



The Institute of Family Living

As we end the 20th century - the most violent in human history - we at IFL are reminded that God calls us to be peacemakers. The work of therapy, and particularly that of relationship therapy, is one of the ways in which, as Jews and Christians, we do our part in making this world a more peaceful place. Helping others resolve conflicts with themselves, with their partners, with children, with parents, with colleagues, with neighbours, requires patience, compassion, and faith. As we help people lay down their "swords" and turn anger, mistrust, and strife into the "ploughshares" of mutual understanding and co-operation, we feel the potential of transformation and hope. For many, profound reconciliation is made possible; for others, a mediated resolution is a kind of truce. Working with our clients, and they with us, stretches us all to grow in our understanding of the Psalmist's vision that "justice and peace shall embrace".

What is Mediation?

In mediation two or more people work with an objective third party, a *mediator*, to resolve the issues between them by consensus.

Similar principles govern both family and small business mediation, although the process may be somewhat less formal in family situations.

Much (though not all) family mediation deals with the aftermath of marital breakdown. When partners (married or not) decide to separate and live apart, conflicts often arise concerning spousal support, the nurturing of children, and the division of property. Traditionally such issues were worked out through the legal system, which pits former partners against each other as adversaries. This approach can make things worse rather than better. Mediation is a rapidly growing alternative to litigation, and its popularity is easy to understand.

Mediation allows the parties themselves to determine what issues need to be addressed and in what order. It fosters a sense of co-operation between the parties rather than conflict, an obvious virtue when children are involved. A trained mediator assists the parties to work out agreements that are imaginative, yet practical, and that meet the unique needs of the particular situation. Moreover mediation is time-effective and comparatively inexpensive.

Mediation is a process, not a therapy. It is not for everyone. A mediator must assess such factors as whether or not the parties can talk to each other (with the mediator's assistance) in a safe place; the level of commitment of both parties to settle the issues; the level of clarity and understanding of these issues possessed by both parties; the parties' ability to state their needs and interests; their understanding of basic rights and responsibilities under the law; the parties' consent to the mediation process; and whether there are any factors (such as domestic violence) that would make the mediation process impossible.

Virtually any issue is appropriate for mediation, as long as all parties agree to discuss it. Common issues in family mediation are the development of a "parenting plan" for children (custody, access, and often the practical effects of different values), support for children and/or spouses, disposition or handling of property, care of the elderly, and parent-child conflicts.

IFL's resident mediator, Joan Sinclair, M.S.W., is an expert in both family and small business mediation. When asked what attracted her to become a mediator, she smiles and replies, *"It suits me. I've always been able to see several sides of almost any issue.*

Mediation is a way for me to put that personal trait at the service of others. " It is also a way for Joan to put her personal spiritual and professional values into day-to-day practice.

How does mediation work?

Joan Sinclair says, "The details may vary, but the basic structure of the process is pretty consistent. The parties and I will meet together in my office, usually five or six times for 90 minutes each time. Ideally the parties work together, face to face, to negotiate an agreement.

Sometimes I meet individually with each party. Where face-to-face meetings are inappropriate, I can do 'shuttle diplomacy' back and forth between the parties, who may never be in the same room. Where children's needs are at issue, and if they and their parents agree, I may meet with them individually, without the adult parties being present. In a conflict between a parent and an older child, the child is a party and needs to be present at joint mediation sessions.

What does the mediation process focus on?

Mediation focuses on the needs and interests of the parties and their children. People often begin a mediation with a fixed, firm, "bottom line" position. After discussing with the mediator and with the other party *why* that particular position is so important to them - what needs that bottom line meets - they may discover that there are alternative ways of meeting those needs, while also meeting the needs of the other party. No one is coerced into anything; all decisions are reached by consensus.

"I don't make any decisions for my clients, " says Joan Sinclair. "They make the decisions together, and they craft the agreement between them. I facilitate the process, and I counsel them to consult with others, such as their respective lawyers, accountants, therapists, family members, and soon. Any draft agreement can be translated into legal language by the parties' lawyers and filed with a court.

Why mediators?

Adversarial justice maybe useful for some things, but not where a personal, intimate relationship hasn't worked out. Where children are involved, the adversary system encourages eve one to think in terms of "good" and "bad" people, heroes and villains - not useful categories for either parents or children. In any case, successful mediation saves time and money and makes it easier for separated couples to co-parent and even to talk with each other civilly whether or not kids are involved. And that's good for society.



3080 Yonge St. • Suite 5062 • Toronto • ON • M4N 3N1
Ph: 416•487•3613 Fax: 416•487•2096
E-mail: ifl@interlog.com Web Site: <http://www.ifl.on.ca>

