



Role Play – Custody and Parenting Time

General information for Mediators

You met with Greg and Leslie last week for a first session. They had lots of questions and agreed to participate in mediation. Then time ran out. A second session was scheduled for today, one week later.

You are not sure what the parties would like to talk about today. You know they have two children, Dave, age 6, and Kelley, age 4. Greg recently told Leslie that he wanted a divorce and was looking for apartments to move out. Leslie works a few nursing shifts weekly and makes \$34,000 yearly. Greg works 40 hours per week as a nurse practitioner and makes \$79,000 annually.

Conduct a mini-opening and help the parties set an agenda for the session.

Mini Opening Checklist

Start each mediation session, after the first one, with a “mini-opening.” Briefly remind parties of the process’s most important characteristics, including:

- 1) Agreement to Participate: first session form still applies
- 2) Confidentiality
- 3) Role of Mediators
- 4) Mediation Process: same as before, establish time for the session
- 5) Ground Rules: if parties created any, do they still apply?
- 6) Questions
- 7) Help clients set the agenda for the session



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Confidential information for Greg

This is your second mediation session. Today, at mediation, you'd like to talk about the following:

1. You are glad to hear that Leslie has consulted an attorney. Someone needs to help her.
2. You started renting a condo in Brighton from a friend. He gave you a deal at \$800 per month, and it is located close to work and is only four miles from the marital home.
3. Parenting – you have not seen your children for over two weeks, and you'd like to spend as much time with your kids as you possibly can. You believe the best parenting schedule for you is:
 - a. Spending every other weekend with your children at your place (Friday at 3:00 PM to Sunday at 10:00 PM). You do not realize that 10:00 PM is too late for children ages 4 and 6.
 - b. Coming to the marital home each Wednesday for a family dinner that Leslie prepares.
4. There are upcoming holidays and days there is no school for the kids; you'd like to discuss the children's schedules for those dates.
5. Custody – You demand shared custody because you never want your children to question your love for them. You do not know the difference between legal and physical custody, ask the mediators to explain the difference.
6. You are only willing to talk about money (child support) at the next session, not today, as a parenting schedule is very important. You are willing to have the next session in a few days.
7. It would be great to leave the mediation today with a verbal parenting schedule for the upcoming holidays and weekends, such as:
 - a. You want the kids every other weekend.
 - b. Summer – What are the plans for a weekly schedule. What about camp? Maybe Greg could look into camps this year for once! Who pays for camp?
 - c. July 4?
 - d. Labor Day?
 - e. Thanksgiving?
 - f. Christmas Eve?
 - g. Christmas Day?



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Confidential information for Leslie

This is your second mediation session. Today, at mediation, you'd like to talk about the following:

2. You had a free consultation with an attorney, and you're considering hiring her for advice between mediation sessions and to review the separation agreement. Do the mediators think this is a good idea?
3. Custody – During your free consultation with an attorney, you walked away thinking you wanted sole legal custody and shared physical custody. But really, you want the children to live with you, and you think Greg can make good decisions about the children. The terms legal and physical confuse you. Ask the mediators to explain the terms in a way you can understand.
4. Visitation – You acknowledge Greg is a good father and that the children miss him, so you would like to allow Greg to **visit** your children each Saturday. You might consider more **visitation** time after a trial period.
5. There are upcoming holidays and days there is no school for the kids, you'd like to discuss the children's schedules for those dates.
6. When will money be discussed? What about the bills? You will need more money to pay for all of them. You can wait until the next session to discuss money if a session is scheduled within a week.
7. It would be great to leave the mediation today with a plan for the upcoming holidays and weekends. What will happen when:
 - a. You'd like the kids every weekend.
 - b. Summer – What are the plans for a weekly schedule? What about camp? Who pays for it? Leslie should make the camp plans b/c she always has! It's June; why has this not been done yet?
 - c. July 4?
 - d. Labor Day?
 - e. Thanksgiving?
 - f. Christmas Eve?
 - g. Christmas Day?