

MEDIATION GUIDELINES (Rev. 1.0)

The purpose of these guidelines is to give you knowledge and understanding that will help ensure that the mediation process you are entering into will successfully achieve a resolution to your outstanding issues.

Mediation Process: The mediation will not be a clash of positional combatants with each trying to out maneuver and/or grind down the other. The process will be as collaborative as possible. Each person will have an opportunity to outline the issues that they want resolved. The mediator will assist in clarifying the issues such that both parties agree on what specific issues are before them. Each party in turn will then be given opportunities to express how they feel, what they think, and convey what is important to them regarding the various issues. Once all of the individual and common interests are identified, the mediator will summarize them into a statement that will guide the solution-building portion of the process. During that time, the parties will brainstorm, then select options and solutions that best meet the wants and needs of all the parties.

Roles: The role of the mediator is to be impartial and to assist the parties achieve their own solution. The mediator will facilitate communication, but it is the responsibility of the parties to express themselves as best they can and more importantly, to listen carefully to the other person so that they can better understand that person's perspective. The mediator will generally not give advice or suggestions. The more ownership and responsibility taken by the parties, the more satisfied they will be with the resulting agreement.

Communication Guidelines: In order to promote cooperation and collaboration, it is important that all parties conduct themselves in a suitable manner. People must be allowed to speak without interruption. All parties must be given a balanced opportunity to speak and express themselves. All parties must commit to listen carefully and openly to others and to genuinely strive to understand the other person's perspective. Honest and full disclosure is essential.

Preparation: All parties are encouraged to prepare as much as possible for each mediation session by compiling any pertinent documentation and information; by contemplating their own positions, interests, and values; by considering the positions, interests, and values of the other parties; by exploring, within themselves, alternatives, in an effort to identify ways of achieving a resolution.

Challenges: Mediations related to the dissolution of a marriage and the altering of a person's family structure and function are usually a very difficult process. Unhealed emotional wounds and past transgressions can create a veritable minefield. Also, people usually enter the process at different stages of readiness and this adds another challenging dynamic. Mediation success is enhanced by the willingness and ability of the parties to focus on the ultimate objective, to self-regulate their anger and frustration, and to ensure that the best interests of their children are always at the fore.

