

Below the surface

Sometimes it is easy to reach agreement on the surface, but harder to voice the underlying issues. In this case study, a FairWay mediator assists an Asian family to explore below the surface.



Background

The parents were originally from Japan but had emigrated to New Zealand together almost twenty years ago. Their four children were born here, and the eldest was now sixteen years old. Dad was the primary income earner and his work was a priority. Mum had taken on the role of primary caregiver for the children. In the last two years, Dad lost his job and suffered a major mental health breakdown and depression as a result. The relationship between the parents broke down and they separated 10 months ago. While Dad remained in the house, he isolated himself completely from the children and did not communicate with them or Mum. This caused his relationship with the children to fail as well. Dad moved out of the house three weeks before the mediation and had been unable to discuss this with the children or Mum before doing so.

Mediation

The mediator began by thanking the parents and their chosen support people for attending mediation and acknowledging the recent challenges the family was experiencing. She invited the parents to share their hopes for the mediation. The parents spoke about their children and their needs. They quickly came to an agreement regarding Dad's contact with the children (every Sunday during the day) and specifics were added to this.

The mediator noticed that the parents were very focused on reaching an agreement but were hesitant about exploring the 'what ifs' or disagreeing with each other in front of the mediator and the support people that they had brought with them to mediation.

After a break, the mediator changed direction and asked the parents how they intended to communicate the agreement to the children. Specifically, who was going to tell them and what were they going to say. Mum felt that the children should be told that they were spending the day with Dad every Sunday. Dad felt that the children should be given a choice as to whether they wanted to see him or not. Through these discussions, the parents were able to discuss why they felt their respective views were valid.

For Dad, it was important that the children wanted to see him. Mum felt the children, especially the sixteen-year-old, would choose not to see him if given a choice and that this would be bad for both the children and Dad. This honest conversation opened the door and the parents began to address other issues and concerns that they had.

Mum shared her concerns about Dad's ability to cope with the children for a long period and how this could impact on the children. She wanted Dad to be involved in the children's lives and to really get to know them but wanted it to be safe for everyone. The parents then discussed Dad's mental health and the treatment he was receiving. They made plans for what they would do if Dad was unable to care for the children because he was having a bad day, or if he needed to bring them home earlier.

Mum and Dad were then able to work together to come up with a way for Dad to re-establish relationships with the children and how the children could be encouraged to participate in the Sunday activities. They agreed to build slowly, starting with phone calls and progressing to visiting the children at Mum's home when everyone felt ready for this. They also discussed safety and how they both would communicate with each other going forward. Dad agreed to be more honest about his health and to let Mum know when he was unable to contact the children. They also agreed that he would meet with the children at Mum's house with either Mum or another adult family member present. The parents also decided to keep their children's mobile phones topped-up so the kids could initiate contact with Mum or Dad at any time.

About FairWay

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