



Helen aged 37 and Robert aged 40 had married 10 years ago. They had met whilst working in the forces. When they had their first child 4 years ago, Helen gave up work and they purchased a home near her parents. She had recently found a job locally and worked part time. Robert worked away for a significant part of the year and was working on a posting overseas when their second child was born 2 years ago. They separated 6 months later and Robert moved into rented accommodation about 20 miles away. They divorced quickly and the Decree Absolute had been pronounced about 12 months before they arranged mediation. Robert now had a new partner with whom he lived in her property. She had children from a previous relationship who lived with them.

The couple were seeking an all-issues mediation with some emotional support. The service offered by TMS LLP is for couples, whether they are married, unmarried or in a same sex relationship.

Initially, Robert and Helen had an enhanced Mediation Information and Assessment meeting (MIAM). This took place individually with the mediator(s) and therapist to establish the aims, concerns and challenges in and around the joint mediation sessions and to also consider the support sessions that might be required with the therapist. The aim was to ensure that the joint sessions were a safe space where each person could feel supported and safe.

The issues that Helen and Robert brought to MIAM centred on:

- Robert's feelings around the lost time following his second child's birth and
- Helen's feelings around Robert's new family and the involvement of his new partner in relation to the arrangements for the children.
- Currently the children lived with both parents who shared the care equally. They spent alternate weeks with each parent. Helen did not think this was working and wanted to discuss the impact of their eldest child starting primary school. There was no agreement on the choice of school or location.
- Robert wanted money released from the family home to enable him to buy a property with his new partner.
- Robert often delegated arrangements for the children, including handovers, doctor's visits and parent/teacher meetings, to his new partner. Helen was very unhappy about this.

They both found it very difficult to communicate with each other and relations were not cordial.

Both parents received support outside the mediation sessions from the therapist (the method and frequency having been decided at the MIAM and evolved as matters progressed and issues arose). Accordingly, the parents were able to reach some proposals about the division of the finances and the ongoing arrangements for the children as they got older and their needs changed. Both were

supported in their decision making by learning about child developmental needs and being advised about relevant books and websites. Individual legal advice was taken both at the outset and periodically during the process which took place over 3 months.

In addition to the legal issues, matters such as the membership of the family WhatsApp group and the appropriate ownership of the decision making over the children's day to day lives, were discussed and resolved. Robert was encouraged to reduce the delegation to his new partner relating to the children and communicate more directly with Helen.

Both Helen and Robert entered into a Parenting Agreement prepared by the mediator. This was approved by their solicitors but they chose not to make it into a Child Arrangements Order. The Memorandum of Understanding (without prejudice) was made into a Consent Order by their solicitors and lodged with the court for sealing after they had both taken legal advice upon its terms.

They plan to return to mediation if they have any further issues relating to the children.