

# Divorce mediation



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## MEMORANDUM RE: Issues to be Resolved in the David-Angela Family

Mediation Issues How many sessions should the family mediation between Angela and David take place to fully resolve all, if not most, of the issues concerned? 2. How should the mediator conduct the mediation so as not to further inflame already existing emotional differences between the parties? 3. David and Angela both want to claim temporary custody of their two children during the mediation process. What is the best arrangement under the circumstances? Answers 1. It will depend on the number of issues to be resolved and the ease or difficulty of the parties in arriving at a consensus on each of these issues. 2. The mediator must use the framing and reframing of statements technique to defuse tension and hostility between parties and remind them that the children's welfare are at stake. 3. Angela is in the best position to gain temporary custody of the children. Rationale The issues to be resolved between David and Angela can be divided into two: custody issue, and; property settlement issue. Initial and introductory mediation can be done during the first session as well as the issue on temporary custody. The subject of property settlement can be done in 1 to 2 sessions and child custody during the last session or vice-versa. Nevertheless, there is no guarantee that everything can be settled in four sessions only. One of the ways to defuse tension and hostility during family mediation is through the technique of framing and reframing the statements of parties. The mediator must listen for hostile and provocative remarks coming from either party and be ready to reframe these remarks using neutral words to prevent the other from being agitated. It is also wise to remind the parties of the children's welfare during the discussions. Family mediations deal with more anger and emotions than labor mediation, although both have the primary goal of

making the parties reach an agreement. The consequences in the first are more personal and the parties are expected to be inexperienced in negotiations and less aware of their rights than parties in labor mediation. It would be practical to give Angela temporary custody of the children. First, David has difficulty in emotionally connecting with people and this may disadvantage the children who need emotional support more than ever in this critical period of their lives because of the family break-up. Second, Angela is expected to get the family house because of her higher interest in it and it will give a sense of stability and continuity to the children if they are not forced to move out of the family home now or in the future. David can help with the financial support of the children and arrangements be made for him to have the children during weekends and vacation time.