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Private Family Counseling & Mediation Services

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MEDIATION: A DIFFERENT PERSPECTIVE ON CONFLICT

If you ask people what they think of when they hear the word “conflict,” most will reply with negatively charged words, concepts, or images. The idea of conflict often makes people anxious, as well it should when it is associated with fighting, disintegration of relationships, vulnerability, power imbalances, and violence. However, there is an alternative way to look at conflict, one that is solution-focused rather than fear-based. When I hear about conflict, I immediately think: *opportunity*. I feel *energy*. When two parties are in conflict, each is energized about his or her position. Each is *motivated* and *passionate* enough to engage with the other party to defend that position, and thus conflict occurs. In a situation where there is energy, motivation, and passion, so too is there great opportunity—for communication, learning, growth, and, ultimately, problem-solving. These are the cornerstones of the field of mediation.

WHAT IS MEDIATION?

Mediation is a form of **voluntary dispute resolution** between two parties in conflict and a third **neutral** party—the mediator. Neutrality is an essential feature of the mediator—she must have no stake in the outcome of the mediation and no bias (positive or negative) toward either party. The process itself involves the mediator facilitating discussion of the issues that the parties bring to the table for resolution, helping the parties generate options and come to agreement. The primary feature of mediation is that **the parties make all decisions themselves**. The mediator’s role is not to make decisions, but rather, to help the parties structure their discussion, examine options, and identify areas of agreement.

MEDIATION AND FAMILIES IN DISTRESS

While virtually any dispute can be mediated, provided that both parties are willing, my passion is in working with families in conflict. Mediation can be extremely valuable in helping families work through a variety of complicated issues, including:

- Pre-Marital Planning
- Custody and Visitation
- Post-Divorce Parenting Plan (Co-Parenting)
- Child Support
- Blended Family Issues (Stepparent/Stepchildren)
- Open Adoption Agreements
- Parent-Child Disputes
- Elder Care
- Multigenerational Disputes

Family mediations can be particularly complex due to their highly emotional nature and the many facets of people's lives involved. For example, divorce and post-divorce planning involves many decisions, spanning financial, educational, legal, emotional, medical, geographical, logistical, and psychological considerations. Any disputes the parties raise and are willing to discuss are mediatable.

WHY MEDIATE WHEN I CAN GO TO COURT?

In a country where you can sue and be sued for just about anything, going to court is often the first instinct people have when conflict arises. But mediation provides another option, typically a quicker, less adversarial, and less costly one. Mediation is the only form of dispute resolution in which the parties themselves maintain full control of all decision-making. Other options such as arbitration (similar to mediation, but with a decision-rendering arbitrator) or litigation (going to court) involve other third parties making final determinations. There is significant risk to both disputants when a third party has decision-making power, but more important, these authorities are not intimately acquainted with the family and the family's situation. No one is better equipped to make decisions affecting the family than the parties themselves, and this is exactly the opportunity they will have in mediation. Another valuable reason to pursue mediation is that it sets an important precedent for open and honest communication between the parties, which will be essential to managing future conflicts. Often, parties in divorce mediation will remark that their mediation is the first time they've ever communicated quite so well, a skill they didn't know they possessed as a couple.

TRANSITIONING FROM SPOUSES TO CO-PARENTS... MEDIATION AND POST-DIVORCE PLANNING

It is no secret that many children today experience the difficult reality of their parents divorcing and setting up two separate households. While these children may share this common ground, the range of their actual experiences can vary tremendously based on how their parents navigate their divorce and post-divorce planning. We know that children are incredibly resilient and can adapt well under reasonable circumstances, and while divorce may be one of the most profound stressors a child can endure, there are steps parents can take to minimize the turmoil. The process of mediation enables divorcing parents to problem-solve collaboratively, manage their conflict in a structured setting, and most importantly, keep their focus on the needs of the children.

It is my contention that mediation is the most child-friendly and family-friendly path to divorce, a statement which I realize sounds somewhat paradoxical given that a family is being dismantled and reconfigured. But in no other divorce process do parents retain full decision-making control and ability to keep their children at the forefront of the decision-making process. Additionally, when parties opt to resolve their conflicts through open communication and negotiation, they model effective problem-solving for their children, demonstrate that they are willing to work together to meet the children's best interests, and show the children that they will remain a team as far as parenting is concerned. Mediation provides a forum where both parents can express their wishes in terms of how they will spend time with the children, discuss their respective parenting philosophies, and explore how they can maintain consistency between their two

households. They can consider their children's individual needs as they negotiate with each other. Often, after a long period of marital conflict, mediation offers the couple an opportunity to re-learn how to communicate, which will be an invaluable skill as they embark on a new relationship, not as spouses, but as dedicated co-parents of the children they will share for a lifetime.

Although married spouses are certainly considered to be co-parents (two people parenting their children together), they are rarely thought of as such—this is just something taken for granted in intact families. However, once a divorce is underway, a new co-parenting relationship must be forged. These two adults will, in most cases, continue to share responsibility for their children and play pivotal roles in their lives. Maintaining two households where the children can thrive means achieving predictability and consistency with rules, limits, expectations, schedules, routines, parent accessibility, and communication. Doing this well demands that the parents are in regular contact with one another about the children and are able to interact civilly, if not amicably, with each other. It is critical that children not be exposed to parental conflict, and also that they perceive their parents to be a united front when it comes to parenting. If they sense a divide, children are masters of manipulating situations to their advantage and playing one parent against the other. Establishing a positive co-parenting relationship at the time of separation sets the stage for ongoing teamwork and problem-solving between the significant adults in the children's lives. This can best be accomplished if the divorce proceedings occur in the same type of atmosphere. Mediation is not merely a set of exercises to sever a marriage, but also an opportunity to begin a new relationship—that of co-parents—on a less adversarial and more collaborative note. This is a true gift from parents to their children—one that will keep on giving for years to come.

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