

FDR is not only for parents

Not all Family Dispute Resolution mediations involve two parents. In this case study, the mother and grandmother of a child decided to use Family Dispute Resolution.

[Family Dispute Resolution](#) (FDR) is a service not only available to parents, but also to grandparents and other family members who seek to have contact with the children. In this way FDR promotes the principles of the Care of Children Act 2004 which seeks to inter alia, preserve and strengthen a child's relationship with "his or her family group, whānau, hapū, or iwi" [S5, Care of Children Act 2004].

However, while the Act recognises the important role of the wider family in children's lives, it also confirms that parents and guardians have primary responsibility for the "care, development and upbringing" of children. As such, decisions regarding who will have contact with their children would usually rest with them. In addition, grandparents who have been denied contact with their grandchildren do not have an automatic right to apply for a parenting order to do so and would need special leave from the court [S47(1)(d)].

When there is conflict in the family, the children can be impacted in that they may no longer spend time with specific family members who they previously enjoyed a close relationship with and family gatherings either disappear or become stressful and unpleasant. FDR provides a forum for family members to discuss the needs and interests of the children and make their own agreements which will promote these going forward. Most importantly, it provides the opportunity for the family to deal with underlying issues, heal rifts and design a framework for positive interaction and communication going forward. A recent FDR case was an example of this in practice.

This case involved a mother and daughter. They had shared a very close and supportive relationship in the past. They both relied on each other and the mother was very involved when the daughter had her first child. Life changes saw both of them meeting new partners and these changes brought up old hurts and unmet needs which now coloured the present. The impact of this was that they had a falling out and the mother was no longer seeing her grandchildren. This was stressful not only for the parties, but also for the wider family and the children.

The pre-mediation meeting focused on understanding each party's perspective of the past and identifying the underlying needs of both. It was also an opportunity for them to talk one on one with their mediator about their hopes for the future and how this could be achieved. The mediator also assisted the parties in exploring the impact the conflict was not only having on them, but also the children. The parties also participated in [Preparation for Mediation](#) (PFM) to further assist them in getting ready for the mediation.

At the mediation the mediator assisted the parties in having difficult conversations about the past. By creating a shared timeline of what had happened, they were able to reach a shared understanding of the hurt feelings on both sides and their true intentions towards each other.

They were also able to accept how they had each had contributed to the present difficulties and how past unresolved issues had coloured their present assumptions and actions.

The parties were then able to focus on a plan for the future and were able to reconcile not only with each other, but also with other family members. Most importantly, by healing their rift, they were able to provide a safe and positive family environment for the children where they would be able to maintain their strong connections with their wider family.

FDR is therefore not only for parents who are in conflict but is also a service which promotes the health and wellbeing of the whole family.

About FairWay

FairWay is a nationwide provider of Family Dispute Resolution, with accredited mediators around New Zealand.

Many families are entitled to 12 hours of fully-funded Family Dispute Resolution services.

Please get in touch the Family Dispute Resolution team to find out more.

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