got a taste for it, it just took over. And bit by bit the old Mandy disappeared...creativity, relaxation, home—everything disappeared under a pile of schedules, achievement markers, outcomes, god-awful power suits, and the click of high heels. If I said to you it was fascist, you'd just think I was over the top. But is that really where we want our kids to go?

And all the while I've been a teacher—still am! I know it's not fashionable to say this, but I care about my students and where education is heading. And Mandy, she'd sort of treat my concerns and then of course my contribution to our marriage as...well...totally inconsequential... To be honest, I think I just dropped off her radar screen altogether. I know our sex life certainly did! So...oh look, I'm glad we split in the end...the tension was driving me nuts. Thank God for the kids and thank God for meditation!

And yeah, I smoke a bit of dope from time to time. But I don't depend on it and if I ever thought it was doing harm or coming between me and the kids, I'd stop immediately. And I don't smoke it with my students. Even I know you'd be mad to try that these days!

The most amazing thing is that out of all that we have three great kids—full of life, full of love. I never thought being a father would give me the satisfaction—no, more than that, the purpose that it does! Those kids are the pivots in my life. Maybe I'm not the best father I could be; I don't know what that is. But if you ask me if I love them, if I would chop off my arms for them...! And yeah, I'm biased, but I am so proud of what they're doing and how they're growing. And it's not just because they reflect my values...I want them to be...whatever they want! BUT—and this gets down to the current issue—if they spend most of their time with Mandy, they'll come to learn that life is mostly about shopping centres and earning money. If they spend most of their time with me, they'll learn that life has so much more to offer; so long as you don't give in to the advertisers.

I don't care how much the kids achieve. If either of them want to be highfliers that's fine with me so long as it comes from a sense of passion inside them. Mandy has lost her passion. She's replaced it with being a good little consumer.

And I know at the same time it's important for the kids to spend time with their Mum and I would never want to stop them doing that. But for me, it sort of boils down to the values thing.

And we should be fair to the past. I am not blaming Mandy for not being there for much of the time when the kids were small. It's not a superiority thing! I had a more flexible job and the more flexible hours. But the truth is that I spent more time with the kids than she did. And now

we want to turn that arrangement on its head. I know those kids. They talk to me and she wants them to go to a conventional school to tell them what life's about!

I'm sure Mandy is thinking that she can walk all over me—like she's done a couple of times in the past few years! But I tell you this is one battle that I'm not going to walk away from and I'm going to win!

Transcript of Case 2: Amanda and Matthew

As noted above, this dialogue picks up after a coffee break halfway through the second session.

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Francesca: Welcome back. I'd like to start by checking with you both about how you're travelling right now. If you had to summarise how you are in a word or a phrase, what would it be?		
Amanda: For me it would be... I don't know ...fed up and exhausted.		
Matthew: Yeah, well that makes the two of us.		
Francesca: So, on a scale of 1-10, how much energy do you think you have for working on what the children need?		
Amanda: Look, it's hard...but I suppose when you put it like that...		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Matthew: Yeah, I have to say – (looks at mediator)</p> <p>□ you know, no disrespect or anything, but I'd rather be somewhere else right now. But we have to do this so let's get</p>		
<p>Francesca: We have an agenda from the last session. Are you still happy with this as a working agenda to help you move forward?</p>		
<p>(Amanda and Matthew nod agreement.)</p>		
<p>Francesca: OK, but we will need to keep checking it to make sure it includes what your children need from this work you're doing together. As I said last time sometimes kids' agendas can look quite different from parents' agendas. That's because their core needs are obviously different from yours.</p>		
<p>Fades down.</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Matthew: It seems obvious to me that the main thing the kids need is their family home – what the lawyers call status quo □ they need to stay there! But Amanda's now claiming the house for herself, even though I'm the chief parent and it's the kids' home we're talking about! She ought to just back off. (To Amanda) I can't believe how selfish you are!</p>		
<p>Amanda: That's rich. You want me to continue to earn the income, lose my home, lose my kids, and you call me selfish?</p>		
<p>(Pause: Matthew and Amanda glare at each other. Improvise a few more punches. Eventually Amanda gives in.)</p>		
<p>Amanda: Why don't you get yourself a real job Matthew?</p>		
<p>Matthew: I suppose you think what you're doing is real?</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Amanda: Well, you're certainly living off the proceeds. (Pause) This feels hopeless. I never dreamed I'd have to go through this stuff.</p>		
<p>Matthew: You brought it on.</p>		
<p>Amanda: The only mistake I made was to ignore my solicitor's advice and leave the house. And I should have had the police come over and inspect the garden. They'd be very interested in the marijuana plant.</p>		
<p>Matthew: I grow a bit of dope, and other people (looking at Amanda) put in dodgy tax claims...which is worse?</p>		
<p>Francesca: I'm interested in seeing how your personal issues keep sucking you into conflict with each other. And I'm wondering how you might find enough emotional space right now to think as parents?</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Amanda: (defensively) Of course we're parents but ...		
Matthew: I know where you're going with this Francesca. I read that booklet Jenn gave us at the group session. (To Amanda) But I have to say you're making a very late bid to be mother of the year!		
Amanda: You see how hopeless it is!		
SAM THE CIRCUIT BREAKER		
Francesca: OK, for the next hour or so, I'm asking you to keep the children at the centre of your concerns instead of your personal conflict? Let's try bringing in a circuit breaker: Sam. Imagine he is sitting in the room with us now. What would he make of what's been happening so far today?		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Amanda: Well it's not as if he hasn't heard this already.		
Francesca: I haven't met him, but I do know that witnessing this kind of conflict is what eats away at children over time. It takes energy from them, and they can't afford that.		
Matthew: What do you mean?		
Francesca: I'm imagining how draining and taxing it would be for Sam to see his parents fighting about him and about his brother and sister.		
Matthew: Well, hasn't the horse bolted? We can't 'unsay' things in front of him – or in front of Jordy and Winnie for that matter.		
Francesca: I'm curious, Matthew. Are you saying that because you lost your focus as a parent a few times, there isn't much you can now do about it?		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Matthew: Well...y'know... (looks uneasy)		
Francesca: It's not like the horse only bolts once and the damage is done. You're both caring parents, or you wouldn't be here. You're both responsible for what happens from here on.		
Amanda: But can't you see he's trying to cut me out?		
Francesca: I can see that it's painful for you to feel that in some way you might be 'cut out' from being a mum to your children. This process is not about cutting either of you out – or cutting the children off from either of you.		
Matthew: I'm not trying to cut you out Mandy, but, you know, I've been their main carer for God's sake!		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Amanda: And I've been the one who's kept food on the table.		
DIFFERENCES		
Francesca: There are differences in the way you've been parents. That's absolutely normal. In fact it's inevitable.		
(Matthew and Amanda look pensive.)		
Francesca: People like me have been here before with many parents and with many children. What we've learned is that usually children know where parents need to start. If we asked their advice, they'd say, 'Talk with each other about what sort of parents you want to be'. And if you asked my advice I'd say that if you can do that, I can guarantee you the other issues will not seem so difficult.		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Amanda: Maybe... But it just feels too hard – especially with him.		
Francesca: It is hard. I'm sure there is a part of each of you that would prefer to be anywhere but in this room.		
Amanda: Yeah! Especially when I know he wants the house!		
Matthew: Look, I did come thinking we needed to work out the house first (flashes a look at Amanda) that doesn't mean I'm here to 'get the house' as you seem to think. It's just that we're going round in circles. Let's start with the kids. They're the most important...		
Amanda: But we're completely at odds on the kids.		
Francesca: And I guess you worry that your differences can't be good for them?		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Matthew: Well it must confuse them.		
Francesca: I don't know them, so I can't say for sure. But I'd be willing to bet that from their point of view, there is something much more important.		
Amanda: Which is?		
Francesca: Which is to know it's OK by both of you for them to love and spend time with each of their parents, even though you'll parent them differently.		
Amanda: But it's our differences that have driven us apart. I couldn't stand it any more.		
Francesca: That's you talking to Matthew, your former partner. What happens if you think of Matthew as Dad to Winnie and Jordy and Sam?		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Amanda: A Dad who's a part-time teacher going nowhere!		
Francesca: Do you think that's how Jordy or the boys see their Dad?		
Amanda: Probably not □ but they're children!		
Francesca: They're children with one Mum and one Dad. That's what's most important in their lives.		
(Matthew and Amanda look pensive.)		
Francesca: Let's have a shot at focusing on where each of your children needs their Mum and Dad to get to.		
Amanda: I can guess they want some peace... They're living in a battle zone.		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Francesca: Parents' battle zones are dangerous for kids. (pause)</p> <p>So the question is, 'How are you going to sort things out in ways that keep them feeling safe?'</p>		
<p>Matthew: Look I'm sorry. I did say I'm here for the kids and I am. But I keep going back to the house. If we can decide on who gets to stay there with the kids, the tension will go, and we'll be able to get on with things.</p>		
<p>Amanda: Jesus, Matthew, I thought we were getting someplace! It's not just about the house. It's about a lot of other things to do with how we raise our kids. (Looks defeated and mediator comments to that effect.)</p>		
<p>OUR VALUES</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Amanda: Look, Matthew and I are about as far apart as you can get. I can't believe we had three kids together. He has zero ambition.		
Matthew: Oh, here we go...		
Amanda: Yes, here we go! ... Because it matters Matthew. Now that I'm separate I see... the compromises I made □ for years and years □ sending the kids to wanky alternative schools; watching you smoke dope with your students; the kids' bed times. Anything goes from your point of view. The only thing we agree on is healthy eating.		
Matthew: All of this didn't bother you while you were out making a career for yourself.		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Amanda: Well, it did bother me, and now I want the kids to experience my way of doing things for a change. They might end up having some sort of future if they do.</p>		
<p>Matthew: Now before Francesca starts thinking that I'm some sort of druggie who shags his students, let me say for the record that isn't the case. I do see things differently from Mandy. But I'm the one who's been mostly home with the kids for years. You want to talk about priorities. My priority has been to make sure they grow up to be thoughtful, interesting people.</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Francesca: We're back to the differences between you, and that idea that one of you is wrong and the other right. Do you know that children don't usually see it that way? They see two people they love and need. And their differences help define who their Mum and Dad are.</p>		
<p>(Amanda and Matthew look at each other.)</p>		
<p>Matthew: (deep breath)... It's not all about differences; we've always wanted them to be healthy and happy, and to have respect for the earth. Wouldn't you say that?</p>		
<p>Amanda: Yeah – obviously. We wanted them to enjoy being kids. But this 'self-discovery' thing and 'freedom from structure' isn't necessary for them to do that. That's your thing Matthew.</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Francesca: Amanda, I'm wondering if one of your gifts to the children might be a connection with this more structured world that a lot of people live in.		
Amanda: Yes (tears welling) I'm not trying to be rigid. Somehow I'm seen as the bad one – you know the one who didn't have enough time for my kids.		
Francesca: That can't be a good feeling.		
Amanda: It's not fair. Sometimes I understand what those 'men's rights' people are on about. You just get pushed out!		
Matthew: You took yourself out Mandy!		
Amanda: (very agitated) Bastard!		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Matthew: (recognising he has overshot the mark). Alright, alright; we made the choice together.		
Francesca: (to both) It sounds to me like this was your particular way of balancing commitments to work and family. Every family has to figure this out. You did it your way!		
(Both nod – the atmosphere again lightens a little.)		
WHAT THE KIDS WANT		
Francesca: (pause)... If the children were here now, I'm pretty sure they'd like you to now figure out how to balance their need to have both Mum and Dad in their lives.		
Matthew: Both of us ARE in their lives – it isn't working!		
Amanda: Yeah ... (sighs).		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Francesca: OK. But I thought you did agree on a principle that I suspect the children would be very happy about. Shall I have a go at writing it up? (Both nod. Mediator writes on the board: 'Mum and Dad agree that the children need them both to be actively in their lives').</p>		
<p>Amanda: Despite their differences...</p>		
<p>Francesca: Matthew? (Matthew nods his agreement with the principle.)</p>		
<p>Francesca: My guess is you share fundamental hopes and dreams for your children. But you have different ideas about how to get there – and I'm wondering if you think the children won't be able to cope with those differences?</p>		
<p>Matthew: And you think they can!</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Francesca: There's a basic rule here. If you can accept your differences as parents, so will your children.		
Amanda: Yeah... maybe.		
Francesca: OK. Let me ask Matthew and Amanda take a back seat, while Mum and Dad take a front seat. I'd like you to talk with me and with each other as Mum and Dad to Winnie, Jordy and Sam.		
Amanda: You want me to just be a mum.		
Francesca: And I'm inviting Matthew to just be a Dad – and for you both to focus on the higher ground of being parents – because right now that's where your kids need you to be.		
Matthew: (pauses) Jordy asked me the other day how long we planned to carry on like this.		
Amanda: Like what?		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Matthew: Like we have to score points off each other.		
Francesca: Are you surprised at this Amanda?		
Amanda: No I suppose not. I just don't like to think of them making comments like that. That's really sad.		
<p>Francesca: She's a wise 10- year-old to ask such a question. Because it's scary to see your Mum and Dad looking like they're out of control with each other.</p> <p>Do you remember the bridge Jenn drew in the information session? (Both nod). Jordy needs to feel safe in crossing this bridge between you.</p>		
(Amanda and Matthew are quiet and reflective.)		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Francesca: So if Jordy was here, her request to you both might be, 'Mum and Dad, could you please agree to stop the fighting?'		
Matthew and Amanda indicate <input type="checkbox"/> yeah...		
BUILDING THE BRIDGE		
Francesca: What about Sam and Winnie? Let's think about them. And if we notice that parenting bridge between you collapsing, I'll ask you to step back again and imagine things from their point of view.		
(Matthew and Amanda nod their OK.)		
Francesca: Amanda, can you tell me about Sam. He's 15. What are his needs in this separation?		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Amanda: Well, look, he's at a difficult stage, and this mess isn't helping. He thinks he needs the freedom that Matt gives him, but I think he needs more boundaries and he's going to get them from being with me more.</p>		
<p>Francesca: OK. He is at a difficult age – and as his mum, you feel he needs boundaries and you'd like to help him with that. What do you think Matthew?</p>		
<p>Matthew: I'd agree he needs our support....</p>		
<p>Francesca: (Writes on the board) 'Sam needs support from Mum and Dad'. (To Matthew) Amanda mentioned boundaries. What do you think about that?</p>		
<p>Matthew: I think...boundaries develop from inside you.</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Francesca: What do you think will happen to Sam's capacity to develop boundaries if the two people he most relies on remain in conflict with each other?		
Amanda: He'll become confused. This is exactly my point! That's why we need to agree on schedules and schools and the house and all that.		
Francesca: We do need to get there. But you know I suspect that for Sam it may not be primarily about how the property is divided or about sorting out blocks of time. It may not even be primarily about the school – even though I'm sure all these things are important to him.		
Matthew: So what's it about then?		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Francesca: My best guess is that it's about Mum and Dad managing their differences as parents.		
Amanda: But the differences are not small ones.		
Francesca: The differences are there and they're real. I wouldn't want to suggest they be changed, even if that were possible □ because for Sam, and for Jordy and for Winnie, that's who their Mum and Dad are.		
(Statement has an impact on Amanda and Matthew.)		
Francesca: You know kids can be proud of who their Mum and Dad are and the differences between them; or they can live their lives tip-toeing around each of them – always worried they might say the wrong thing.		
Matthew: The bridge thing.		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Francesca: The bridge. And the thing about the bridge is that Sam, and all your children, will cross it many times. And when they become adults and look back on all those crossings, what would you like them to be able to say about the experience – and about the two of you as parents?</p>		
<p>Amanda: I'd want them to know that I – alright that we <input type="checkbox"/> loved them and kept them safe... (Pause, as the impact of what she's said sinks in). This is hard to say to you Matthew. It's even hard to be in the room with you.</p>		
<p>Francesca: (Pause) Yes it's hard. But you're also speaking as a Mum and what you've said is just so important I like to write that up. (Writes on board: 'Our children need to know they are loved and safe with both of us').</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
Matthew: And I guess I'm supposed to be acting like a Dad – even when I know she can't stand the sight of me!		
Francesca: There's still a lot of emotional adult stuff between you. That's very normal and you probably need to make decisions about how to deal with it. We can talk about that later if you like, but the main thing is that you don't pull the children into it.		
(Pause Matthew and Amanda look at each other.)		
Francesca: It's about how to share your responsibilities as parents – knowing you'll parent differently and knowing that as far as the children are concerned that will be OK.		
(Francesca is up at the board. Children's names on board; elapsed time shows 4 or 5 items under each name.)		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Francesca: A few things seem to stand out. Sam is pushing boundaries at the moment and needs to have your support, and consistent core boundaries from his Mum and Dad around late nights and school. You both agree Jordy's health needs careful monitoring that her treatment shouldn't be changed. When she's sick, she feels comforted by each of you, and happy to be with you both. It will be important to be as flexible as you can in your arrangements for Jordy. She may need a different parenting plan to the others.</p>		
<p>Amanda: I'm happy to juggle work around so I can pick her up more after school.</p>		
<p>Francesca: Matthew?</p>		
<p>Matthew: Yeah, that's OK with me. I'd enjoy some after-school time with just one or two of them.</p>		

Dialogue	Mediator's initial reflection to self	Mediator's Intentional Response
<p>Francesca: You both agree that Winnie still looks for Mum when he's sick or had a bad day.</p> <p>My sense is that we're getting much nearer to where the kids need you to be. I imagine if Jordy were here, she'd say, 'Thanks Mum and Dad for understanding...'</p>		
<p>Matthew: Yeah. And if Sam were here, he'd want to propose a big vote of thanks for the boundaries (Laughter).</p>		
<p>Francesca: OK, moving on – would now be a good time to talk about the children's grandparents?</p>		
<p>Matthew: Sure.</p>		
<p>Amanda: OK.</p>		
<p>(Fades down.)</p>		

Concluding comments

Separating parents experience a wide variety of personal and interpersonal stresses and distractions. These stresses and distractions impact on parents' sense of readiness to look beyond their own needs and seriously consider the needs of their children. As Johnston (2006) suggests, an individual's sense of identity at times like this might well be reflected in the expression, *I fight therefore I am*. A core question related to child focused work, therefore, is: 'When will a separating parent in conflict with his or her former partner feel ready to focus on their children's needs?'

It has been our experience that many professionals who offer a range of supporting services to individuals within separating families adopt an approach which overtly or covertly assumes that child-related work will be unproductive or at least significantly limited in its impact until both parents have come to terms with their anger, disorientation, depression or distress. Thus lawyers speak of clients, (literally or metaphorically) needing first to 'have their day in court'. And those in the social and behavioural sciences speak of the need for the client to first 'work through' the issues that are preventing them from otherwise moving forward.

In our view, these approaches pathologise adult grief and consternation at the expense of the welfare of children. For the reasons we have articulated in the section entitled *Parental conflict and its impacts*, those parents who have the capacity to represent themselves, but who are otherwise distracted by their feud with each other, need support to redirect their gaze towards their children. Their children cannot afford to wait for the individual healing work of their parents to be completed.

Emery's (2004) research has demonstrated that the key to successful post separation parenting dispute resolution is the right intervention delivered at the right time. That many parents need support for themselves at the time of separation should not distract us from the fact that they also need support to think about and define their continuing parenting roles, and to negotiate continuing parenting roles with their former partners. A failure to begin child focused family dispute resolution processes early increases the chances that conflict over parenting will escalate or that the conflict will be 'resolved' by one of the parents absenting themselves from the children's

lives (Rodgers 1996).¹⁵ Put more simply, as Deutsch's (1973) research into conflictual processes has demonstrated, competition leads to more competition, whereas cooperation leads to more cooperation.

Children lose when former couples remain competitive over their parenting. Instead of experiencing a secure base from which they might continue to grow and explore their world, competition over parenting causes children to become wary. They learn that love and acceptance is conditional. As McIntosh (in press) observes, such children need to modify their feelings so that their parents can better cope. They become parents to their parents and part of their childhood is forever lost.

For this reason, and perhaps paradoxically, the sort of child focused facilitative interventions demonstrated and discussed here should be informed not by former partners' sense of *readiness* to discuss their ongoing parenting roles, but by an assessment of their capacity to represent themselves adequately and responsibly in the presence of their former partners. In addition, we see readiness as a concept that can change and that to some extent exists in the eye of the beholder. Years ago, amputees were considered to be not ready to walk with the aid of prosthesis until the wound had healed. These days, these same patients are encouraged to begin to walk again within days. The risk of waiting too long is that the body begins to forget how to walk.

If *capacity* to engage in child focused family dispute resolution is ruled out on grounds such as a history of systemic violence and abuse or serious mental health issues, then different forms of child focused intervention are required (see Moloney 2005 for a suggested typology of separating families and service needs). But if capacity is ruled in, it is imperative that parents in ongoing serious conflict are supported to find ways of again seeing their children and their children's needs. The sort of child focused education and family dispute resolution demonstrated in this handbook and accompanying DVD suggest a way forward in this regard.

¹⁵ We acknowledge that not all parental absences following separation are a result of this dynamic. At the same time, one solution to ongoing conflict is to withdraw from the scene. In addition, as we noted in the *Impact of conflict* section above, a psychological solution for children caught in this terrible dilemma is to 'split' parents into good and bad and to withdraw from contact with the latter.

We acknowledge that the work can be difficult and taxing. In few other areas of human interaction are we likely to experience our own assumptions and prejudices entering our consciousness with such force and such consistency. Furthermore, a sense of personal fulfilment in the work may not always come from the clients themselves. Clients are frequently too distracted by matters related to their own sense of emotional and sometimes financial survival. For this reason, we believe that ongoing supervision and collegial support is essential for the work of a child focused practitioner to continue.

Although the processes we have described and illustrated seek to empower parents, our stance is one of unashamed child advocacy that sits beside respect for the parents of the children for whom we advocate. The respect for the children's parents is genuine. It comes from a belief that all parents in the moments we meet them are doing the best they can. We believe that if we lose touch with this attitude, our work will be greatly diminished and we are unlikely to be of service to the children whose interests we are attempting to represent.

We find it helps if we begin by *expecting* parents to be distracted by each other's presence and by *expecting* that each will wish to represent and/or justify themselves strongly. In this way, the multiple 'detours' away from the children, especially in the early part of the work, are simply accepted as a predictable part of the process. The interpersonal pain, anger or other emotions that drive the detours from focusing on the children require acknowledgements that are simultaneously empathic and businesslike. In this work, our aim is not to be therapists. Our empathic responses are genuine, but their purpose is not to open up exploration of the adults' concerns with each other. Rather, our purpose is to signal that we have heard and understood. Acknowledgement and understanding, in turn, provides space to return to questions of parenting.

Our child advocacy role has another challenge. Unlike child inclusive practice, which we have demonstrated elsewhere (McIntosh & Moloney 2002) this model of practice affords us no contact with the children who are at the centre of the dispute. We must find ways of bringing the children to life, but without resorting to generalities and platitudes. Our stance is one of respectful curiosity about the children. We acknowledge the parents as experts with respect to each child and his or her needs. We speak of their children by name. We speculate in an open-ended way on what each child might be thinking or how each might be reacting, inviting parents to correct us or to

expand on our speculations. We also invite parents to project themselves into their futures. What, for example, will their children think of how they handled things in ten years' time?

There is no doubt the work requires energy and resourcefulness. There is no doubt, too, that what happens in the child focused practitioner's room is not always reflected in the advice and processes that occur elsewhere. For example, commenting on the Family Court's Children's Cases Program—which is voluntarily entered into and which aims to keep the decision-making processes firmly focused on the children's needs—Schetzer (2006) has advised his legal colleagues to think carefully before recommending this course of action. Why? Because the parent might make an admission about his or her relationship with a child that has not been previously canvassed with his or her lawyer. Such a recommendation, while no doubt tactically sound from the perspective of traditional legal advocacy, again places adult needs ahead of those of the child.

Finally, we acknowledge that to be fully successful, the values that underpin the work we have demonstrated also require ongoing support from the broader socio-legal community. They need to be increasingly reflected in all family law-related processes and, of course in the general community itself. Government has taken important steps in this direction. Those steps require reinforcement over the next few years so that the 'best interests of the child' principle becomes a universally serious touchstone rather than the feel-good mantra to which it has too frequently been reduced in the past.

What we have presented, therefore, is by way of a beginning. There have been other beginnings that have met with some success. But they have been limited by the fact that they have not been accompanied by the widespread community-based and court-based structural reforms that have evolved since the 2003 publication of the House of Representatives Report *Every Picture Tells a Story*. Much remains to be done. Is it perhaps too fanciful to imagine that Robert Frost may have had children in mind when he wrote:

*But I have promises to keep
And miles to go before I sleep
And miles to go before I sleep.*

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