

Introduction

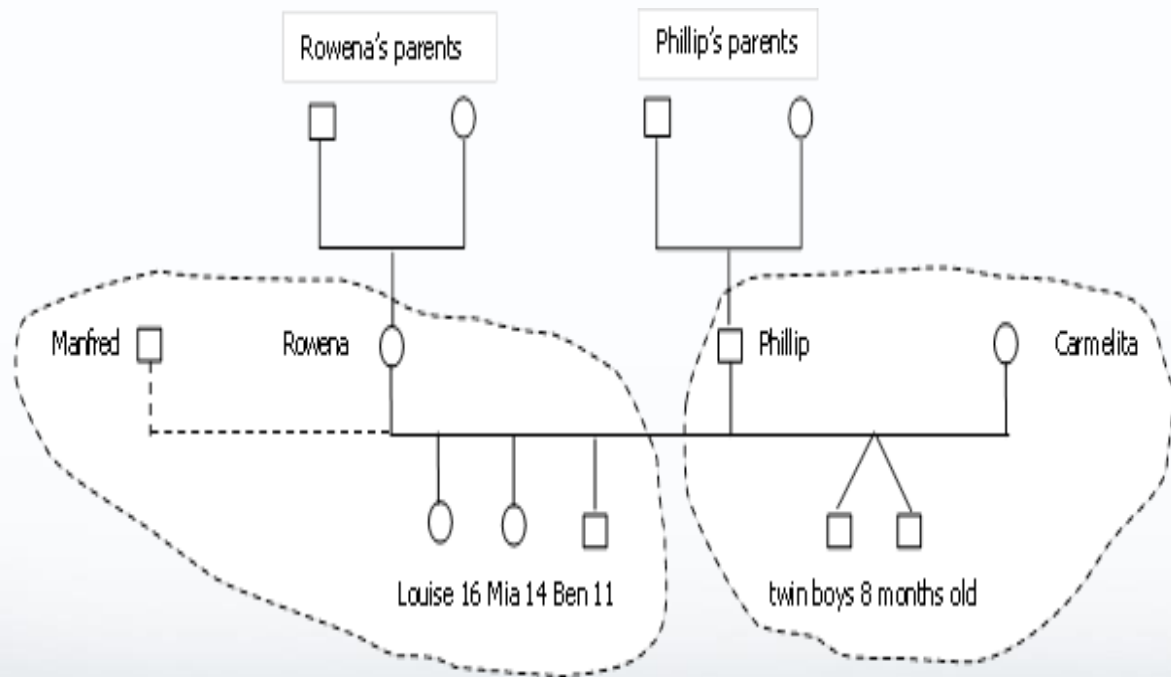
- Families = Complex
- Family = System
- Changed by life...birth ...death... system will readjust
- Different when separation occurs and the family system is changed ... we as mediators assist with readjust
- Need to consider the system ...assist the parties and identify the systems at work
- Look at what systemic thinking is and more importantly how it applies practically in mediation

Post separation

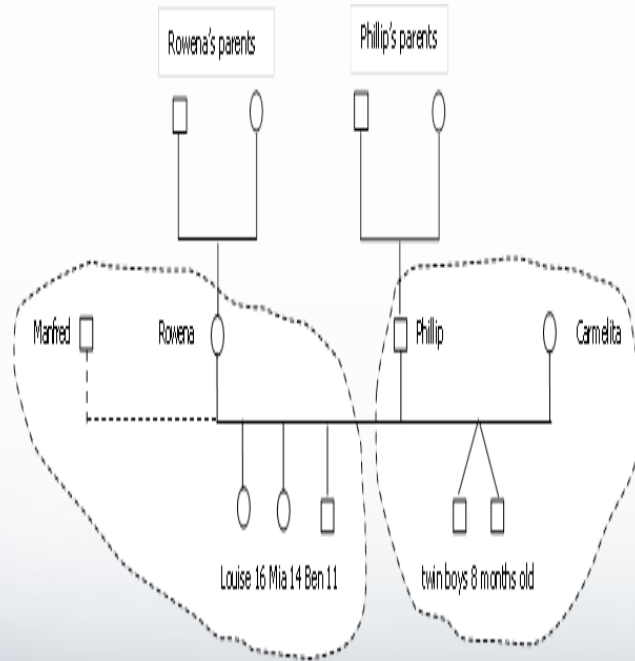
- Changes particularly noticeable
- Range of emotions on display
- Dependent on many factors on how the 'system' will be changed.
- 'Leaver' and 'left'
- System changes...not everyone wants it to

Scoping the system

- We know that the story around separation can be very different
- As mediators need to identify the players and how they fit within the system (Systems Theory)
- Pre mediation or intake session allows this
- Use of tools to build up picture
- Intake information (Genograms)



Genogram



- Shows complexities in family..extended and significant others
- Identifies what systems will change and what new ones may emerge
- Relational mediation ..who can and needs to be involved in mediation
- Cultural and value differences can be mapped
- Assists mediator and parties appreciate systems at play

Systemic theory

- **Bowen Theory** (1970s)
- 'Systems' understanding : interpersonal and intra personal human behaviour
- Goes beyond the mediation process, interventions and skills
- Looks at mediation as hierarchical system

Systemic Theory

- Concept: hierarchical system which mediator functions as executive subsystem.
- Not a more important role , but a role that
- Sets out and manages the process;
- Setting the atmosphere:
- Establish and maintain the guidelines;
- Clarifying roles and expectations.

“Differentiation”

- Singular most relevant variable in conducting a successful mediation
- What does this mean?
- ‘Impartiality, fairly balanced and objectivity’ bring out the best in the parties
- Invested practitioners or those attached to certain outcome (problem solving) lose facilitative approach to mediation
- May be ‘high functioning’ influence may cause parties to ‘under function’ in mediation

Case study: Morris and Jessica

Prepare your own genogram for this case.

Do you think it is useful?

Why ? and For who?

Triangulation

- Tension between two people and when becomes emotionally difficult invite or draw in third person
- Many triangles can be formed within the changing systems
- Examples: father/mother and child;

MORRIS AND JESSICA (further information)

During the mediation joint session the mediator assessed that the parents, being highly conflicted, were getting bogged down, Morris insisted on 50-50 care and Jessica preferred the all children to live with her as she was around the corner from the school and for Morris to make up on long weekends and school holidays.

Jessica was also concerned that Morris was reluctant to pay child support and hence wanted more time, while he really could not manage this with his work.

Morris has a big problem with Jessica's girlfriend as she had been a friend of the family and he believed the children should not be exposed to Laurel and Jessica as a "couple".

Jessica cannot see any problem as the children already knew her 'special' friend was a family friend and her kids are at the same school (Nikki 9 and Ashley 7), so what is the big deal.

Questions for discussion

- What are the areas of triangulation between parents and others?
- What reactions could the mediator have here?
- How could this triangulate the mediator subconsciously or consciously?

Morris' private session:

In private session Morris told the mediator he wants to take his 3 children to Hong Kong for the Christmas holidays, which he does not think Jessica would like as it is their turn to have Jessica's mother over for Christmas. She alternates between Jessica's brother in Australia and coming to their home in Napier. He has not told his parents he is separating. He wants a parenting arrangement first as his lawyer told him that this would influence the property settlement as well as child support.

Jessica's private session:

In the second private session Jessica told the mediator that she is furious with Morris, not only does he expect the 3 younger children not to accept her relationship and he also does not want to move out until the parenting is organised, besides he does not include Amy in any of the arrangements. They have not told the children about their separation. Jessica is anxious about her life and how she financially can survive if she has to move out of the home.

Questions for discussion

- How can the mediator avoid becoming reactive and thus potentially becoming triangulated themselves?
- How can a workable and positive triangle be maintained?
- How might the mediator progress the case from here.

Another triangle to consider



Things to consider

- Use of **genograms** to determine the system you are working with
- **Reflective practice**
- **Mediator responses** to system will influence the system
- **LARSQ** to form a positive triangle with the parties
- **Time** to allow exploration and definition of the new system

Questions , concerns or
comments

THANK YOU