

Why consider the voice of children in mediation? The Ontario Association for Family Mediation created standards for mediations involving children that require mediators to be child centered and provide education, awareness and understanding of the needs and best interests of children experiencing the conflict of others. They must consider whether and how children can be heard in a safe, supportive way while also providing education about the importance of not causing children undue pressure to have an opinion or become a decision maker. Participation must be voluntary, and no child should ever be pressured into talking with a mediator or professional, recognizing that not all children will wish to take the opportunity to have a voice.

What is the process? A co-mediation model is used for child inclusive mediation. The lead mediator conducts the mediation with the parents. The co-mediator will meet with the children. A request for input from the children can take place at any time during or prior to the mediation process. Consent from the parents and children over the age of six (6) are required before the process starts. The co-mediator will meet with each child at least twice, ideally once when they are with each parent. The mediator follows a standardized approach, giving the child an opportunity to share their experiences and any issues or concerns they may have. The meeting is confidential and private and only the child decides what information the mediator will share and what is not to be shared. Sometimes the co-mediator may need to meet with the child online or by telephone if circumstances limit face to face meetings. The meetings are typically no longer than one hour and perhaps less depending upon the child. **The parent/guardian must provide privacy for the meeting.** The co-mediator will come to the next mediation session to share the agreed upon information with the parents verbally.

Children have a voice, not a choice. Children will not be asked to “decide” what should happen. The interview provides an opportunity for them to provide input about decisions affecting them and to have those shared in an appropriate setting. Research shows that most children want to have their voice heard and considered.

This is a closed service. Information gathered and discussed cannot be used in a court or arbitration process. There will be verbal feedback only. No report will be issued and there is no access to the notes or file. The goal is to facilitate settlement discussions and gain a better understanding of the children’s needs and concerns.

What should the parents tell the children? Please highlight these points:

- *“Your mother/father and I are in mediation working out what the best plans for everyone might be in our separation. We thought it may be helpful for you to meet with a person who works with children when parents separate and divorce. This person would give you a chance to talk about your thoughts and feelings and if you want them to, they will share that information with us and with the mediator”*
- *“You won’t be asked to choose between us.”*
- *“It gives you an opportunity to share some of your thoughts, but you will also be given an opportunity to decide not to share, and also what you don’t want shared: it will be a private conversation”*

What happens after the meetings are complete? Please do not ask the child what was asked of them or what they said. The information will be shared at your mediation session. What is shared with the parents is at the discretion of the child and the mediator. If there are any concerns that what is shared may be detrimental to the child, the mediator may terminate the process and/or not share information.

What is the cost? Your responsibility is to pay your user fee for any time spent by the co-mediator with the child just as with the mediation sessions.