

International Institute for Restorative Practices -

Conference 6th & 7th June 2016 – Costa Rica

Presenter: Ann Diaz
Assisted by: Dernielle-Anne Diaz

The University of the West Indies

Celebrates

FAMILY MEDIATION WEEK

with

THE MEDIATION BOARD OF TRINIDAD AND TOBAGO

The background features a gradient of blue and green colors with abstract, flowing shapes. In the bottom left corner, there is a close-up of a blue and green rope tied in a knot.

***Family Mediation a
solution for
Families in Crisis?***



OBJECTIVES

Define

What is Family Mediation?:

- How can this work**
- A New concept to Mediating with families**



Family Mediation definition

- Family and divorce mediation is defined as a process in which a mediator facilitates the resolution of a family dispute by promoting the participants' voluntary agreement.

The Association of Family and Conciliation Courts

- It also speaks to the concept of custody

What is Custody?

- **CUSTODY**

- **Custody speaks to the rights and responsibility of a parent to have the care of a minor and to make the decisions with respect to the child's place of residence, education, health and welfare**

- Thompson-Ahye (2002)

- Ref: Family Law (Guardianship of Minors, Domicile and Maintenance) Act Ch. 46:08

Peace Agenda defined

- **The Family Mediator works with participants to:**
 - Describe the process of mediation
 - Facilitate the participants' understanding
 - Work through difficult situations
 - Assist communication
 - Encourage understanding
 - Generate and explore options
 - Inform parties about the consensual nature of an agreement

The above is done with the view to resolving disputes and bringing the family to an agenda of peace where possible.

A Peace Plan

- Getting to Peace in Families
- Getting to family peace requires the development of a response designed to curb, prevent and or address matters of concern that threaten family harmony.



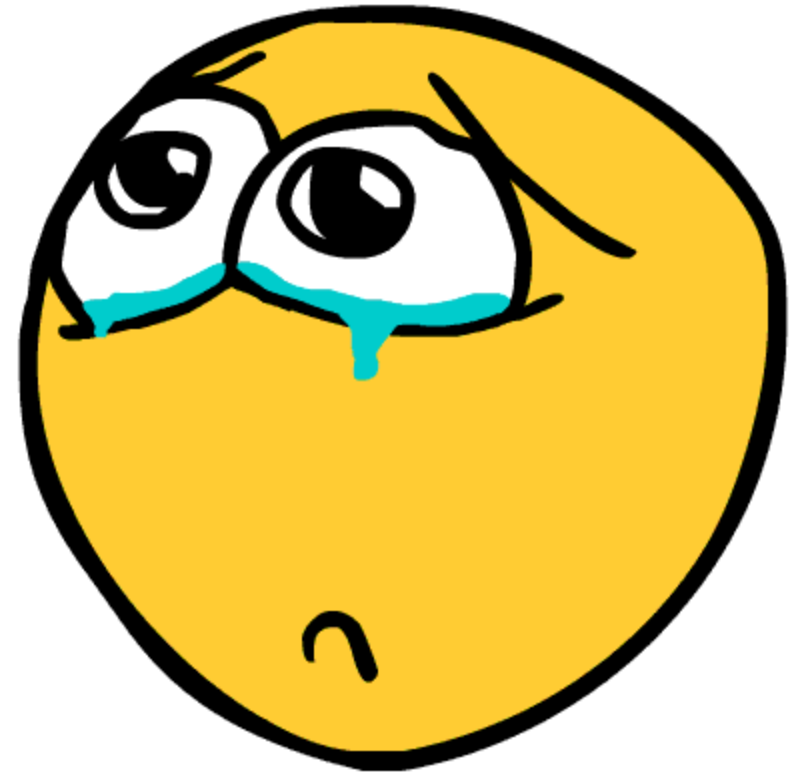
Getting to peace in families

While there may have already been disruption to the family unit family mediation can allow parties in the dispute to gain a certain measure of amicability -

While parties navigate the process through dialogue, the mediator not imposing a settlement but allowing parties to achieve this with their facilitation of the process.

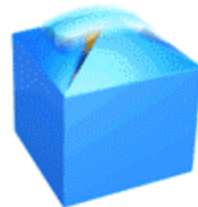
FAMILY MEDIATION

- **THE PROCESS OF FAMILY MEDIATION CAN STILL BE VERY PAINFUL**



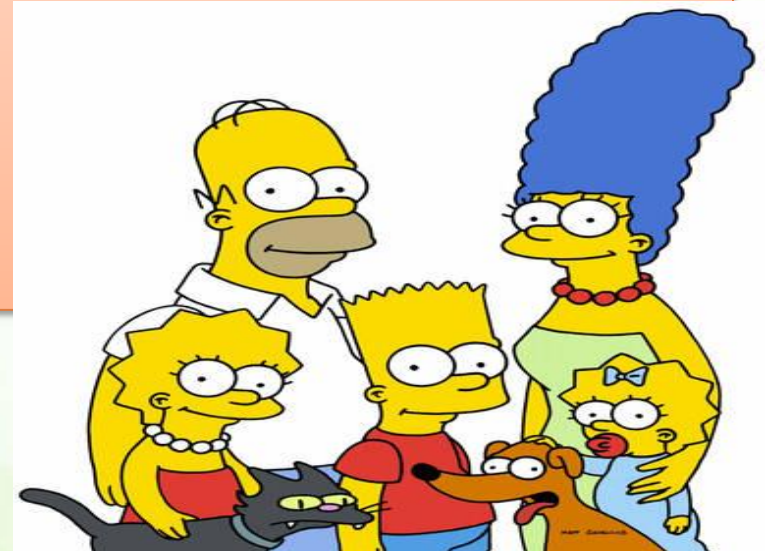
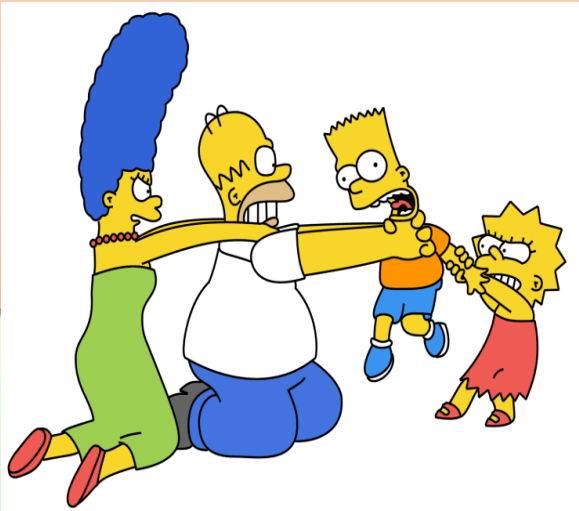
CAN WE IMPROVE THIS?

- ***So what else can be done to improve family mediation ?***
- ***To assist families with peaceful functioning***



Some families may be deemed **Disruptive**

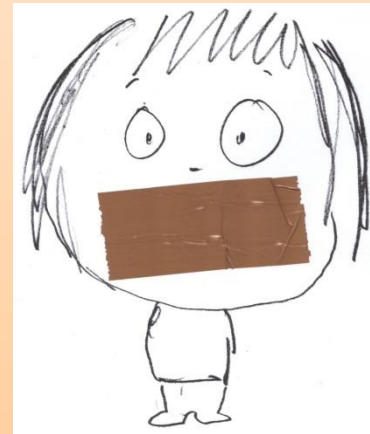
- What is a Disruptive Family?
- A disruptive family is one who fails to meet the basic needs of one or more of its members.”
Jamiolkowski



Most difficult to admit

- **No one want to admit that the struggles experienced in families are disruptive to the point that a family may be deemed dysfunctional :**

?



- **However while we do not admit we certainly can see.**

THIS IS WHAT WE CAME UP WITH

**TO BUILD AND IMPROVE FAMILY
RELATIONS**

BY

WORKING WITH DISRUPTIVE FAMILIES

We have developed a concept called

Mediation Counselling

What is Mediation Counselling

- **Mediation counselling or the Family Peace Plan is a concept of resolving conflict using stuffed animals or toys that allows families in conflict to refocus their attention, moving their anger and frustration away from each other and challenging these through the use of toys.**

Objective

- The main objective of this approach is to allow families the opportunity not only to resolve an immediate conflict but to create an opportunity at family restoration.

The concept being defined

- It is an eclectic approach that considers aspects of Harvey Jackins' concept of Re-evaluation, Solution Focused Brief and Person Centred approaches and marries the concept of mediation to a therapeutic frame.
- It works on the premises that the mind has the capacity to problem solve but sometimes just need expansion of thought to achieve same.

How it works

- This approach allows the possible resolution of conflict. Also in some cases the opportunity for repairing 'broken families' if family members are prepared to engage and wait through the process.
- It is goal oriented and works at the family's pace.

HOW IT WORKS

How the process works

- The toys allow a certain amount of distraction from the persons, reduces hostility and allows parties to share in a safe environment without the fear of direct insults hurled at each other, which sometimes hurt relationships. This increases the real possibility of them remaining unrepaired.
- Using the channel of toys, parties are able to say how they feel while still respecting the toy in their possession.

Shifting focus

- Moving the focus away from the particular family member and articulating through the toy, allows a shift in the mental construct of the individual.
- As parties are not polarized they are able to hear the thoughts of the other person as described through the use of the animal or toy and the possibility of resolution and sometimes restoration becomes more real.

The Concept of Mediation Counselling

- Important to the concept would be the setting of the **ground rules**, the management of the sessions and the allowing of structured dialogue thorough the use of the animals/toys.

How the process works

- Here parties use the animals to tell their stories.
- They channel their pain, their negative thoughts through the concept of the animal they selected to communicate through. Once the major difficulty is over and concepts are shared parties can revert to normal communication patterns.

Communicate to resolve conflict

Question:

1. Why do people withhold speech as soon as there is a Conflict?
2. Would we say that such persons have stopped communicating?



Communication

Communication is the ability to transfer information from the sender to the receiver using verbal (spoken) or nonverbal cues (body language, gestures, written etc.), and receiving feedback that the message was received and understood.

Communication for resolution

- The theory allows parties to the process to communicate
 - This is crucial to its success



Effective questioning will improve

- Listening skills
- The ability to summarize
- Dealing with emotions
- The ability to be neutral
- The art of reframing



Mediation counselling applied

- Through the use of Mediation counselling families are allowed, to vent, de-stress, share, but most importantly hear what each party has to contribute.
- **Venting allows for possible solutions**

Thank You

