

FAMILY MEDIATION TRAINING

Summer Issue 2019

THE HAGUE CONVENTION AND CHILD CUSTODY - IS THE HAGUE TOO VAGUE?

The United States is signatory to the Hague Convention. This treaty creates mutual obligations among participating countries to assist in returning children to their home (the U.S.). For the Hague Convention to be applicable, the country the child has or is being taken to must be also a signatory to the treaty. Not all countries are members. The Hague (where countries are members) have procedures for the prompt return of the child(ren) to their habitual residence as well as right of access.

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



NEWS FLASH

Appellate Mediators May now renew as an Appellate Mediator with only the standard CME requirements (Administrative Order No. AOSC19-26)

Coming this Fall: Our revised Track I: 3 CME hours on marketing/technology and our revised Track II: a segment on dealing with pro se clients. Our Track III emphasizes the workplace and our Track IV emphasizes LGBTQ issues. Each Track has 2.0 Ethics, 2.0 Interpersonal Violence and 1.0 Diversity.

NOTES ON HOW TO COMMUNICATE IN HIGH CONFLICT SITUATIONS.

When emotions are at their highest level, sometimes a positive connection with the individual is helpful. But how? Simply stating that the individual should "calm down" will create even more stress.

Another method is to "separate" the parties in conflict. That may or may not be helpful. So, what then? Connecting with EARS!!

1. Empathy: examples: I can understand how upsetting this situation is; I'm sorry to see that you are having to deal with this; I see that this is truly important to you; I know you are concerned about this.

2. Attention: example: Simply by paying attention to the person who is in high conflict you may be able to calm them down since they won't have to "fight" to be "heard." Examples: tell me more; this is important to you and can you expand on this?

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The Hague Convention and Child Custody (continued from page 1)

Exceptions abound: (1) was consent given by the parent who does not have the children and is now seeking a return; (2) acquiescence of that parent; (3) if the child is “mature” enough the court might consider the child’s objections to return; (4) the child is now “settled” in their new residence and a year or more has passed; (5) the child’s human rights may be in jeopardy if they are returned and/or (5) a return of the child would cause the child “grave risk of harm.”

As Mediators we should be aware that the foregoing is not a panacea when parties in divorce discuss the ability of each of them to take “holidays” with their children when those holidays are outside of the country. Any issue may and should be raised by the Mediator to ensure that the parties have thought through their agreement and fully understand the consequences. And out of country holidays are just that – an issue to be discussed.

NOTES ON HOW TO COMMUNICATE IN HIGH CONFLICT SITUATIONS (continued from page 1)

3. Respect: example: I really respect how much thought you are putting into this and how important this issue is to you.

And, when a simple phrase won’t turn the “tide,” here are some thoughts on how to respond to continued hostility without having to separate the parties since separating the high conflict party may simply extend their “distortion” or “inaccuracy.” Indeed, caucus in this situation might simply extend “conclusion jumping”. How then to respond to hostility?:

- 1. Brevity:** be brief and thereby limit chances of angry responses. It might eliminate “dialogues.”
- 2. Information:** focus on “facts” that either you can make or ask the parties to obtain rather than continuing inaccurate statements.
- 3. Friendly:** attempt neutral responses. This eliminates defensive posturing and re-responding by the other party. Sound relaxed and nonthreatening.
- 4. Be Firm:** request brief information/interests from both parties on an issue with no discussion.