

FAMILY MEDIATION TRAINING

Summer Issue

Immigration and it's possible impact on the Mediation Process

Immigration and its Possible Impact on the Mediation Process: Part II
Lawful Permanent Resident Status and Domestic Violence:

Alien spouse/Abuser: United States Citizenship and Immigration Services (USCIS) has taken a hard approach toward domestic violence. Where the spouse has lawful permanent resident status ("green card") and he/she is applying for naturalization, he/she may be denied and may even be subject to removal proceedings. If already convicted, it is not something the mediator is likely to be involved in. However, the mediator might be involved where the parties have or are alleging to have been "threatening" each other. It is of importance then for the mediator to ensure that the parties are aware of their options and any relevant consequences.

(continued page 2)



FILL	Future design, workable goal
YOUR	Your mediation, not the judge's
CUP	Creative, personal, appropriate
WITH	Works for both of you
KIDS	Children's best interest
CONCERNS	Concerns (issues) to be ironed out

Courtesy of Bonnie Shamback, M.A.
And Brenda Bryant, Esq. FMT Class of 2018



Here just a few of the newer MEAC's You Might Find of Interest

MEAC Opinion 2017-007 dated issued: 10/20/17

Confidentiality Agreement: Among other things, "if the mediator uses a confidentiality agreement, it should be provided to the parties in advance of the mediation in order to allow the parties a reasonable amount of time to make an informed and voluntary decision regarding the terms of the confidentiality agreement..." and the agreement should also state that "a mediator shall maintain confidentiality of all information revealed during mediation" except where disclosure is required or permitted by law or as agreed to by all parties."

MEAC Opinion 2016-006 date issued 2/10/17

A mediator is required to conduct an orientation (opening) statement session under 10.420(a) FL Rules for Certified and Court Appointed Mediators prior to each mediation session and "this rule cannot be waived by mediation parties or participants."

IF YOU HAVE AN ARTICLE OF INTEREST, WE WOULD BE PLEASED TO PUBLISH IT FOR YOU

HOW PEOPLE TELL THEIR STORIES; PART I

Think about this for a moment, "I will call you later." What actually does that mean? Well, to me, and for some others, "later" means a few hours, but certainly the same day. To the friend who consistently ends her telephone conversation with me, "later" means "sometime in the future." Language and their definitions of what something "really" means is certainly different based on culture, upbringing, area of the country. This has brought me to thinking about how clients express themselves. The Mediator should not assume the client's meaning of the word but rather get it defined by the client. In the next issue we will discuss this important matter in detail.

Immigration and it's possible Impact on the Mediation Process (part II)

Alien Spouse/Victim: Where the alien spouse is the victim of domestic violence, he/she may be able to move forward on his/her own with immigration. This would probably be discussed in caucus and would provide that spouse with information where a mediator, by education or experience, is comfortable in doing so. In that way the alien spouse/victim can feel comfortable in proceeding with divorce that they might otherwise not wish to proceed with for fear of loss of immigration status.

Child Support and the Naturalization Process (acquisition of citizenship)

"Good Moral character" is one of the bedrocks upon which naturalization will be granted to a lawful permanent resident. One is of "good moral character" if, among many other things, one pays child support. While "good moral character" is not specifically defined under the statute, the adjudicating officer will look to the standard of average citizens of the community. Failure to pay child support is viewed as a lack of moral character and may elicit denial of citizenship.

Knowledge of immigration procedures is thus vital information for mediators when couples are entering the process of mediation, especially where child support is at issue (whether pre or post divorce). Since the mediator should inform the parties of all issues that might impact upon them, certainly where there is a lawful permanent resident spouse, this matter should be discussed.