



Précis Paper

Conflict Resolution

A discussion about the role of family dispute resolution practitioners, mediators and parenting coordinators and the skillset specific to them which enables them to assist families through the practical and emotional aspects of separation and divorce.

Discussion Includes

- Coaching
- Parenting goals
- Responding to the other party
- Negative narrative
- Legal vs Emotional responses

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In this edition of BenchTV, Anne-Marie Cade and Mary-Louise Hatch discuss the role of family dispute resolution practitioners, mediators and parenting coordinators and the skillset specific to them which enables them to assist families through the practical and emotional aspects of separation and divorce.

Coaching

1. A coach is mostly future focused and does not generally deal with what has happened in the past as a counselor or therapist may do. Working with a coach is about setting a goal and working towards the goal by identifying a client's needs and interests.

Parenting goals

2. Parents undergoing separation and divorce are often focused on the relationship break down. The fact that the marriage has broken down, means that parents often need to grieve that process. However, parents need to be able to shift perspective and develop tools to manage the co-parenting relationship.
3. It is important for clients to understand that they are going through a grief process that both themselves and their children will be going through.
4. It is also important to teach parents about the different types of parenting relationship that they might choose to have based on what is available to them given the dynamic between them and the other parent.
5. There is often a disharmony between the initiator and the reactor in a relationship breakdown. Often, the initiator to the relationship breakdown is much further ahead in the grieving process than the reactor which can lead to disagreement.
6. It is necessary for a coach to helping parents to firstly understand the neurological responses to situations and then to implement strategies to these responses.
7. Often, the person who is reacting is often perceiving a threat from the other party, and coaching teaches the parties on how to control their response to the perceived threat.
8. As such, coaching is about reviving the neural pathways in the party's brains and developing muscle memory.
9. Unless it is court ordered, it is not always the case that both parties will be working with a practitioner, however even in instances where only one party is working with a coach, it is important for that party to understand that only they themselves can control their behavior.

Responding to the other party

10. Often part of coaching involves modelling behaviours that the coach wants the client to emulate as it is important for the coach to stress that the change the party desires only comes from within the party themselves.
11. It is important for clients to be mindful about their response to the other party. One such strategy is to teach a party how to exit themselves from a conversation in a way which it is not going to make the other person feel threatened, suspicious or angry.
12. This can often be achieved by reframing what has been said by asking open ended questions of the other party such as "I heard that you said this. Is this what you meant?" and providing a "biff response" that is one which is brief, informative, friendly and firm.
13. The tone of the response is also very important. For example, instead of saying "We must do this" or "you should be doing this" the party should say "I wonder if we might" or "I noticed that" or "I was thinking about" to soften the language with the other parent.

Negative narratives

14. Coaching assists a party to move away from the negative narrative which is created by blaming the other person and identifying as the victim and viewing the other party as the perpetrator.
15. When somebody is threatened, it is their fundamental being that is feeling threatened; their ego and status and in order to get a good outcome to a discussion, the client needs to be thinking with their rational brain.
16. It is important for a professional to be able to hear the emotion of the client and then at least to acknowledge and validate the emotion. This enables clients to move from the story of divorce to the business of divorce. They then become a more credible client and the lawyer is able to focus on the legal process rather than becoming embroiled in the emotional upheaval.

Legal vs Emotional responses

17. All of the legal issues underpinning the dissolution of the marriage contract, must be addressed and dealt with which is why it is important for the lawyer to be able to do this without emotional distraction.
18. When clients are coached, they are far more focused on the legal problems as they are able to identify their buttons and are not as triggered by conflict. They also have some conceptual understanding of what has been happening to them and possess some tools to deal with it
19. They have moved from a state of positive intimacy to a state of negative intimacy.
20. Whilst conflict is often inevitable, it is important for clients to learn the communication skills to better manage the conflicts and the co-parenting relationship moving forward after their separation or divorce.

Biographies

Anne-Marie Cade

LLB, LLM, Nationally Accredited Mediator, Collaborative Family Lawyer, Family Dispute Resolution Practitioner - Divorce Right, Melbourne

**Certified Divorce Coach and Parenting Coordinator
Adjunct Lecturer, College of Law.**

Anne-Marie is the founder of the Mediation and Coaching practice Divorce Right. She has created a revolutionary new way for clients to heal and get over divorce or breakup, and is passionate about family and relationships.

In addition to her work as a Mediator, as a Coach Anne-Marie helps clients manage the practical and emotional aspects of

the separation, shift perspectives, teach them the skills to improve communication and manage conflict so they can reach a peaceful, amicable separation and successfully co-parent together. Anne-Marie incorporates mindfulness practices into my coaching and mediation sessions so her clients are able to get more centered and grounded and are more mindful about the decisions they make.

Anne-Marie offers Mediation services, 1-1 coaching programs, group coaching, online courses, parenting coaching and mediation services.

She also lectures in the Professional Legal Training course at the College of Law

Marie Louise Hatch

**Principal - Spectrum Law and Mediations, Melbourne
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Mary Louise is a Principal of Spectrum Law and Mediations, assisting and supporting families through separation and divorce to achieve sensible outcomes without going to court. Mary Louise is a Collaborative Family Lawyer, Nationally Accredited Mediator, Family Dispute Resolution Practitioner and Parenting Co-ordinator.

Mary Louise has been admitted to practice as a Legal Practitioner since 1991 and has worked almost exclusively in Family Law. She holds a Master of Laws Degree in Applied Family Law, and has been an Accredited Mediator and Family Dispute Resolution Practitioner since 2009 and a Parenting Coordinator since 2019.

Mary Louise also provides Mediation and Family Dispute Resolution training and coaching to Victorian and national organisations including Resolution Institute, Relationships Australia, College of Law and RMIT's Juris Doctor Program. She has been awarded PhD equivalence in Law at RMIT, lecturing in Family Law in both the Juris Doctor and undergraduate Programs. Mary Louise also lectures in Professional Legal Training with the College of Law.

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