

## WHAT ISSUES ARE USUALLY RESOLVED IN MEDIATION?

child's place (country) of residence



children's communication with the parent and relatives who live apart

co-parenting matters



child and spousal financial support

other issues concerning the child's wellbeing, such as schooling, religion, languages, health



meeting parents' new partners

termination of any legal proceedings



other issues which are important for the parents and the child

## MEDIATION CAN BE CONDUCTED

before litigation

during court proceedings

at the enforcement proceedings

COURT

MEDIATION MAY BE ALTERNATIVE TO COURT PROCEEDINGS

## IS MEDIATION SUITABLE? TAKE A QUICK TEST

### Yes, I consider participation in mediation important and necessary because:

- ◆ I understand that conflict between parents harms the child
- ◆ I don't want the child to suffer from having to choose between parents
- ◆ I want us as parents, and not a third party, to make decisions about the child
- ◆ It is important for me to resolve the dispute quickly and privately
- ◆ I am not ready to pay for years of protracted court proceedings, lawyers and court costs
- ◆ I love my child and wish to have regard to his or her needs and interests
- ◆ I want to clear up misunderstandings and de-escalate the parental conflict
- ◆ I want to try to find a solution in a safe and confidential space

### No, I do not consider participation in mediation appropriate because:

- ◆ I think it is very important that it is the court makes all decisions in this case
- ◆ I have already tried mediation and do not want to try it again
- ◆ I am afraid of the other party and I am worried that I will not be able to express my interests

### ? I hesitate whether it is appropriate to participate in mediation because:

- ◆ I don't know if the other party wants to cooperate
- ◆ I'm not sure where to start
- ◆ I'm afraid we won't find a joint solution
- ◆ I find it difficult to communicate and cooperate constructively with the other party
- ◆ I worry that any agreement concluded in mediation will not be recognized or cannot be enforced in the other country
- ◆ I do not trust the other parent

If you agree with 2 or more of the items in the "YES" or "HESITATE" blocks, contact a certified family mediator at

[www.mikk-ev.de/en/informations/find-experts/](http://www.mikk-ev.de/en/informations/find-experts/)  
[www.mediation-help.com](http://www.mediation-help.com)

or other Internet resources

In child abduction and cross-border cases it is recommended to have specialized cross-border family mediators.

1980 Hague Child Abduction Convention  
1996 Hague Child Protection Convention  
2007 Hague Maintenance Convention



HOW TO RESOLVE AN INTERNATIONAL DISPUTE REGARDING CHILDREN USING MEDIATION?



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The fact that you are reading this information now shows that you wish to ensure your child's well-being is of primary concern.

## WHAT IS PARENTAL CHILD ABDUCTION?

Often parents do not know that the removal or retention of the child in another country without the other parent's knowledge or consent constitutes "parental child abduction" under international law. It is a civil and in some countries also a criminal offence.

## KNOW THAT YOU ARE NOT ALONE IN THIS SITUATION

There are different reasons why parental child abductions or retentions occur. Sometimes this is planned, sometimes it occurs on an impulse. To protect the child from the harmful effects of child abduction you should always ensure the other parent consents to the removal or retention of the child and that contact with the other parent can be guaranteed.

## WHAT CAN HELP IN RESOLVING THIS SITUATION?

Mediation has proven to be effective in resolving child abduction disputes. It is a voluntary, confidential and structured process. No one can be forced participate in mediation. Mediation is recommended by the law applying to child abduction cases. Participation in mediation is a conscious choice of responsible parents who wish to protect the best interest and the well-being of their child.

In order to initiate the return proceedings an application for the return of the child should be filed to Central Authority\* of the child's habitual residence without delay and **less than in 12 months from the date of abduction/retention**. The mediation should be conducted as soon as possible, taking into account the limited time frame of 6-week of return court proceedings. The mediation usually takes place either before or in parallel with return court proceedings.



**MEDIATION** is a form of alternative dispute resolution in which the parents (guardians, custodians) of the child, with the support of a professional mediator can find a mutually acceptable solution for the future, which will take into account the interests of the child and the parents.

\* A return application can also be made directly to the court in the country to which the child has been taken to or retained.

## WHAT MAY YOUR CHILD FEEL?

### FEAR

of upsetting the parent the child lives with because of loving both parents

### HELPLESSNESS AND CONFUSION

in a new place, feeling that her or his thoughts, feelings and needs do not matter to parents



### GUILT

for the parental conflict and the parents fighting over her or him

### DESPAIR

of not being able to see the other parent again

### SHAME

and disloyalty to one parent when he or she misses the other parent

### SADNESS

from the loss of friends, relatives and social environment

## GIVE YOUR CHILD THE CHANCE FOR PSYCHOLOGICAL WELL-BEING!

## ADVANTAGES OF MEDIATION:

- ◆ it helps to resolve the conflict privately between the parents, as **mediation is confidential**
- ◆ takes into account the needs and interests and well-being **of the child**
- ◆ enables parents to find a **mutually acceptable solution by themselves**. The mediator does not pass judgment or give advice
- ◆ helps the parents to find sustainable long term solutions or **temporary agreements** while the search for permanent arrangements continues
- ◆ facilitates direct communication and normal relations between the parents helping them to resolve future issues regarding their child, saves time, money and, most importantly, psychological resources, because the mediator ensures that communication is constructive and solution-oriented
- ◆ takes place in different settings and formats which are **safe, convenient** and confidential (online or face-to-face, joint and/or individual sessions)

## HOW DOES MEDIATION WORK?



The Parents communicate with the mediators in comfortable conditions (online or offline) during joint or individual meetings.



In the majority of cases the parents usually manage to resolve all or most of the disputed issues in 3-5 sessions on average, lasting a total of 10-15 hours.



Upon agreement between the parties, the children, lawyers or third parties may be involved in mediation.



International family mediations are usually conducted in co-mediation by two mediators of different genders.