



THE MEDIATION CENTRE
BIGGER. BETTER. MEDIATION SPECIALISTS

Child Consultation Handbook

Why am I Being Asked to
Consider Child Inclusive
Mediation?



FAMILY FIRST
MEDIATION AND DISPUTE RESOLUTION



Child Inclusive Mediation

Why are you receiving this book?

Working in the best interest of children is at the heart of what we do.

You are being given this booklet as we feel it is imperative that you consider consenting for your child to participate in Child Inclusive Mediation (CIM). CIM is a process in which children are given the opportunity to express their views, concerns, and experiences during family dispute resolution, following the separation of their parents.

CIM aims to ensure that the voices of children are heard and considered when making decisions that affect their lives which supports children's rights under the Family Law Act 1975 and the United Nations Convention on the Rights of the Child, 1989.

Here are some key reasons why you might be asked to consent to CIM when engaging with us.

Sometimes, non-consent will mean that we are not able to provide a mediation service to you.

Child Centred Approach



Children's Rights- Article 12

Every child has the right to say what they think in all matters affecting them, and to have their views taken seriously.

www.OutsideClassroomBoards.co.uk

Respecting Children's Rights:

Children **legally** have the right to be heard.

The United Nations Convention on the Rights of the Child, adopted in 1989, states that children have the right to express their views freely in matters that affect them. This is not just an ideal, but a legal framework adopted by Australia.

This principle states that children are not passive recipients of decisions but active participants in shaping their future. Family law decisions, such as living arrangements, schooling, or parental contact profoundly impact their lives, and as such, they should have a say in those matters.

By providing children with an opportunity to voice their opinions, you are upholding their basic human right.

A child's perspective, especially in cases of divorce or separation, can provide crucial insights into their preferences, emotional needs, and well-being.

Empowerment:

It empowers children by giving them a safe and supported platform to express their feelings, needs, and opinions, helping them feel more in control of their situation - a situation they did not ask for or want.

Better Outcomes for Children

Improved Relationships:

Involving children in the mediation process can help improve communication between parents and children, fostering understanding and better emotional well-being.

Reduced Anxiety:

When children have a chance to speak about their experiences and concerns with a neutral and impartial third party, it can reduce their anxiety and confusion about changes in their family dynamic.

Long-Term Wellbeing:

Research indicates that children who feel heard and involved in family decision-making have better mental health outcomes and are better equipped to cope with the challenges of separation or divorce.

In the middle of
difficulty lies
opportunity.

Albert Einstein

Better Outcomes for Children continued

Decisions made without the child's input after separation can sometimes lead to dissatisfaction and complications in the long term.

When children feel that they have been ignored or forced into a decision they didn't agree with, it can lead to resentment and strained relationships with both parents.

This may also cause the child to resist the terms of the decision or engage in unhealthy coping behaviours.

Children may 'vote with their feet' and defy any orders or agreements made without their direct input.

In contrast, when children are involved in CIM, they are more likely to accept the decisions and make the transition smoother.

The experience also teaches children valuable skills for advocating for themselves, resolving conflicts, and navigating complex situations in the future.

Providing Insight for Parents and Mediators

Informed Decision Making:

Parents and mediators gain valuable insights into the child's perspective, which can be critical in making decisions that are in the best interest of the child. It helps parents to remain focused in mediation which therefore leaves parents feeling more content with the mediation process.

Neutral and Supportive Process:

Trained professionals facilitate the process to ensure that the child's views are communicated clearly, without putting pressure on them or making them choose sides.

Professional Support for Children:

In CIM, children may be supported by professionals such as child psychologists or child advocates, ensuring they are given the appropriate care and support during the process.

Parental Guidance:

Parents are also supported by the mediator to help them understand their child's perspective and how they can meet their child's needs in the best way possible.

A Voluntary Process

Consent-Based:

Participation in CIM is voluntary for both the child and the parents. Your consent to include the child in the mediation process is essential and demonstrates a clear message to them, that you value their input and feelings.

The child will consent to what information they wish to be shared with their parents, providing them with autonomy and agency over their information.

The discussions during CIM are confidential, allowing both parents and children to express themselves openly without fear of legal repercussions or judgment.

Professional Guidance:

A qualified and skilled mediator/child consultant will work with parents and children to explain the process, ensuring the child's involvement is age-appropriate and supportive of their emotional and developmental needs.

Children will be encouraged to express themselves using projective techniques such as play, art, games and story telling.



Child Consultation Process

What is Child Consultation?

Child Consultation is not a process of psychological evaluation but a chance to hear from children about how they are experiencing living between two homes with the hope that parents can use this information to help support their child's emotional, developmental, and physical wellbeing during the different stages of separation.

Child Consultants are specifically trained to work with children of separated families and have extensive knowledge of the developmental and emotional needs of children throughout separation. They are also often Family Dispute Resolution Practitioners and therefore have extensive skill in working with separated families and all the complexities that accompany separation.

Child Consultants meet with children in a confidential setting and use a range of different projective and expressive play-based activities to gather information from them about their experiences of living between two homes, their relationship with their parents and other family members and their hopes for the future.

The Child Consultant will then share information with the parents and the Mediator about their meeting with the child which may include the child's experience of their parents' conflict, their experience of moving between homes, concerns that need to be addressed and relationships that are important to them. It is also a chance for parents to hear what is working well for their child.

During this time, parents can ask the Child Consultant questions about the feedback to help them better support their child's needs in their parenting agreement.

Confidentiality

All information shared by the child to the Child Consultant is confidential. The Child Consultant will only share information with parents that the child gives permission to be shared. As with mediation, there are limitations to confidentiality, including where the Child Consultant has concerns for a child's safety, the safety of any other person or where a threat has been made to commit a crime.

Is Child Consultation Suitable in all Cases?

Not always, although it is our philosophy that if mediation is suitable, children should be provided a chance to participate.

Child Consultation is a process whereby both parents must consent to their child meeting with a Child Consultant. Prior to Child Consultation taking place your mediator should also have assessed that Child Consultation is suitable and provided a referral to the Child Consultant. Further to this, the Child Consultant will speak with each of the parents before meeting with the child to again assess whether Child Consultation is suitable.

What Happens in a Child Consultation Meeting?

Each child will meet with the Child Consultant for approximately 1 – 1.5 hours either in person or online whereby the child can engage in several play-based activities with the Child Consultant.

Depending on the age and developmental stage of the child, the Child Consultant may also engage in general conversation with the child to gain insights into their lived experience of their separated family.

Children are not forced to engage in activities if they do not wish to and can end the session at any time.

Limitations of the Child Consultant

The Child Consultant will only share information with parents that their child has given consent to share with them. However, issues of safety will always be shared with an appropriate adult.

The Child Consultant does not psychologically evaluate the child.

The Child Consultant does not make any decisions for parents or provide written reports of any kind to the parents about their meeting with the child.

Information shared with parents is not admissible in court proceedings.

Child Consultation Process

There are generally three appointments required in the Child Consultation process as follows:

Individual Parent Appointment

Each parent will meet with the Child Consultant by telephone or Zoom for approximately one hour. The purpose of this appointment is to gather information from each parent about their child/ren and to provide the parents with information about the Child Consultation process.

Meeting with Child/ren

The Child Consultant will meet with each child in a confidential setting either in person or online for approximately 1 – 1.5 hours.

It is preferable for sibling groups to attend on the same day. They will have the chance to meet with the Child Consultant individually as well as a group.

Conversation with Parents

The Child Consultant will then meet with the parents and the Mediator, in person or online, for approximately 1.5 hours to discuss the information learned from their meeting with their child/ren.

This session generally occurs with both parents in the same space with the chance to have individual sessions.

The Child Consultant may provide referrals to parents and will support parents to reflect on ways they can help manage any concerns raised by their child/ren in their mediation.

FEE SCHEDULE

Individual Parent Appointment

\$330 plus GST per parent

Meeting with One Child

\$400 plus GST (cost shared equally between parents)

Conversation with Parents and Mediator

\$330 plus GST (cost shared equally between parents)

Each additional child

\$150 plus GST (cost shared equally between parents)

Total per parent for one child = \$695

Terms and Conditions

Room hire fees may apply, cost for this is shared equally

Parents are invoiced for whole process once consent is obtained

There are no refunds on payments

Full payment is required before any appointments proceed

Process MUST be completed within 4 weeks

A follow up call/meeting with the child must be facilitated (at no extra cost), to share the outcome of their involvement

