



MEDIATION AND THERAPY

Mediation and psychotherapy are both useful models for addressing issues in families and relationships. They can work well together in furthering efforts to improve relationships. In mediation, the focus is on specific conflicts, and reaching concrete agreements, often written as a contract. Parties in mediation may want to seek therapy if past issues become obstacles to resolving current conflicts, or if there are substance abuse, child abuse or individual mental health issues that surface.

Mediation is a voluntary negotiation among the parties in a dispute, facilitated by a neutral third party. In Norm-Educating mediation, the mediator may offer information and resources to the parties.

Parties must demonstrate:

- **Capacity**-the ability to advocate and negotiate on one's own behalf, to process information, and to carry out agreements
- **Authority**- the legal right to make decisions
- **Good Faith**- the willingness to listen with respect and to provide relevant information

The mediator's job is to establish:

- **Impartiality**- showing no preference for any party
- **Neutrality**- having no preconceived opinions regarding the outcome
- **Balance of Power**-ability to recognize and address power relationships that intimidate or compromise the **capacity** of any party's ability to participate in mediation
- **Informed Consent**- parties must have all relevant information to exercise informed consent, to determine what information is required to be disclosed, and to decide whether to maintain or waive confidentiality

Comparison of Mediation and Therapy

Therapy	Mediation
Focus on past	Focus on present/future
Goals are general	Goals are specific
Look at why/how	Look at who/when/where/how
Legal issues are not as relevant	Legal issues are relevant
Provider seen as expert	Provider seen as neutral
Goal is finding meaning	Goal is finding specific solutions

