Cross-border mediation in 1980 cases: *Ways to reach an amicable solution within a strict time frame*

Presentation will focus on:

1) The challenges of International Parental Child Abduction (IPCA) and International Family Mediation (IFM) matters

2) The benefits of IFM in IPCA matters

3) How Central Authorities can cooperate more closely with mediators

Feray Ergun
Intercountry Social Worker and Family Dispute Resolution Practitioner
International Social Service (ISS) Australia
1) The challenges of IPCA and IFM matters

Practical challenges:

The challenges associated with IPCA and IFM matters vary in degrees of difficulty. The challenges vary from time difference to a lack of trust as a result of the act of IPCA.

- Time difference
- Language barriers
- Connectivity
- Fees
- Administrative Process
Service level challenges:

The introduction of compulsory mediation to families in Australian family court proceedings has seen an inevitable acceptance or willingness around the need to engage in mediation as it is a) required and b) can be a quicker and cheaper alternative to court.

- Time constraints
- Client priorities
- Legal vs. Non Legal focus
- Lack of IPCA knowledge/experience
- Voluntary Service/Issuing of Certificates
- Admissibility vs. Inadmissibility
Clients & challenges:

Separation can lead to parents feeling a range of emotions toward the other parent. As a result, entering into mediation may not even feature on their agenda.

- Suitability for Mediation
- Motivation
- Emotional Capacity
- Unrealistic expectations
Legal Challenges

- Parents’ unfamiliarity with the law
- Cost
- Time
- Lack of familiarity with convention
- Lack of familiarity with laws in one or both countries
2) Benefits of IFM in IPCA Matters

While there have been a number of challenges identified in IPCA and IFM cases, it isn’t all doom and gloom.

- Healthy communication
- Time
- Cost
- In Non-Hague cases – only opportunity to attempt resolution of issues
- Focusses on children
- Self-directed conversation
- Safe forum
- Professional/impartial/neutral mediators
- Ongoing assessment
- Parenting plans
3) How Central Authorities can cooperate more closely with mediators

Where Central Authorities and services establish working relationships there needs to be an open dialog and exchange of experience/knowledge/referrals between them.

1980 Hague Convention
Article 7c
Central Authorities shall... either directly or through any intermediary, take all ...appropriate measures
c) to secure the voluntary return of the child or to bring about an amicable resolution of the issues;
Funded vs. Unfunded IFM

Comparison of Email exchange

<table>
<thead>
<tr>
<th>Stage of IFM</th>
<th>Funded</th>
<th>Unfunded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service initiation to Intake Assessment</td>
<td>14 emails</td>
<td>37 emails</td>
</tr>
<tr>
<td>Joint IFM session</td>
<td>3 emails</td>
<td>11 emails</td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>48</td>
</tr>
</tbody>
</table>
**Funded vs. Unfunded IFM**

Comparison of business days elapsed between stages of IFM

<table>
<thead>
<tr>
<th>Stage of IFM</th>
<th>Funded</th>
<th>Unfunded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service initiation to Intake Assessment</td>
<td>5 days</td>
<td>25 days</td>
</tr>
<tr>
<td>Joint IFM session</td>
<td>4 days</td>
<td>20 days</td>
</tr>
<tr>
<td>Total</td>
<td>9 days</td>
<td>45 days</td>
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</tbody>
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Case Presentation

- Retention of two teenage daughters in Australia while on holiday from U.S.
- Australian Central Authority referred and funded case to social work team at ISS Australia
- ISS Australia social work team referred case to IFM team at ISS Australia
- ACA funded IFM involvement
- No communication between parents
- 6 years of litigation
- No direct communication
- Child threatened suicide if made to return
For more information on the services provided at ISS Australia please contact:

mediation@iss.org.au
ISS Australia’s IFM service

iss@iss.org.au
ISS Australia’s IPCA social work service

legal@iss.org.au
ISS Australia’s IPCA legal service

Or visit our website at: www.iss.org.au

Thank you!