

Hearing Children in Mediation (HBIM)

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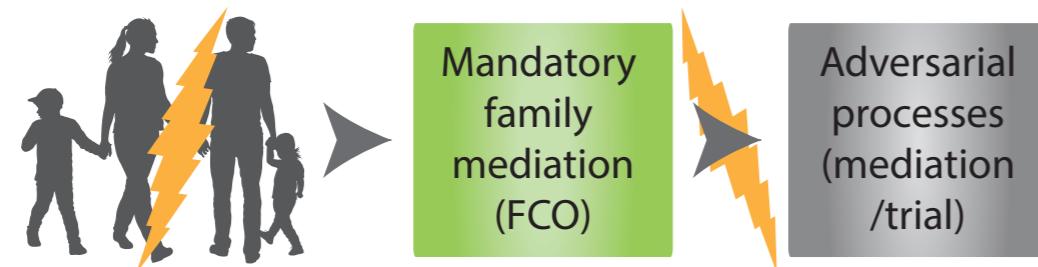
BACKGROUND

In Norway, it is mandatory for all spouses and co-habiting partners with children under the age of 16 to attend a mediation session in the case of relationship breakdown. Traditionally, this has been an arena for parents only. In the recent years children's participation rate has increased.

This project aims to understand the contributions from participating children as well as identify possible implications of this practice.

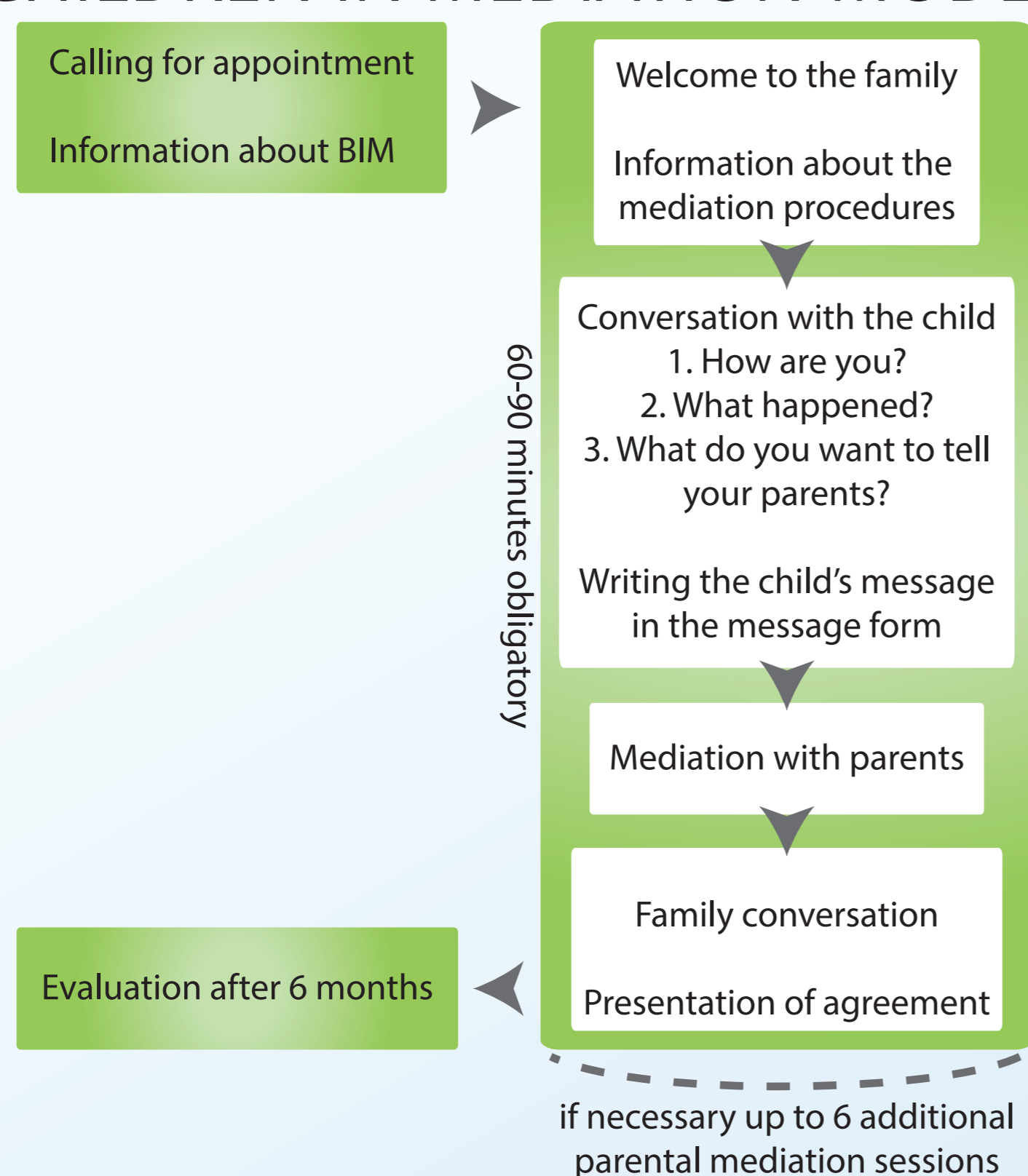
THE NORWEGIAN FRAMEWORK

The Family Councelling Offices (FCOs), Familievernet in Norwegian, is a public service specialized on family related problems. It is decreed by law that the FCOs should exist in all parts of Norway, and that the service can be used for free.



Legal framework for mandatory family mediation	Legislation
<p><i>Who is obligated to attend?</i> Separating or divorcing married parents, cohabiting parents breaking up, married and cohabiting parents who wish to petition the court for parental responsibility, permanent custody or visitation rights, parents disagreeing about relocation</p> <p><i>Purpose of mediation</i> That parents make a written agreement about parental responsibility, permanent custody, visiting arrangements and other practical affairs that aims to consider the best interest of the child</p> <p><i>Content in mediation</i> Information about purpose and legislations, consideration of the child, mediation certificate needed for married couples wanting to separate or to petition the court</p>	<p><i>The Marriage Act (1991) §26</i> <i>The Children Act (1981) §51</i> <i>The Children Act §51.4</i></p> <p><i>The Marriage Act §26.1</i> <i>The Children Act §58, §52</i></p> <p><i>Regulation on family mediation (2007) §1, §2, §8</i> <i>The Children Act §54</i></p>

THE CHILDREN IN MEDIATION-MODEL



METHODS AND DATA COLLECTION

The HBIM-study collected data between 2012-2015.

The quantitative data collection:

- 21 mediators at 4 FCOs in 2 regions contributed to the data collection.
- Mediators completed questionnaires after the final joint conversation
- Children completed their form after the children's conversation.
- Parents completed questionnaires if they participated in the evaluation session.

The qualitative data collection (interviews with mediators):

- 12 semi-structured interviews at 4 FCOs in 2 regions
- 4 focus-group interviews at 4 FCOs in 2 regions
- 12 semi-structured interviews with mediators who had completed >13 BIM-cases at five FCOs.

SAMPLE

T1: 217 mediation cases where children were included in the first mediation session. Questionnaires for mediators and children. Sample also includes 33 BIM – mediation cases from 2012 where one mediator has written the "children's message".

T2: 134 evaluation sessions with children present. Questionnaires for mediators, children and individual questionnaire for each parent.

There was an even distribution of boys (49.4%) and girls (50.6%) in the age range 4–20, most of them were between 7 and 15 years old. The average age was 10.8 years, mode = 12 years (13, 5 %). Of 217 mediations, 70% were separation mediations (95 marriage breakdowns and 55 breakdowns of co-habiting partners). The remaining 35% (65 cases) were mandatory pre-action mediation, where one of the parents had taken the other to court. In two of the 217 cases the type of mediation was unknown.

RESULTS

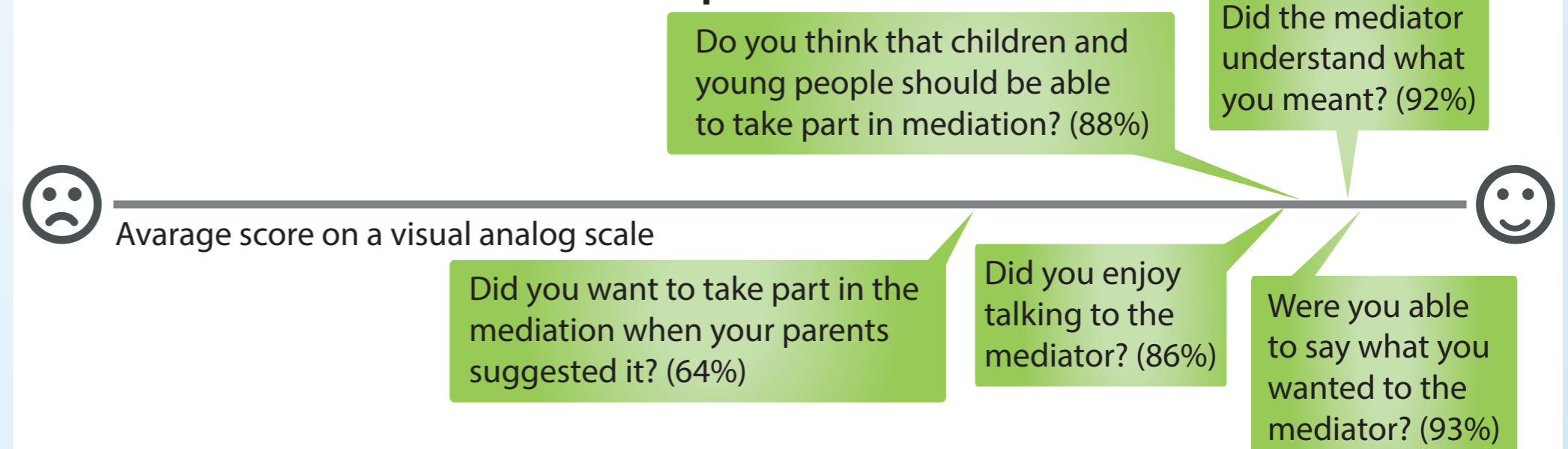
Children chose to participate when they were given the opportunity.

The children experienced to a large degree that they were able to say what they wanted to the mediator, including cases where the mediator had assessed a high conflict level between the parents.

Children recommend other children to take part in the mediation process. The children's experiences and assessments of their own participation is only to a very small degree associated with the conflict level, type of mediation and degree of problem accumulation in the family.

There are marked contrasts in what children convey in their "messages" to parents. This ranges from, e.g., a wish that the parents are reunited, to requests for fewer arguments and less alcohol, or wishes of a material kind. Starting from what they regard as important in both their own and the family's situation, they contribute to the agenda of the mediation. It also gives some children the opportunity to tell an outsider about insecure family circumstances.

Children's and adolescents experiences, opinions and preferences about their inclusion in the mediation process



Children do not participate in decision-making and are, for example, never asked where they want to live. We do see, however, how the dominant discourses in our society are coming through into some of the children's statements concerning "fairness" in custody arrangements. In line with norms and policies of equally shared parenting, many children put forward opinions where a 50–50 division of living with each parent is regarded as the most "natural" and fairest solution.

FUTURE FOCUS

- Mediators' dilemmas
- What children's participation does with mediation
- Culturally sensitive practice when talking with children in mediation
- Children's influence on arrangements following parental breakup: Real or pro forma?
- Parents of toddlers – child-focused mediation