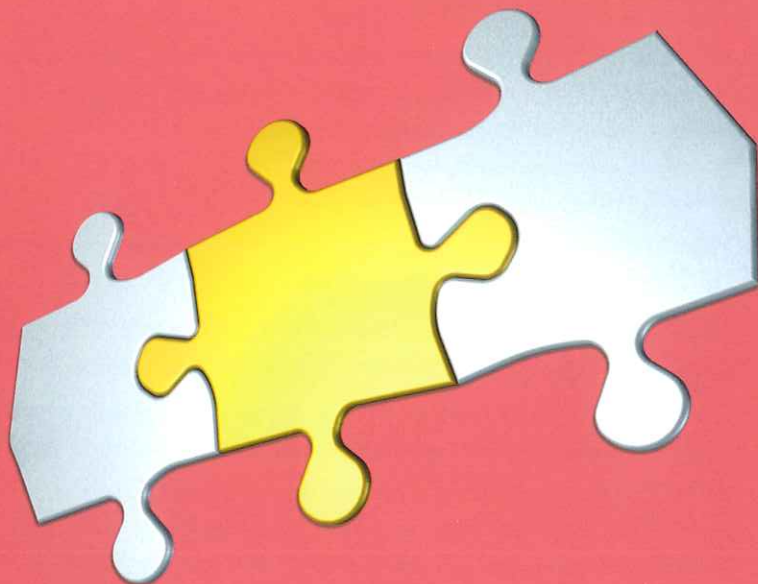


# Mediation



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SÝSLUMENN

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## WHAT IS MEDIATION?

**The aim of a mediation procedure** is to assist parents in reaching an agreement with the child's best interest as a guiding principle. With the parents' agreement, the need to seek a formal resolution or decision by an outside party can be avoided.

Parents are obligated to seek a mediation procedure before filing a lawsuit for custody of a child or legal residence or requesting a ruling on access and visitation or per diem fines.

### **Arrangements of a mediation procedure:**

- ▶ Parents attend a mediation meeting together and work on a common solution.
- ▶ Parents control the process and are active participants. They submit their suggestions and the mediator is of assistance to them.
- ▶ The extent of a mediation procedure varies and can be between 1-7 meetings in a 12 month period depending on the progression of the case.
- ▶ A child has a right to present its views during the mediation procedure which is then an input into the parents' conversation.
- ▶ The mediator guides the mediation procedure in a neutral manner while the parents are responsible for its outcome.
- ▶ Emphasis is placed on the future, not the past.

## BENEFITS OF MEDIATION

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**A better conclusion** Parents have a greater effect on the conclusion of a case in a mediation procedure than by other means. An agreement that comes closest to being based on what they consider acceptable and fair. Parents are generally more pleased with such a conclusion rather than decisions made by an outside party. Research shows that parents are more willing to adhere to a conclusion that has been reached this way and they are likelier to cooperate in the future.

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**The children** A dispute between parents has a profound effect on children. They may have difficulties with expressing their will to their parents and i.a. experience themselves in a loyalty dilemma between them. During the mediation procedure they have an opportunity to present their position and views and thus can have an effect on their own circumstances.

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**Better cooperation** During a mediation procedure, parents have an opportunity to restructure their communication and cooperation concerning the children.

With a mediation procedure, time consuming and expensive court cases which generally lead to greater conflicts between parents, can be avoided. A mediation procedure is an early intervention compared to the judicial process. Moreover, the time during the mediation procedure is used differently, thus enabling parents to experiment with different ideas before a final conclusion is reached.

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## PREPARATION FOR A MEDIATION

### For consideration:

- How is the communication between us, the parents? What can I do to improve it?
- What is working well? What could work better?
- Have I heard the views of the other parent and taken a fair position on it?
- What does the child want? How does it feel and what can I do in order for it to feel better?
- How do I support a good relationship between the child and the other parent? How do I speak about the other parent in the presence of the child?
- What do I want the mediation procedure to accomplish? Do I have clear suggestions? What do I consider an acceptable outcome?

### What is my role in the mediation procedure?

- To discuss the matter in a fair and balanced manner.
- To present suggestions which take the child's situation into consideration, i.a. its age and maturity.
- To think in terms of solutions for the future.

**This brochure is intended for parents who are commencing a mediation procedure. More detailed information about a mediation procedure can be found on the District Commissioner's website [www.syslumenn.is](http://www.syslumenn.is).**