

FAMILY MEDIATION TRAINING

Spring Issue 2019

A LITTLE MORE IMMIGRATION INFORMATION (See Spring, Summer 2018 Issues for Prior Immigration articles):

The Affidavit of Support and Divorce. An Affidavit of Support is a "promise" (a contract) between the U.S. Citizen and the U.S. Government that they will "support" if necessary the person they are promising to assist (for most family mediators that is the intending spouse). When applying for a "green card" (lawful permanent resident status), the I-864 Affidavit accompanies all petitions and applications. Should the lawful permanent resident need "federal assist" e.g. food stamps, medicaid, etc., this contract comes into play and the U.S. Citizen may/will be made to 'reimburse' the Government for such expenditures in behalf of the LPR (lawful permanent resident). This contract terminates the obligation of the petitioning spouse upon the LPR's becoming a U.S. Citizen or, having completed so many cycles of employment (generally think ten years). It behooves the mediator to discuss the ramifications when the parties are considering divorce, especially where the LPR is close to the ten year mark or, for that matter, the ability to become a U.S. Citizen.



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



IN MEMORIAM

Susan F. Dubow passed away on March 3, 2019. She was a pioneer in the field of mediation and served as a Director of the 17th Circuit for Mediation and Arbitration for 20 years. She was also the CEO of a very successful mediation training business for over 19 years. As a Chair of MEAC and Past President of FAPM Susan mentored 100's if not 1,000's of mediators. Susan was a colleague in both mediation training and various mediation associations. Most importantly, Susan was one of my dearest friends and her departure from us is sorely missed. Rest in Peace.

USE AND ROLE OF CAUCUS IN MEDIATION .

Some mediators never, under any circumstance, caucus. On the other side are those mediators who will immediately move all parties to caucus giving independent Opening Statements. This short article discusses that both "never caucusing" and "always caucusing" are two sides of a "bad penny." Neither meets the needs of the parties nor, for that matter, the needs of the Process of Mediation.

Mediation if done properly, in this writer's opinion, has several tiered levels. While they do not each automatically follow each other, loosely they do. In the first few levels it might just be better to keep the parties together. Why, you might ask? So that (1) the parties begin to see that indeed they might just be able to work together toward a mutually acceptable agreement and (2) everyone is on the "same page" both on content and intent regarding information. (continued page 2)

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Use and Role of Caucus: continued from page 1 .

Let's look at the Levels:

Level One: Getting all the information that all of the parties wish to bring to the table on that table;

Level Two: Assisting each other in formulating the agenda provides time for the parties to become comfortable with each other;

Level Three: Assisting all parties to communicate in such a way that the parties both "listen" and "hear" each other. In this way they can agree and discuss where they disagree and can begin building toward a complete agreement, something that they cannot do separately.

Level Four: And only at level four after agenda's have been agreed upon and information outlined so that the parties can understand all the information, can the caucus effectively come into play. After all, there is a purpose to the caucus. The caucus is not the raison d'etre. The caucus has its place. It is for 1) clarifying points 2) eliminating perceived consistent confusion, misinformation or lack of understanding 3) eliminating high tension. It is after all NOT the mediation.

Our new Track 3 more fully explores with discussion and role plays the pro's and con's of The Caucus.

Part 2 From one of our subscribers:

"Humor and A Positive Attitude in Mediation." By Pamela Wiggins, Ed.D. Florida Supreme Court Certified Family Mediator.

Successful mediation requires having certain skills. One such skill is Effective Speaking Part 1. When appropriate, a sense of humor, and a positive attitude are essential because they allow for a sense of give and take. Negotiations during mediation can become fraught, and having the ability to see the other side's point of view while being sanguine regarding what the parties can achieve will be essential. Of course, each party will want as much as they can get, but both parties need to know what they can achieve.

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