

## What is mediation?

Mediation is a voluntary process that offers parents the opportunity to meet together with two specialist mediators in an informal, confidential atmosphere where they are helped to identify the issues they want to resolve and then reach workable solutions that are acceptable to them both and which are focused on the best interests of their child.

We offer a specialist mediation service in cases of cross-border family disputes involving children and mediate in cases of:

- **international parental child abduction/wrongful retention** - involving both Member States of the 1980 Hague Convention and Non-Hague Convention States;
- **prevention of abduction** - where a family is separating and there are links with another country;
- **contact across international borders**;
- **relocation** - where one parent wishes to reside with their child in a different country.

The mediation focuses on the best interests of the child, ensuring that the child continues to have a positive relationship with both parents and extended family. It enables parents to agree the best arrangements to suit their family's needs, without the battle of the courtroom, and matters considered may include:

- country of habitual residence
- parental responsibility
- a schedule for contact between the child and non-resident parent
- travel arrangements for contact
- exchange of information regarding the child's education and wellbeing

The mediation process does not prejudice or delay any court proceedings in either country but runs alongside the proceedings.

If parents are not able to reach an agreement through mediation, they are able to return to the court to determine those issues. Participation in mediation does not in any way affect a parent's ability to ask the court to determine any issues and the Judge will not take account of the fact that mediation was attempted.

## What happens before, during and after mediation?

Prior to mediation, both parents undertake an initial telephone interview with one of our mediators. During this interview the mediator provides information on the mediation process, and identifies the issues for mediation, and parents have an opportunity to ask any relevant questions. If both parents wish to proceed with mediation, and the mediator considers the case is suitable, then mediation will follow as soon as possible.

A timetable for mediation is drawn up in line with parents' availability, the availability of the mediators, and the need to fit in with court hearings. The number of mediation sessions required is dependent on the individual case and the needs of the parents, however, usually three mediation sessions are scheduled over two consecutive days, each session lasts up to 3 hours.

Throughout the mediation process, parents have the opportunity to speak with their lawyers and family members. In addition, our mediators have access to **reunite's** specialist information and resources that may be needed within the mediation process to ensure parents are able to make informed decisions.

At the conclusion of the mediation, and in the event that an agreement has been reached, a Memorandum of Understanding is drafted and signed by the parents and mediators. The Memorandum of Understanding is sent to the parents' lawyers and is then submitted as a draft consent order in court proceedings.

It is important to understand that the Memorandum of Understanding is not a completed and binding agreement in court proceedings, nor is it disclosable in child abduction proceedings, and nor does it constitute acquiescence pursuant to article 13(a) of the 1980 Hague Convention, unless, and until, it is submitted as a draft consent order.

## The voice of the child

Whilst we affirm the validity of children's views on their lives, children are not usually directly involved in our mediation process. If possible, and where appropriate, a child's thoughts, feelings, and any ideas they may have about the decisions being made, and the way in which those decisions are implemented, are independently and separately ascertained by an experienced Officer of the Children and Family Court Advisory and Support Service (CAFCASS) who will ensure that a child's views are made known in the mediation process.

## Confidentiality

Nothing said during the mediation can be quoted in court. Any oral or written information received before, during or after a mediation is treated in the strictest of confidence except:

- as required by law, including reporting a child in need of protection;
- when the information discloses an actual or potential threat to human life or safety;
- with the written consent of all participants;
- for research, statistical, accreditation or educational purposes, provided the information does not directly or indirectly disclose the identity of any participant;
- for any certificate or report that the mediator is required to prepare.

## **Information on mediators**

Mediation is undertaken with two specialist independent mediators. A mediator does not represent any one parent but is impartial and independent in relation to both parents.

Our mediators have considerable experience of mediating in cross-border family disputes and have extensive knowledge of the 1980 Hague Convention.

## **The cost of mediation**

The fee for mediation is £1,500 for up to three 3-hour mediation sessions - £750 to be paid by each parent. If a parent is eligible for legal aid then the cost for mediation will be covered by the Legal Services Commission.

## **How to contact the mediation service**

Our mediation service can be contacted by telephone on 0116 2555 345 (the office is staffed from 9:30am - 5:30pm) or by e-mail on [reunite@dircon.co.uk](mailto:reunite@dircon.co.uk).

## **How to find us**

Our office is in the centre of Leicester near to the train station.

## **Non-Discrimination Policy**

**reunite** is committed to offering parents access to the mediation service, and to providing a mediation service, which precludes discrimination, either directly or indirectly, on the basis of race, colour, ethnic or national origin, gender, marital status, sexual orientation, disability, age or religion.

## **About reunite**

**reunite** International Child Abduction Centre is the leading UK charity specialising in international parental child abduction and the movement of children across international borders.

We operate a 24-hour advice line through which we offer advice, information and support to parents, family members and guardians whose children have been abducted or who fear abduction. We also provide advice and information to parents who may have abducted their children, and assist and advise in international contact issues and relocation cases.

Alongside our advice line and mediation service we also:

- offer extensive information and resources to those who use **reunite's** services, the professionals who support them, and policy decision makers;
- provide an interactive Parent Forum on our website which offers parents an opportunity to express their thoughts and contact others in a similar situation;
- undertake research which encourages debate and contributes to, and impacts on, policy;
- have an international reputation for leading the way in the use of mediation in cross-border family disputes and we have established mediation services in Pakistan and Egypt;
- sit on the Permanent Bureau's Working Party which has been established to draw up a plan of action for the development of mediation services to assist in the resolution of cross-border disputes;
- participate in international conferences, judicial conferences and workshops to consider mechanisms for the resolution of cross-border disputes.



## **MEDIATION SERVICE**

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