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PERSPECTIVE

Mediation magic at the dependency courts

By Stacey Lisk
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There is magic happening at the Los Angeles County Dependency Courts in Monterey Park and Antelope Valley, California. These are the Los Angeles County Superior Courts where judges, lawyers, social workers, parents and guardians address difficult questions surrounding the protection of children from abuse and neglect. It often begins with a teacher, doctor, friend or relative noticing unusual marks of injury on a child or noticing a child lacking care or noticing behavior by parents inconsistent with the safety and well-being of the child. A call to the 24-hour Los Angeles County Department of Children and Family Services (DCFS) triggers an investigation and, sometimes, an interim removal of a child and her siblings from the care of one or both parents' and the initiation of a court proceeding to determine whether and under what circumstances the family can be reunited. Normally, county and private attorneys represent each parent, each child, and the DCFS.

High conflict stemming from drugs, disrespect, bullying, physical and mental abuse, distrust, and hostility

between the parents is common. Some have restraining orders against each other. Their interactions are deeply muddled in unresolved feelings of anger, longing, hatred, fear, powerlessness, disgust and frustration with their months of combat in the court system. They are young and old. Rich and poor. High school dropouts and highly educated profes-

sionals. Belligerent and reclusive. Optimistic and sullen.

Yet, there is hope. The attorneys have suggested mediation; asked that they keep an open mind; asked that they look forward not back; and asked that they focus on their child rather than themselves.

Volunteer mediators from Southern California Family Mediation (<https://SoCalFM.org>, a 501(c)(3) organization inspired by Commissioner Marilyn M. Mordetzky and founded by mediators L. Randy Drew and Stacey Lisk), meet with these embattled parents in

Monterey Park and Antelope Valley and work out a signed parenting agreement that sets a co-parenting template for the child and models a productive negotiating approach for the parents.

How does this magic happen? How do over 90% of parents who don't respect or trust or like each other voluntarily agree in a matter of hours — in writing — on

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a plan that will govern their and their children's lives for decades? How are these plans put together such that the parents usually exit the Dependency Court and never come back? How do these high conflict parents reach agreements that peacefully guide their civil discourse for years?

SoCalFM mediation. It's simple. It's difficult. It works.

SoCalFM mediation is three things: voluntary, confidential and neutral.

Voluntary. Mediation happens only if the parties agree to participate and make a good faith effort to reach an

agreement. No one decides for them. It is their agreement.

Confidential. What is discussed in a SoCalFM mediation remains between the parents, attorneys, and the mediator(s). The court is not informed of the discussion — only the resulting agreement, if any.

Neutral. SoCalFM mediators are not judges and do not determine who is right or wrong. Rather, SoCalFM mediators facilitate the discussion between the parents and help the parents negotiate with each other to reach their agreement. In a multi-partial manner, SoCalFM mediators act as listeners and negotiators for both parents pulling them from the powerless vacuum of the past into the powerfully malleable present and future.

The magic begins with the SoCalFM mediator actively listening to each parent. Actively listening to understand the current situation, what is working, what is not working, and how things could be improved. Actively listening to each parent's love, hopes, and dreams for their child. Actively listening to each parent's ideas, limitations, and compassion. Through this active listening, parents feel heard, understood, and taken seriously. Instead of desperately struggling to

protect themselves, they can — sometimes for the first time — open their hearts and minds to new possibilities they never thought possible.

The magic continues with both parents brainstorming and creatively blending each other's ideas, limitations, and compassion into a practical template for shared parenting beginning the next day and lasting through the school year, vacations, and multiple years to come.

Like an improv or jazz performance, there is no script. There is no single path. Specific orders of the court and concern for the safety of the families sets the stage. The dance and the music flows with the input of the parents as they develop and become invested in their plan, their ideas, and their terms. In the end, the parenting plan is their plan. Their agreement. Their promise. No one is

telling them what to do. They are telling themselves, and promising each other, what they will do. Voluntary, confidential, neutral.

The SoCalFM volunteer mediators help the parents see and hear themselves and help them to be seen and heard by the other parent. Having the benefit of listening to both sides, the mediators highlight common perspectives and build on this common ground. Through earnest requests to see pictures of their children, the mediators keep parents focused on their child rather than themselves. The mediators pull people from the past and anchor them in the present and future.

Mediation works because it directly engages the parents to help themselves shape their own future. It eliminates resentment and resistance to orders by a court. It nurtures an

empathy that cannot be achieved when negotiations and decisions are not in the hands of the parents. It pulls parents out of the muck of the past by keeping them focused on their child, the present, and their collective future. It widens perspectives and neuters bullies by

helping them see that an agreement can be far better than the limited remedies of the court but can only be achieved by seeing the other's perspective and finding common ground.

It's magical. It's SoCalFM mediation. It's simple. It's difficult. It works. ■

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