

The Roles and Challenges of Professional Family Mediators:  
The Case of Family Mediators under Child Justice Project office, Children's Legal Protection  
Centers in Three Courts of Addis Ababa

By

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A Thesis Submitted to Addis Ababa University Graduate School of Social Work in Partial  
Fulfillment of the Requirements for the Degree of Masters of Arts in Social Work.

Addis Ababa University  
Graduate School of Social Work

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Running head: ROLES AND CHALLENGES...

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**Addis Ababa University**  
**School of Graduate Studies**  
**Thesis Approval**

This is to certify that the thesis prepared by Adyam Adnew, entitled *the roles and challenges of professional family mediators: The Case of family mediators in Child justice project, children's legal protection centers* and submitted in partial fulfillment of the requirements for the Degree of Master of Arts (Social Work) fulfills with the regulation of the University and meets the accepted standards with respect to originality and quality.

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### **Abstract**

With four mediators and seven legal professionals the study has made an effort to explore the intents of the court to include professional family mediators and the prospects of professional family mediation to families and the court. The study has also explored the roles and challenges of professional family mediators who were currently working in the child justice project children's legal protection centers. For this effort a qualitative method with case study approach as a specific method have been employed. Professional family mediators were participants of the study and family bench judges, lawyers and mediation coordinator of the child justice project children's legal protection centers has been key informants of the study. In-depth interview, key informant interviews, observation and document reviews were utilized to collect data. Thematic analysis was used to analysis the data that has been collected from field. The findings include the following points. Article 36 of the Ethiopian constitution that devotes a full article on child right has been the source for the court to include family mediators in the court in the area of family issues (civil cases) to safeguard the best interest of the child. Mediation protects the confidentiality of parties, promotes a win-win solution and helps them to build a stronger relationship and etc. Mediators have the role of facilitating conversation between disputing parties, negotiating, teaching, encouraging and referral. Lack of cooperation from police officers, limited source for referral, the attitude of families towards mediation services, short appointments that are given by judges were some of the challenges that were identified in the research. Trainings to mediators in order to expand the services, more budget to the project office in order to help families in a better way have been indicated in the research.

*Key words: child justice project office, family mediators, courts, roles and challenges.*

## CHAPTER ONE: INTRODUCTION

### 1.1. Introduction

Becoming a social work student in the practice with children, youth and family concentration has been the major inspiration to select this research topic. In close second family is the basic entity for every social institution that has to be well protected in order to have better social institutions. The last reason to select this research area was the course social work practice with families in first year of master's program and the topics on divorce and its therapies and the fact that the instructor of that course was once a family mediator has motivated me a lot while he was telling us some of his experiences as a family mediator has been another major reason to select this research topic.

### 1.2. Background of the study

In researching professional family mediation in court setting, it is logical to understand family conflict and family mediation separately. According to Azcona (1999) life is a conflict itself. Although the conflict itself is not necessarily negative, its serene resolution is vital to continue the peaceful family continuity (Azcona, 1999). The bad resolution of those disagreements on the other hand brings the family specially the children to a vicious circle of maltreatment, trauma and disadvantages for the rest of their lives (Azcona, 1999).

Divorced individuals experience higher levels of depression, lower levels of life satisfaction and more health problems than married individuals (Amato & Previti, 2003). Verbal, physical or emotional abuses, cheating, differences in values and life style are the major reasons for divorce (Montenegro, 2004).

A longitudinal research made by Amato and Previti on United States of America divorced couples elaborates the idea of Montenegro and shows that infidelity or cheating on

spouse for another partner, physical and mental abuse on the spouse and the children, communication difficulty when spouses cannot communicate well in their relationship were some of the causes of divorce. In addition to that a need for personal growth and forgetting the family for achieving that life goal, when love no longer is present in the family and interference from previous relationships, children, parents of the spouses were the major causes of divorce and family conflicts were the other identified causes of divorce in their research (Amato & Previti, 2003).

Montenegro (2004) has mentioned the impact of divorce as sources of depression, loneliness, fear among spouses because of not knowing what comes after divorce, feeling of betrayal, sense of failure, not having someone around to do things and talk with (Montenegro, 2004). Related to the impact of divorce on children Montenegro (2004) has also mentioned that upset, anger and devastation are the possible impacts of divorce on children (Montenegro, 2004). Conflicts in any family because of different factors can be really destructive which makes family mediation service extremely necessary (Osmuk, 2013).

“Family mediation is a process in which a mediator, an impartial third party, facilitates the resolution of family disputes by promoting the participants’ voluntary agreement” (Schepard, 2001, p.2). The family mediator assists communication, encourages understanding and focuses the participants on their individual and common interests. The family mediator works with the participants to explore options, make decisions and reach their own agreements (Schepard, 2001).

Similarly, Bonnici (2014) has mentioned that family mediation is a structured process in which an unbiased mediator enables members of a family in crisis, generally the parents, to speak in a constructive way about their conflict (Bonnici, 2014).

Family mediation is a valuable option for many families because it can increase the self-determination and empowerment of participants and their ability to communicate, promote the best interests of children and reduce the economic and emotional costs associated with the resolution of family disputes (Schepard, 2001).

In recent years, many jurisdictions have begun to incorporate mandated mediation into their legal systems, which can help clear court dockets and allow disputing parties to develop their own resolution (Stoesen, 2006). Mediation saves the parties from going through the expensive and sometimes lengthy procedures in court, if they manage to reach an amicable settlement (Bonnici, 2014). This implies that mediation is a cost effective conflict resolution technique.

In the same document it was also mentioned that a mediator is an impartial and independent person appointed by the court and is professionally qualified to act as such. Most of them are family therapists, social workers, psychologists or lawyers.

### **1.3. Statement of the Problem**

Family conflicts can appear at any time and circumstance in the family life but there are conflicts that need external support when the family can no longer solve the problems by themselves on issues like separation. Different kinds of attempts will be taken to save the family from divorce or further conflict by the other family member, relatives and close friends of the family but when the family refuses to accept any of the proposed solutions by these significant people the last option is going to the court expecting the legal system to assist them to reach decision which is mainly divorce.

The annual report of Lideta Federal First Instance Court in Addis Ababa reported that 16,035 couples have ended up with divorce from September 7, 2012- June 8 2014. This is the recent data that the researcher has found regarding to divorce and is indeed a large number.

The goal of family mediation is to help spouses/parents to identify the sources of conflicts and solve those problems (Standards of practice in family mediation, 2012). Through family mediation the spouses/parents guided by the mediator will have constructive discussions and negotiations that could be best for themselves as well as the needs of their children.

“Mediation has been gaining popularity in a variety of legal domains” (Elizabeth & Walotzig, n.d., p.2). Mediators guide the conversation so that all parties have an opportunity to share their perspective, listen and understand others and participate in decision making. Among other family mediators Parikson explained a social work mediator as:

...A specialist in social work can become a very good mediator because social workers have the ability to work with social techniques and apply them to resolving a difficult family situation and carry out his/her activities in the paradigm of both trust and partnership with the family which makes them able to find a proper solution to the problem that exists in the family (Parkinson L., 2010, p.400).

Long (2006) in his study of how the family mediation service in Ireland facilitates people who have experienced domestic violence negotiate separation agreement, found that family mediation service has facilitated many couples in Ireland whose relationship had faced physical violation(Long, 2006).

The process that goes through the court is expensive; there are lawyer’s fees, court fees and other fees (Tefera Eshetu & Mulugeta Getu, 2009). Much time is also needed for the judge to decide on that matter. Contrary to the process in the family court, the process in mediation is

less confrontational than the formal procedure in the court and reduces the likelihood of win or loses mentality (Tefera Eshetu & Mulugeta Getu, 2009). As the court is a very formal institution and is based on witness it puts families to confrontation. If many families face this kinds of issues it will be a big loss for the country as family is the basic unit for the community, the society and the nation at large. Healthy family means healthy country.

Mediation is a process that emphasizes the participant's own responsibility for making decisions that affects their lives which is therefore self-empowering process (Tefera Eshetu & Mulugeta Getu, 2009). They have also mentioned that mediation is commonly used in the area of family law.

The revised family Code Proclamation No. 213/2000 in its preamble explained the family as: "the family, being the natural basis of society, shall be protected by the society and the state". The family code in addition tells that it is found necessary to settle disputes arising in family by a competent organ in a just and efficient manner. "In most African traditions, community elders are key decision makers in all matters of society as well as conflict mediators" (Sabiiti, 2013, p.13). The same is true in the case of Ethiopia. Elder people and religious leaders mainly father confessors in the case of Orthodox Church take big role in mediating family disputes.

Professional family mediation in courts is a new phenomenon in Ethiopia. Previously families were given a cooling period by the court and it was through arbitrators they choose themselves they have been mediated. Currently professional family mediation is becoming part of the legal system in the area of family courts. There are only three courts that are mandated to give family mediation service in the capital city of Ethiopia, Addis Ababa. As a result, there are no studies that the researcher has found regarding the prospects of professional family mediation

and the roles and challenges of family mediators in the three courts that give family mediation services in Addis Ababa.

Kelly in 2014 has done a thesis in America, North Texas related to *social work mediation/conflict resolution: the benefits, challenges, and practitioner improvements associated with the use of mediation/conflict resolution in social work practice*. The finding stated that mediation has the benefits of enhancing competence, saving time, increases the controlling power of participants in the process of mediation and establishes clarity. In addition to the benefits, power imbalance, confusion whether to use mediation or therapy and knowing whether it is or not appropriate to use mediation were some of the challenges of mediation identified in the study.

Centrone (2007) another researcher on the area of *study of the practice of family mediation* on 2007 in United States of America had examined the practice and characteristic of mediation, issues, beliefs and models that guide mediation. The research has found that professional mediators from different background had different beliefs about the inclusion of children in mediation sessions. Those with law back ground are not comfortable with including children and those from social work back ground has a belief that children should be part of the mediation process. Findings on the models have shown that structured mediation was the dominant model on issues related to parenting, finance and comprehensive mediation.

Marshet Abate (2013) *Social Workers Practice in the Court with Sexually Abused Children*. The study tried to investigate the role of social workers in the court with sexually abused children and the collaboration that social workers have with other legal professionals. The findings showed that social workers have diversified roles like acting as intermediary between the sexually abused children as a witness to the court, preparing the child for court,

referral, advocacy. In the cases where there are interfamilial sexual abuse social workers act as mediators, educating families on issues related to sexual abuse and giving expert opinion by the order of the court.

However, the researcher didn't come across with any type of study on family mediation in the court. Researches were not conducted in the case of Ethiopia that shows whether mediation has benefits or not and the roles and challenges of the mediators and other issues related to professional family mediation. Therefore, the researcher has explored the benefits of family mediation and the roles and challenges of the mediators. In general it has explored what professional family mediation practice look like in the courts that gives mediation services to families.

#### **1.4. Objectives of the Study**

##### **1.4.1. General objective**

The general objective of the research is to explore the benefits of professional family mediation and the roles and challenges of the professional family mediators.

##### **1.4.2. Specific objectives**

The specific objectives of the study are;

- To explore the intents of the court to include family mediators in the legal system in the area of family cases.
- To identify the benefits of professional family mediation to the court and as well as the family.
- To identify the roles of family mediators in the courts.
- To identify the challenges of family mediators in the court.

### **1.5. Research Questions**

1. What was the intention of the court to make family mediators be part of the court system?
2. What are the benefits of professional family mediation to families and the court?
3. What are the roles of family mediators in the court?
4. What are the challenges of family mediators in court?

### **1.6. Significance of the Study**

Professional family mediation in the court system is a new phenomenon which has to be well promoted and appreciated as it is contributing a lot to families whose cases have reached to the court hearing.

This study has explored the intent of the court to include family mediators in family cases, the prospects of family mediation to the court and families, the roles and the challenges of the mediators in practicing professional family mediation.

This study is significant because studying and clearly understanding professional family mediation practice will improve family relationship and may reduce the number of divorce. In addition to this it will strive to protect the best interest of the child. Moreover it pays attention to the emotional and psychological aspects of the spouses unlike the formal procedure that gives more attention to the law. In addition to this significances government agencies will use the findings of the research as an input to plan and implement programs that improves family relationships.

Knowing about the benefits of family mediation and the roles and challenges of family mediators might be an inspiration for individuals who want to work as family mediators. The findings would help to pursue the good practices, improve the drawbacks and helps to construct

the best practices of professional family mediation in the court. It also influences policy makers especially in the area of family law to include family mediators from different educational backgrounds like behavioral scientists on every issue related to family and family conflicts.

### **1.7. Challenges of the Study**

As all the mediators were volunteers finding them at their expected days was difficult because there are times when they cannot come to office. That took me a longer time to spend in the data collection in the field. The others challenge was contacting the Judges due to the tough condition in the court. I either have to wait before they get to the court or after that which was both a rushing hour for the judges. It limited the researcher to ask the questions in freely because of the limited time the judges have in the office as well as in the court. There were some interviews that only took for eight minutes because of their work that limits them to give me detailed information about the issue under study.

### **1.8. Definition of Concepts**

**Family mediation-** Schafer (2000) “family mediation is a process in which a mediator, an impartial third party, facilitates the resolution of family disputes by promoting the participants’ voluntary agreement” (Schafer, 2000, p.2).

**Court-ordered family mediation-** is a type of mediation that takes place in the court when the idea of mediation comes from the court (Mantel &, Critchley 2004).

### **1.9. Definition of Key Terms**

**Family-** For the purpose of this study families are those who come to the Children's Legal Protection Centers for mediation service either by their own motive or by court order.

**Conflict-** is disagreement sometimes violent between individuals, families, group and etc...in this paper conflicts is any type of disagreement that brings families to the court and might need mediation.

**Legal professionals:** are individuals who provide legal service to individuals. For the purpose of this study legal professionals are lawyers, judges and the child justice project, children's legal protection centers program and mediation coordinator.

**Children:** for the purpose of this research a child is a person below the age of 18 as the targets of population of the project are children below 18.

**Custody:** is the legal right of the parent to take care of children. For the purpose of this study custody is an agreement between parties in mediation to decide where the child should grow up with but is finally ratified by the court.

**Visitation:** is the right of separated/divorced parents to visit a child. For the study visitation is an activity which is done by the parent who did not get the right to custody but have agreed to visit the children based on the agreement with the other party.

**Maintenance:** Are all the expenses that parents spend for children's basic needs and other necessary things based on their ages and conditions. In mediation maintenance is based on the agreement between parents/ parties.

**Respondent:** is a person who answers for the defendant.

**Applicant:** is a person who applies for the court. For the study an applicant is someone who comes to the court to apply about maintenance, custody and visitation issue of his/her children.

## CHAPTER TWO: REVIEW OF RELATED LITERATURE

This chapter presents the definition and history of family mediation, family mediation among different societies, theoretical perspectives that have strong relationship with family, family conflict and family conflict resolution, the prospects of professional family mediation to families and the court, the role of family mediators, the challenges that family mediators face while mediating families and will finally look at the family law of Ethiopia.

### 2.1. Definition, Forms and Settings of Family Mediation

The word mediation comes from a Latin word, *mediare* meaning to be in between (Sabiiti, 2013). Oxford dictionary (2016) has defined mediation as an intervention in a process or relationship to work with both sides in a dispute in an attempt to help them to reach an agreement.

Mediation is a process of resolving conflict. “Conflict is an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources, and interference from others in achieving their goals” (Hocker& Wilmot, 2001 as cited in Schaffer, 2007, p.1). Conflict is a belief or understanding that one’s own needs, interests, wants or values are incompatible with someone else’s (Mayer, 2000). Conflict can be understood from emotional, behavioral and cognitive dimension because understanding that conflict has different dimensions will help one to understand that conflict is not something linear (Schaffer, 2007). Relationship issues, value conflicts, conflicts about interests, discrepancies over factual information and clashes over structural inequality, Power, status, and resources are the leading causes of conflict (Moore& Picard, 1986 as cited in Schaffer, 2007).

Different people respond to conflict in different ways. Some respond in an aggressive and passive way while others are assertive and cooperative in responding to conflict. Assertive and cooperative are constructive and decrease the likelihood of a conflict to happen again and

promote good relationships (Schaffer, 2007). Conflict that can't be handled by the disputing parties themselves leads to mediation or the need for a third party or a mediator to resolve the disputes (Schaffer, 2007).

Mediation is a commonly practiced form of dispute resolution that assists people in dispute to reach to their own solution with the help of a mediator (Schaffer, 2007).

According to Schepard (2001), Family mediation is a process in which a mediator, an impartial third party, facilitates the resolution of family disputes by promoting the participants' voluntary agreement. Another definition was given by McFarlane which defined family mediation as process in which an impartial third person, the mediator, assists couples considering separation or divorce to meet together to deal with the arrangements which need to be made for the future (McFarlane, n.d.). McFarlane has also mentioned that family mediator has the role of facilitator and aiding the parties to the dispute to reach to an agreement.

Mediators according to McFarlane will also help the parties who have issues or problems to discuss how these issues can be resolved and will focus on effective communication, mutual understanding and information gathering.

Basically there are two forms of family mediation named *child centered* and *all issues*. The first form assists parents to make arrangements mainly related to children's residence and contact for their children. *All issue* family mediation also includes the financial and property matters (Mantel & Critchley, 2004).

Family mediation can take place in two settings one is *in-court* mediation and the other one is a mediation that can take place anywhere else. In the *In-court* mediation, the idea of mediation comes from the court (Mantel & Critchley, 2004). Families come to mediation by three ways (Elizabeth & Waetzig, n.d.). The judge can mandate the parties to participate in

mediation, it can be voluntary and a hybrid approach where the families become voluntary or they are mandated by the judge to participate in mediation.

## **2.2. History of Family Mediation**

“The court- based family mediation has started in America in in 1979 with an aim of making court and its resources more accessible, humane and convenient” (Silbey& Merry, 1986, p.9). Most of the cases that the judge refers the parties to mediation are cases related to marital, neighborhood and family conflicts (p.8).

The profession of family mediation was developed in the early 1970s, when it was used in family court-annexed services in certain Canadian and American cities (Landau, Bartolletti and Mesbur, 1997 as cited in Barsky, 2001). Initially, many mediation services were developed as a means of diverting cases from court because courts were seen as an expensive, time-consuming, and confrontational process that was not desirable for resolving most types of family disputes (Barsky, 2001). Mediation developed a less costly, less formal and more collaborative compared to the trials in the court (Bush& Folger, 1994 as cited in Barsky, 2001).

“Early mediators were most of the time court counselors, mental health professionals and social workers who tended to focus on child custody and access issues” (Barsky, 2001). The establishment of voluntary family mediation association in 1980s, the academy of family mediators and the association of family and conciliation court in the united states and family mediation in Canada leads for the professionalization of mediation by developing certain criteria for accrediting members, codes of ethics and remedial proceedings to enforce standards of practice (Barsky, 2001).

The first text on family mediation was written by Coogler in 1979, which provided a structured process consisting of a series of stages and tasks to undertake family mediation (p.27).

Models in family mediation began to emerge in the literature during 1980s with the coming of interest based negotiation and therapeutic family mediation. The former model deals with business and legal disputes the later draws from psychological and social work particularly systems theory and developmental theories (p.28). After 1980s family mediation courses began to be offered in universities particularly in schools of law, social work and conflict resolution (p.28). In the field of mediation some proponents on mediation have argued that the goal of mediation is to lead the disputing parties reach at a mutually satisfying settlement while others argue that the goal of mediation is empowerment and it promotes justice.

### **2.3. Family Mediation among Different Societies**

Approaches to conflict vary from culture to culture and develop their own characteristics within families, religions, communities and the larger society. Different societies have their own models, strategies, process, steps to conflict resolution (Schaffer, 2007). Native Americans have rituals such as healing circles and sweat lodges to deal with conflicts among families and neighbors and crimes in their community (Schaffer, 2007).

In Sweden family mediation is called “cooperation talks”. These talks under the guidance of the mediator aim at arriving at a common point of view on the questions of custody and access. The goal of the cooperation talk or mediation is to make the parents reach an agreement. With all these attempts if the parents cannot reach to an agreement, parents may learn how to understand each other’s opinion better and how to manage conflicts in a way that negatively affects the children as little as possible (Casals, 2005).

On the other hand mediation in Austria is carried out by two mediators where one has a psychosocial training such as psycho therapist, psychologist, social work and a person who has completed the basic trainings and experience in the field of family conflicts whereas the other

mediator has a legal basic training like lawyer, attorney, judge (Casals, 2005). Through this families are mediated by professionals with legal and human behavior background.

“In most African tradition family, community and other conflicts are resolved by elder people with an attitude of working together and the spirit of understanding people based on the relationship they have with other people which is called Ubuntu”(Boniface, 2012, p.381). Boniface also mentioned that mediation is mandatory in any type of conflict including family problems.

In most African mediation conflicts are not seen out of the social context. Therefore all the necessary information that are needed in the mediation are covered and the consequences that will bring to the other members of the family is critically seen (Boniface, 2012). In Ubuntu style of mediation or the style that views human beings as human beings based on the relationship they have with other human beings, is informal, flexible and enables the disputing parties and witness to feel that social harmony is promoted which is a big asset for most African countries in which rituals are made to maintain it (Boniface, 2012). Mediators try to resolve conflict between the families and if they are not successful they forward the case to the court of chiefs (Boniface, 2012)

“Ethiopia on the other hand has been using traditional conflict resolution methods from the micro level to the higher political levels for centuries which are also practiced in the current state of the country” (Stella, 2013, p.14).As Stella mentioned the fact that the country is endowed with many cultures has brought up a wide range of mediation styles. Some of the common conflict resolution techniques in Ethiopia are *Kitcha* of the Gurage, *Occudo* of Gambella, *Gadaa* of Oromo, *Medda* of Afar, *Shimgelena* of Amhara people (Stella, 2013). These types of mediations are common in the rural parts of the country. “Now a days Ethiopia has developed a

legal institute of compromise which implies that there are no final decisions that are passed by the judge rather decisions are made by the conflicting parties during proceeding” (Stella, 2013, p. 14). This legal institute of compromise is included in the 1960 civil code of Ethiopia. Because of this institute mediation and mediators are used as major tools in resolving conflicts in the urban context (Stella, 2013)

#### **2.4. Benefits of Professional Family Mediation to the Court and the Family**

Family mediation is beneficial for both the court as well as the family who come to court. This section considers the possible benefits that family mediation contributes to the family as well as the court. Basically mediation focuses on moving disputing parties to a common and agreed agreement with the help of a mediator and reach at their own solution.

Confidentiality to the parties, things discussed in mediation sessions will remain between the parties and the mediator, freedom to speak because what is said in the mediation is not used in the court; preserved relationship which promotes a win-win out comes rather than a winner-loser (Caller, 2013). The process of mediation is less confrontational and reduces the likelihood of win or loss mentality (Tefera Eshetu & Mulugeta Getu, 2009).

On the other hand the cost for mediation is shared by the parents rather than each pay for their own lawyers will benefit the family from paying large amount of money (Caller, 2013). In mediation the parties will have a great deal of control over the process and outcomes of the mediation because it is the parties themselves who plan the resolution and will be committed to the success of the mediation. In mediation there is a great satisfaction with the dispute resolution process and the outcomes as the decision is reached by parties instead of being imposed on them (Tefera Eshetu & Mulugeta Getu, 2009).

Furthermore the flexible nature of mediation allows the parties to construct the resolution the parties believes as fair, right and satisfactory. Besides to the flexibility and control of the parties on the process and outcome of the resolution, mediation deals with emotional aspects of the case. The increased flexibility of mediation allows the needs of particular parties to be addressed (Tefera Eshetu & Mulugeta Getu, 2009).

Disputes that characterize probate, trust and jealousy seeks emotional results such as apology and other ways that vent anger on conditions they perceive as unfair (Radford, 2001). As mediation focuses on finding solutions rather than blaming the other party and proving which party is right and which is wrong it reduces stress, anger, fear, anxiety and conflict.

Mediation also promotes more satisfaction, faster settlement compared to the process in the court. Mediation is a better alternative for children because they are the ones who get more affected in any family conflicts. Tefera Eshetu & Mulugeta Getu (2009) had mentioned that mediation is faster, cheaper and less formalized both in terms of process and tailoring results (Tefera & Eshetu, 2009).

Empowerment is another important benefit that one can gain because of mediation because mediation gives each party an equal opportunity to speak and forward resolution for the conflict. Mediation is also comprehensive unlike the court which focuses on the legal aspect but in mediation all issues the parties want to resolve can be discussed and addressed (family mediation, 2014). Mediation encourages clients to understand themselves as responsible, active decision makers, rather than passive recipients of others' decisions (Barsky, 2001).

Most importantly, mediation offers parents the chance to say what is in their minds, to breath out their grievance and grieve the losses that they have been experiencing because of the

conflict that they have been through. It also allows other members of the family to participate in the process to keep the best interest of the child.

Furthermore, it helps everyone who participates in the mediation sessions to have a sense of accomplishment because mediation gives a feeling that the combined ideas of all members have produced something valuable for the family as well as the child (Edwards, 2004).

Mediation allows underlying issues and emotions to be addressed and resolved and also allows the relationship to be continued in the future (Tefera Eshetu& Mulugeta Getu, 2009).

“Mediation relieves court dockets that are clogged with matrimonial actions but if mediation is applied this load will be reduced” (Vanderkool& Pearson, 1983, p.557). This is the possible benefit that family mediation brings to the court. Legal professionals mainly focus on the facts that are related to finance, material and other properties because they are trained to do so but mediators on the other hand have the interest, expertise and time or devotion to family conflicts and mediation. Therefore it is found advantageous for the courts to reach at a decision that benefits the family unit that considers the interest of the children through mediation or mediators (Coogler, Weber& McKenry. 1979).

## **2.5. Roles of Family Mediators**

Generally speaking the role of the mediator can vary from family to family with different culture and value, from the style of the mediator, type and level of conflict the family is facing. Reframing is one of family mediators which aim at helping parties to view their problem from different angles. Focusing the parties on the future, focusing the parties on the best interests of the children, establishing ground rules for communication because there are certain expectations from the parties as well as the mediator for an effective service.

Ensuring that the parties view the process as fair as not some process that benefits one party and harms the other one (Barsky, 2001). Mediators provide space and process that facilitates client's self-determination, choice and autonomy. Mediators also create an opportunity for the parties to understand the conflict from the other party's perspective which might also promote empathy within the parties (Barsky, 2001). Therefore, mediators have the role of raising empowerment and recognition.

Mediators encourage parties to negotiate based upon their needs and interests (Kelly, 2014). In this case the role of the mediator is to ask parties different kinds of questions regarding the conflict, explores the needs and interests of the parties, assist parties to find ways to resolution.

Family mediators on their other role encourage parties to reach at an agreement based on their rights within the anticipated range of remedies (Drews, 2008). In this case the mediator provides parties with advices, recommendations and opinions and also points out the strength and weakness of the positions which are raised by parties.

Storytelling is another role of family mediators. According to Foster (2003) disputing parties fully bound themselves in the conflict and the mediator helps the parties to view the conflict from distance as an out- sider through storytelling. After the story is told the mediator and the parties work together a new story where the conflict is replaced by an agreement or settlement. Mediators in this case help parties to detach themselves from the conflict (Foster, 2003).

Mediators also help the disputing parties to find a mutually acceptable solution that promotes a win -win rather than a winner- loser solution in which one party is labeled as innocent and the other party as guilty like the case of court.

Parsons (1991) indicated that mediators educate parties to negotiate to get their needs are encountered. Mediators play the role of educator to help parties identify their needs, interests and solutions to the other party (p.485). Parsons indicated the empowering quality of a mediator is another role of the mediator in a way that allows participants' own responsibility for the decision making and the outcome of the mediation.

Barsky (2001) had also mentioned that mediator has the role to help parties to move from competitive and destructive perspective to collaborative and conducive problem solving strategy (Barsky, 2001).

Mediators have the role to appreciate the participants to listen and understand one another so they could deeply understand the problem from the other party perspective. As the owners of the conflict and the resolution, mediators make feel the parents as the best decision makers because it is the parents who exactly know the problem, the needs and interest of their children (Barsky, 2001).

In the case of Africa specifically South Africa the role of mediators is far beyond facilitating, empowering and help disputing parties to reach to an agreement as it includes Ubuntu-style mediation (Boniface, 2012). In this case mediator's role also includes visiting the individual's or families' home which makes mediators more involved with the parties even after the mediation service is provided to the families.

## **2.6. Challenges of Professional Family Mediators**

The basic challenge that family mediators face is deciding on the matter that whether it is appropriate or inappropriate to use conflict resolution/mediation (Kelly, 2014). It challenges family mediators if it is right to give a mediation service to that particular family or not. There are some parties who might need therapy more than mediation. Therefore, family mediators must

know the boundaries of mediation and refer clients to other professionals for therapy where it is needed (Barsky, 2001). By nature mediation has a therapeutic aspects but this doesn't imply that mediation is a therapy by itself.

The other challenge could be the principle of impartiality which is the basic principle in family mediation in the case of power imbalances and personal safety. In principle impartiality means staying neutral or unbiased to any party. In the process of mediation one party could speak more and the other may not be good at speaking or is emotional when speaking. "When there is a power imbalance during the negotiation is it possible for the mediator to stay neutral?" (Barsky, 2001, p.29). In the case when there is a safety issue and when the mediator knows that one party is threatened by the other influences the process of mediation which is also a big challenge for family mediator.

"Mediators face a dilemma of settling cases without imposing for decision" (Silbey & Merry, 1986, p.7). Because the role of mediator in a facilitative model is limited to facilitating the process which minimizes the decision making power of the mediator.

Kelly (2000) has mentioned that family mediation is not available in many of the states to families seeking a less costly and more cooperative process because of the absence of strong leadership by the family law practitioners and less attitude to mediation (Kelly, 2000). If the family law doesn't work in collaboration with the family mediators it will be a challenge for the mediators who practice mediation in the court setting.

## **2.7. Theoretical Perspectives**

In examining the prospects, roles and challenges of family mediators in court-ordered mediations it is important to explore helpful theories that are related to family conflicts and family conflict resolution/mediation that will view family conflict and family mediation from

different perspectives. This part will discuss family systems theory, conflict theory, psychodynamic theory, humanistic theory, social constructionist and conflict resolution theory.

### **2.7.1. Family Systems Theory**

Leavel and LeMonda (2013), indicate that family is a system and members of the family are pieces of the larger whole who mutually influence one another (Leavel & LeMonda, 2013). Rothbaum, Rosen, Ujiie, & Uchida (2000) suggested that family systems theory is concerned with family dynamics, family structures, roles, communication pattern among members, boundaries and power relationships. Therefore family system is considered as a system because there are interrelated elements that live in the family called members, they exhibit a unified behavior. Understanding this theory could help one to understand where a conflict could arise in this system or the family. Any change in the rules, boundaries, in the structure and roles in general a force that attempts at changing this equilibrium could lead the family to a conflict. The mediator assesses the components of the family (elements, patterns, boundaries, power, rules and roles) to help families in conflict.

### **2.7.2. Conflict Theory**

Wallace and Wolf (1995), indicated that there are three basic assumptions under conflict theory these are people have a number of basic interests or things that they want and attempt to acquire, emphasis is given to power as the core of social relationships and value and ideas are viewed as instrument to achieve the desired goals (Wallace& Wolf, 1995). Conflicts in family may arise as a result when one party strives to achieve one's own desire and decides on the family matters alone. Conflict in a family could be constructive because it promotes change in the rules, behavior and attitude of the members. Azcona (1999) suggests that family conflicts are the results of different factors that flow through verbal and non-verbal communication. In

addition to this Azcona has mentioned that conflict is absolutely normal in a family. The resolutions of conflicts are the very secure steps that bring happiness and fulfillment to the family (Azcona, 1999). Family mediators should understand that family conflicts might arise because of several factors and that conflicts are not always destructive.

### **2.7.3. Social Constructionist**

Social Constructionist theory assumes that individuals are free, active and creative and reality is created when actors develop a common understanding of the world (Hutchison, 1999). This helps the mediator to understand that reality is not objective and this will help the mediator to help families reconstruct their own shared realities that will move the family from conflict to agreement.

### **2.7.4. Psychodynamic Theory**

The psychodynamic theory suggests that needs, motives and drive motivate human behavior. In addition to the motivation of human behavior this theory also suggests that early childhood experiences are very central to future relationships that a person is going to have (Hutchison, 1999). Understanding psychodynamic theory helps the family mediator to know, understand and consider the early childhood of the parties in the mediation process to understand why the parties are behaving the way they are towards the conflict and conflict resolution.

### **2.7.5. Humanistic Theory**

“The humanistic theory suggests that human are rational, purposeful and autonomous” (Hutchison, 1999, p.57). In mediation process parties are rational and autonomous to decide whether to participate in the mediation or not, to accept and refuse the proposed resolutions and etc... The principle of self-determination during mediation is highly supported by this theory as self-determination respects individuals’ autonomy to decide.

### **2.7.6. Conflict Resolution Theory**

Conflict resolution theory from another point of view sees conflict as an opportunity to build stronger relationships and strong families therefore conflict is not a bad thing (Kelly, 2014). Based upon this premises family mediators assist parties to view their conflict as a basement for a stronger relationship which also promotes stronger family. Understanding this theory helps the family mediators to help families that their conflict is not a bad thing in fact it is a way for better changes in the family.

### **2.8. Legal Frameworks on Families in conflict and Children**

Nationally, the revised family code No.1/2000 the revised family code proclamation No.213/2000, in the preamble stated that whereas, the family, being the natural basis of the society, shall be protected by the society and the state, and that one on the means of protection is effected by regulating and governing family relation by law. The family code also states that marriage shall be based on the agreement of the spouses and there should be a legal base which guarantees the equality of spouses during the conclusion, duration and dissolution of marriage. In addition the family law exists in such a way that gives priority to the wellbeing, upbringing and protection of children (Revised Family Code Proclamation No.213/2000).

*Article 78* of the revised family code on the other hand states that where a petition of divorce is made, the court may discuss with the spouses separately or jointly and counsel them to change their intention to divorce. *Article 82 (2)*, of the revised family code alsostates that where the petition to divorce is made, the court may direct the spouses to settle their disputes through arbitrators of their own choice. *Article 83 (1)*, mentioned that where the spouses are not willing to agree or have failed to agree, the court by itself shall or through arbitrators or experts appointed by it decide on the conditions of divorce. *Article 36(2)*, of Proclamation No.

1/1995 devotes an article on the rights of children and mentioned that in all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interests of the child.

## **2.9. Literature Review Summary**

Family mediation is a process in which a mediator, third party facilitates the resolution of family disputes by promoting participant's voluntary agreement. Family mediation has different features among different societies.

Family mediation has several benefits to the court and disputing families. Confidentiality to all parties, reduction of emotional and financial costs, empowerment, sense of accomplishment and self-determination are some of the possible benefits families can get because of mediation compared to the process that takes place in the court. Family mediation relieves court dockets which can benefit legal professionals to get assistance from family mediators.

Educating parties to identify their needs, helping parties to move from competitive and destructive to collaborative and conducive problem solving strategy, appreciating clients to listen and understand one another, encouraging parents to make decisions by themselves are some of the roles expected from family mediator to be performed.

Family systems theory, conflict theory, psycho-dynamic theory, humanistic, social constructionist and conflict resolution theories are some helpful theories that view family conflicts and the nature of different families from different perspectives and are also important for the family mediators.

Alongside with the roles deciding whether mediation is appropriate for that family than therapy and discussing with families without pausing for any decision were some of the challenges family mediator.

In our case the Ethiopian Family Law (Proclamation No.213/2000) gives much emphasis on the role of arbitrators than professional family mediators as professional family mediation is a new phenomenon

Literatures suggest that there are significant benefits of utilizing family conflict resolution/ mediation for both the legal system and the family. However, practice of professional family mediation has not been fully explored through empirical research in Ethiopia.

Currently professional family mediators are working in the court to mediate families whose cases have reached to court hearing, yet no evidence is found to show the prospects of professional family mediation to families and the court, the roles and challenges of the mediators.

Therefore an exploratory research is compulsory to explore the benefits of professional family mediation, the roles and challenges of family mediators who are working with those families who come to mediation services. The following chapter provides discussion on the methods employed in the study.

## CHAPTER THREE: RESEARCH METHODS

The main objective of the research was to explore the benefits of professional family mediation and the roles and challenges of the professional family mediators who are working in the court. A qualitative research methodology was employed as professional family mediation in the court system is a new phenomenon and an exploration was needed to attain the objectives of the study. The other reason why the researcher prefers qualitative to quantitative is that qualitative gives much attention to the meaning that participants give. Throughout the whole process the researcher keep a focus on learning the meaning that the participants hold about the issue, not the meaning that the researcher bring to the research or writers from the literature (Woods, 2006).

Case study as a specific method was used as the approach best fits with the type of data that was needed for the study. Case study is particularly suitable where the research has little control over events because the approach is concerned with investigating phenomena as they naturally occur (Denscombe, 2007).

### 3.1. Research Design

Exploratory research appeared to be important in order to explore the prospects of professional family mediation, the roles and challenges of the family mediators. Exploratory research uses open-ended questions and probes. Open ended questions have the ability to stimulate responses that are meaningful and culturally salient to the participant, unanticipated by the researcher, rich and explanatory in nature. Probing on the other hand encourage participants to elaborate their answers in their own words (Mack, Woodsong, Macqueen, Guest & Namey, 2005). As the topic is a new area of study exploring the experiences of family mediators by using open-ended questions and probing has better helped the researcher to get sufficient

information in the area under study. In addition to that probing was used on issues that were not clear and needs elaboration.

### **3.2. Selection of Study Participants**

The participants of this study were professional family mediators who are currently working in the three courts of Addis Ababa under the Child Justice Project Office Children's Legal Protection Centres. Legal professionals like lawyers, judges and the coordinator of the child legal protection centres program and mediation coordinator of all the centres were participants of the study.

As there were four family mediators who were working in the project during the data collection, the researcher has selected all of them as the participants of the study. In the three courts except for the federal Supreme Court there were four family bench judges and the researcher took the three judges as one of the judges in the family bench has no clue about the ordering family cases that can be better handled with professionals to the Children's legal protection centers. Lawyers who permanently work in the project were three and the researcher took them all. The other participant was the coordinator of the Children's legal protection center program coordinator and mediation service coordinator of the three centers in Addis Ababa.

To summarize four family mediators, three family bench judges, three lawyers and the children's legal protection centers coordinator with a total number of eleven were participants of the study.

### **3.3. Inclusion Criteria**

As the main objective of the research was to explore the prospects of professional family mediation and the roles and challenges of the mediators, professional family mediators who work in the child justice project office children's legal protection centers were participants of the study.

Besides to this legal service professionals like judges, lawyers and the mediation coordinator of all the centers have been selected as key informants of the study since these professionals have high contact with family mediators on issues related to family conflicts and conflict resolutions/mediation. Judges order family cases to the center. The lawyers are always in the center are the ones who see the cases first. They then reserve cases that need mediation to the professional family mediators. The coordinator on the other hand is the one who operate the process of mediation in all the centers.

### **3.4. Description of the Study Settings**

The study settings are three courts which are found in the capital city of Ethiopia, Addis Ababa. These are ‘Yeka First Instance Court’, Lideta First Instance Court and Federal Supreme Court which are found in ‘Yeka’, ‘Lideta’ and ‘Arada’ sub-cities respectively .These courts are established under the federal Supreme Court child justice project office children’s legal protection centers in 2012 and are found in the compounds of each courts. These courts are the only courts that provide family mediation services in the country.

### **3.5. Data Collection**

“Once the researcher selects the sites and people, decisions need to be made about the most appropriate data collection approaches” (Creswell, 2007, p.118). Accordingly, the following data collection approaches were applied to collect data from the family mediators, judges, lawyers and the Children’s legal protection centers program and mediation coordinator. *Observation-* Sapsford and Jupp (2006) stated that observation allows the researcher directly record the physical environment and human behavior. It will also help the researcher to see what participants cannot see (Foster, 2006). Based on the checklist that was prepared during proposal development the researcher has observed the physical settings of the centers, the way of how

family cases are documented, and the place where mediation takes place. The researcher was taking notes at times of waiting for mediators after finishing their appointments with their clients.

*In-depth Interviews*- “are one of the most elementary forms of data collection which involves asking people questions and receiving answers from them” (Marvasti, 2002, p.15). Open ended questions and probing will stimulate participants to elaborate their answers in their own words (Mack, Woodsong, Macqueen, Guest & Namey, 2005). In depth interviews were made with the family mediators to assess the work experiences they have as family mediators. Interview guideline was prepared that focuses on the benefits of mediation, the types of families who come to mediation, the techniques that they use in mediation and the challenges that they have encountered as family mediators. All the interviews were conducted using Amharic and were audio taped. Interviews with the two mediators were conducted in the mediation room of the centers as they were so quiet and suitable for voice record. The other two interviews were conducted at the private offices of the participants. Data collection was done from March 26, 2016 to May 4, 2016. Duration of Interviews with the participants has taken from 33 minutes to 62 minutes.

*Key informant interview*-key informant interview with the family bench judges, lawyers and the mediation coordinator was used to collect data about the role of family mediators, how family mediation is practiced by professional family mediators and how it is benefiting the court and families in dispute. Interviews with the key informants were made at the offices of the judges and in the centers with the lawyers and the mediation coordinator. The interviews were conducted in Amharic was audio taped and took an average of 8- 27 minutes because they were giving short and direct answers to the questions.

*Document review-* Green and Thorogood (2004) suggested that documents could be found in newspapers, government reports, personal and work diaries, letters, research articles, primary data from research projects and etc. (p.156). Accordingly, the researcher has reviewed available documents which were found in the center such as brochures, guidelines, pamphlets and reports on the mediated cases that shows about the role of family mediators in the court and the contributions that they have made to the legal system. Documents were used for the reason that they are the only sources to get the exact number of families who have had petition for divorce, how much have reconciled, divorced and reach to an agreement on child custody, maintenance and visitation.

### **3.6. The Process of Data Collection**

The process of data collection had initially started after the approval of the proposal by the School of Social Work. After that the researcher has taken the support letter to federal Supreme Court Child Justice Project Office as it is the focal office of the entire Children's Legal Protection Centers. After that the researcher gave the letter from the school to the mediation coordinator. From the coordinator the researcher get the number of mediators who are currently working on the project and the days they are available in the courts. On March 29, 2016 the researcher started the data collection from the key informants and ended on May 04, 2016.

### **3.7. Instruments for Data Collection**

To collect primary data from the family mediators, other legal professionals and families, the study has used key informant and in-depth interview. Interview guidelines were developed during proposal development and questions that could address the research questions were considered in the interview guideline. Observation was also used to see the physical setting of the centers, the mediation rooms, the plays and toys that are used for the purpose of sessions with

children and how the files of families are documented. For this an observation checklist was developed during the time of proposal development.

### **3.8. Data Analysis**

“Data analysis is an inherent and ongoing part of qualitative research” (Spencer, Ritchie & O’Connor, 2003, p.199). The research was analyzed by thematic analysis.

“Thematic analysis is a process that relies on the generation or exploration of relevant themes by moving from raw data to meaningful understandings” (O’Leary, 2004, p.196). Data analysis was done manually. First, all the interviews were audio taped and at the times were I was waiting for my turn to get to the office for an interview I was writing the things that I was observing in order to make sure that I did not miss the things that I have observed while writing the data presentation. After that the researcher had transcribed the recording to a text in to Amharic in order to avoid loss of data from the voice recorder and to capture impressive words that are used by participants while explaining some phenomena on family mediation.

After that the researcher translated the transcribed data to English. The researcher then has read both the translated and transcribed data till finding the points that were raised by the participants. I was underlining and coloring the words in the word document on the issues that explain the situation in detail. After highlighting the sentences of the respondents the researcher picked those terms/concepts that were repeatedly said by the participants as codes and through that process 30 codes were identified. These codes were again categorized in to 11 categories that are similar and have some kind of relationship. Later, three themes were developed that clearly shows relationship between the identified codes and categories. The finding of the research was presented after seeing and checking if the codes can clearly represent the issue under study.

### **3.9. Ensuring Data Trust Worthiness**

“Being a trust worthy as a qualitative researcher means at the least that the processes of the research are carried out fairly, that the products represent as closely as possible the experience of the people who are studied” (Steinmetz, 2003, p.93). The researcher’s first attempts to assure that the collected data are qualified and valid were by having a good rapport and collaborative relationship with the participants. The data that was collected from the participants was assured through triangulation. Checking data obtained by a variety of methods is one way of contributing to trust worthiness.

Triangulation is a process that involves the use of different methods and sources to check the integrity of or extend influences drawn from the data (Ritchie& Lewis, 2003). Thus, the researcher has relied on triangulation of sources to compare the data from different qualitative methods (Observations, interview and documents).

As a result, data gained from interview was cross checked by observation and document review. Observation was also cross checked by in-depth interviews and documents to assure the quality of the data. Findings from the participants were crosschecked by looking at the documents.

### **3.10. Ethical Issues**

While working with human subjects certain steps must be taken to protect the dignity and safety of the research participants (Marvasti, 2004). The research had relied on and considers different ethical issues to protect the participants of the study. Informed consent was given to all participants and key informants so that they can read and sign on the papers if they were willing to participate in the research. In line with that the researcher has written and explained verbally to the participants and key informants that an audio tape is going to be used to ease the process

of data analysis. Anonymity and confidentiality was protected by using pseudonyms for each participant and name of the courts in the case of presenting the number of family cases that have divorced and reconciled. Based on this the researcher had explained in the consent form that this research could also be advantageous for them to show the public that they are striving to improve family relationships and reduce the number of divorce. Considering these ethical issues the researcher had applied them during the data collection and analysis.

## CHAPTER FOUR: DATA PRESENTATION

This part of the chapter presents the findings of the research. It has different sections that encompass the intents of the court to include professional family mediators in the court in the area of family disputes, the prospects of family mediation to families and courts and finally the roles and challenges of professional family mediators. As shown below pseudonyms have been given for both participants and key informants of the study.

### 4.1.1. Description of Participants (Professional Family Mediators)

Table -1 Profile of Professional Family Mediators.

Participants of the study came from the backgrounds of social work, psychology and counseling. There are three females and one male mediator and has worked in the project for 2 to 3 years on voluntary basis.

Pseudonyms	Age	Sex	Educational Status	Position in the Project/ Courts they are Working	Experience as Family Mediator in the Project
Nigist	35	F	1 <sup>st</sup> degree in psychology and 2 <sup>nd</sup> degree in counseling psychology	Volunteer, twice in a week for half day/ Lideta	Three years
Selam	38	F	1 <sup>st</sup> degree in sociology, 2 <sup>nd</sup> degree and PhD in social work	Volunteer, twice in a week for half day/ Yeka	Two years
Hana	36	F	1 <sup>st</sup> degree in psychiatric nursing and 2 <sup>nd</sup> degree in counseling psychology	Volunteer, twice in a week/Yeka	Two years
Nahom	40	M	Trainings on marriage and family counseling	Volunteer, once in a week/ Federal Supreme court	Two years and a half

#### 4.1.2. Description of key informants

Key informants are lawyers, judges and the children's legal protection centers program coordinator and mediation coordinator. The educational background of the key informants is first degree in law. The experience of the lawyers as lawyers and in the project ranges from 0-3 years and from 11 months- 3 years respectively. The judges have the experience from 2- 15 years.

Table -2 Background Information of Key Informants

Pseudo nym	Age	Sex	Job description	Educational Status	Experience/ for the lawyers in the project as well
Hadas	27	F	lawyer	First degree in Law	0/ 3 years and 6 months
Eden	41	F	lawyer	First degree in Law	3 years/ 11 months
Mahlet	37	F	judge	First degree in Law	2 years in family and criminal bench
Meron	30	F	judge	First degree in Law	6 years
Belay	45	M	judge	First degree in Law	15 years
Beza	38	F	lawyer	1 <sup>st</sup> degree in Law 2 <sup>nd</sup> degree in international economic Law	Assistant judge for 2 years, judge for 5 years/ three years
Mulu	42	F	Mediation coordinator	First degree in Law	8 months

All the judges were judges that were currently working in the family bench and the lawyers were employees of the project that give legal aid services to clients who come to the center. Judges are currently changed from one bench to the other, from criminal to civil case. Therefore the researcher took their work experience as a judge rather than as family bench judge.

## **4.2. The Intent of the Court to include Professional Family Mediators**

### **4.2.1. The Child Justice Project Office and the need of its Establishment (CJPO)**

This part of the paper presents the findings that were collected from document review and key informant interview. The major root for the establishment of the project office is article 36 of the Federal Democratic Republic of Ethiopian Constitution that devotes a full article about the rights of children and is stated as:

*'In all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interest of the child'.* (Federal Negarit Gazeta, proclamation No.1/1995)

Under the Child Justice Project Office Children's Legal Protection Centers (CLPC) was established in September 2012 through the collaboration of the Federal supreme court and the African Child Policy forum to guarantee the rights of children coming in contact with the justice system is respected. This center provides legal aid services and psychological services to see the right and best interest of the child is assured. The services that are provided under the center are giving legal aid services to children and those who bring the children, litigate in the and outside the court on issues that threatens the right and interest of the child. It establishes referral network through which children involved in the justice system get legal and psychological services from governmental and nongovernmental organizations. It establishes court advisories to resolve conflict that touches the rights and wellbeing of children through mediation. According to the

finding the target of mediation and the intent of the court to include professional family mediators in the court is to protect the best interest of the child when there are complicated civil cases that might affect the best interest of the child.

One among the many roles of the court is giving decisions on issues like divorce, custody, and maintenance. The mediation coordinator explained it as:

*Every decision which is made by the judges may not guarantee the best interest of the child. Decisions on divorce affect the psychological and social wellbeing of children. In order to keep the best interest of the child the idea of mediation comes from the court to see if there are ways to solve the problems of the parents or if not making peaceful divorce by making agreements on the issue of custody, visitation and maintenance will be made by the parties themselves.*

Now mediation services are being provided in the Federal Supreme Court and First Instance Courts of Yeka and Lideta Bench.

The idea of court-annexed mediation was promoted and courts started to order family conflicts that can be better handled through mediation. According to Judge Eden not every family case is ordered for mediation. She explained the issue as:

*Causes of divorce are many in number such as cheating, being separated for long years and coming here to make it a legal divorce, divorce when DV lottery did not work out, property issue, unwillingness and inability to give birth, and etc... we do not order families for mediation who came here to make their divorce a legal one or with similar issues. Families who have children below 18 and whose cases can be better handled by a professional are the cases we order families to contact a mediator.*

### 4.3. Physical Settings of the CLPC

This part of the paper presents the data gathered from unstructured observation and interview from participants. The three centers where mediation services are provided are all found at the compounds of the courts.

As the federal Supreme Court child justice project is the focal office of all the children legal protection centers it is the biggest and has different offices inside that are used for various purposes. In the three courts there are rooms that are used for the purpose of discussion with kids so that they could feel like they are talking to someone they know. Elaborating about the kids room Nigist said it as:

*If divorce is the agreed decision of the parties I use two sessions to talk with children to make them ready about the separation of their parents. If children are more than three years I make the sessions in this room so they will feel comfortable. Some of the kids express their feelings using pictures and present the issues in their house using pictures. The rooms are used for different purposes depending on the cases of the families.*

To elaborate the use of pictures in sessions with children Nigist smiled and remembered one family and a boy who drew an exact picture that represents the condition in the house as:

*The wife came here in need of divorce with her husband and we discussed issues in different sessions and I once called their son who was seven and he draws a picture. In the bed he draws his father and the maid of the house, on the other bed he draws himself and his brother on the floor he draws his mother. I realized that the father was cheating on his wife with the maid. Then I asked the son how he wants it to be. He erased the maid and replaces the place with the mother and put the maid at the place of the mother. In the next session I asked the father if there are such issues in the house he got very angry and*

*called me a witch. The mother knows well about it but does not want to share it with me.*

*Kids notice things, they express their feelings in pictures than express it with words.*

Federal first instance court Yeka bench is the other court that gives mediation service to the clients who come to CLPC. The project in this court is found on the second floor of the court. The office is a big and has a separated room for mediation. At the left side there are pictures and toys that are used when professionals talk with children who are from 3-7 years old. In the mediation and in the other rooms different quotes are posted in the wall. Some of them are 'protecting the child is protecting the nation', 'widest right of the child is to be grown by the mother and father', 'children and what you make them'. These quotes are posted at every side of the wall and also in the mediation room.

#### **4.4. Trainings and Qualifications of Participants**

There were short term trainings that were organized by the project for the professional family mediators. It was after these trainings that they are given the title of professional family mediator. Findings show that it is only the two mediators who have taken mediation trainings that was prepared by the project office. The two joined the project based on their previous experience as marriage and family counselor and the knowledge on practice with families. In addition to the trainings there were also some on-job trainings that were prepared and organized by the project office to enhance the skills of professional family mediators. The trainings were about skills of mediation, how to approach clients who come to mediation, how to present oneself to clients, what the first sessions of mediation should look like, how to make appointments with clients and etc. There is no certification at all that is given to mediators. Completing the trainings are the what makes mediators a professional family mediator. The other thing is as the office's main targets are children ways of approaching children was another

part of the training. The trainings were given for 3-5 days. Explaining about the on-job trainings Hana explained it as:

*Scenarios were brought and we make role plays. One would be a client and the other will be a mediator. We act based on that and feedbacks will be given, comments on how we approach and communicate as a mediator will be critically seen. It has helped me to improve my mediation skills through the on-job trainings.*

#### **4.5. Causes of divorce**

Findings show that verbal and physical abuse, trust issue but based on evidence, hiding income, sexual incompatibility, when pregnancy is the only reason for marriage and staying in marriage for the sake of children and wanting divorce when children grow up are some of the causes of divorce. Drug abuse, when spouses cannot communicate well, hiding the true history, interference from friends and parents of the spouses, disagreement on the punishment of teenage children the father thinks that the mother is raising the children without manner and the mother thinks that the father is abusing the children were also other reasons of divorce. Living apart for many years and not being happy when moving together especially among women who came back from Arab countries after long years of stay is also another cause of divorce that is mentioned by the participants of the study.

#### **4.6. Benefits of Professional Family Mediators to the Court**

##### **4.6.1. Supporting Parties to Reach to an Amicable Settlement**

Findings depict that participating in mediation has numerous advantages to parties. In mediation conflicting parties are the ones who make the final decision based on agreement whether the decision is divorce or not. This promotes a win-win solution to parties. As mediation is informal that is not bounded with rules and regulations like in the court setting

parties could express their angers, stress and can even cry in mediation. Mediators also encourage them to vent out those feelings that they have been holding for years. In mediation parties speak and also listen to the other side that did not happen for a longer period of time. In this case parties move from individual thinking to common thinking. Hana explained this situation as:

*I thought she was doing this because of this but now I understand that he has been doing all this for this reasons*

During conflicts people only see the things from their own sides. In mediation when they speak and listen to the other side they will understand to each other and move to a shared understanding.

#### **4.6.2. Duration of Mediation**

In mediation parties do not suffer from the long appointments like in the court. Speaking about the duration of mediation Nahom explained it as:

*There are 3 to 4 sessions in mediation which implies that they have come here to contact us, we have talked, they have taken assignments, they have brought back the assignment, we have discussed on the assignments, and they have come to their own decision. This means that we contact them for 3-4 times which is shorter than the appointments in the court to reach to a decision.*

Regarding to the cost of mediation every service in the center is given for free including mediation. Parties do not pay either for the legal or psychological services which are provided in the center.

If parents wants to reconsider their marriage they will learn parenting skill, conflict resolution methods and anger management. Parents who participate in mediation learn about the

effects of divorce on children's education, future relationship, and related issues. Nigist, mediator in the center explained about this as:

*There are some economically well to do women who insist on divorce thinking that they can do everything for their children without expecting anything from the father. For such parents I bring researchers and tell them what a father means to his children and what he contributes for the psychological and physical growth of his children. I bring them researches that compare the educational performance and future relationship of children whose parents are living together peacefully and those who got divorced.*

Some parties do not know the negative consequences of divorce on children and cancel their ideas of divorce when they are told that divorce could affect the psychology of the children and the educational performances of their children. Nigist the mediator explained this benefit by remembering some parents who had changed their idea of divorce to settlement as:

*I did not know that divorce would affect my children's education and their peace at home, so we have decided to live together.*

According to the mediators parents who come to mediation learn to think as 'we' not as 'I'. To elaborate this concept Hana explained those who come to mediation as:

*Most of the time husbands came and say 'what can I do to her and the children, what can I feed them, when they say this before I go to the next step of mediation I teach him to speak and stand as 'we' to start to say what can we do, what can we do for our children. Through this they can come to a common thinking, identify their problems together and reach to their own resolutions by themselves.*

Confidentiality is the other benefit clients get in mediation. Except for issues related to physical abuse and domestic violence every issue discussed with mediators is kept confidential because if parties are unhappy by the mediation service they can precede their cases to the court but none of the secrets are reported to the court.

Mediation also promotes a stronger relationship among parties. Parties openly breathe out everything that they have been holding. When they speak and listen to each other it creates an understanding. Understanding each other gives the chance to apologize for the wrong things that they have done. Remembering about the emails that Nahom has received from a husband who has found his wife cheating as:

*The husband found out that his wife was cheating on him and he has all the evidences when he came for mediation. In the different sessions that we were having an understanding was created she was cheating because he was not giving his wife and family enough time. They asked for an apology and they canceled their petition of divorce and the case was closed. The husband sent me an email that says 'because of the conflict and the resolution I have had the chance to understand and know my wife more than the other past days. If this problem did not happen to our marriage I will not be able to know her more and I am glad I meet you and helped me to look deep in to my marriage and wife'.*

Parents can learn about the difference between relationship and responsibility. Findings show that responsibility is what one has to meet as a parent which is a must and something that cannot be denied. Parents have different responsibilities they have to do for their children.

Expressing this idea in detail Nahom said it as:

*When parties come to mediation I do not discuss about responsibility because responsibility is a must to do thing. I teach them about relationship and tell them that a responsibility when you are in relationship and when you get divorced is not the same. Relationship for those who live together is an easy task because you can help with each other. When you get divorced responsibility is like a burden that you will have to carry. This shows that when living together parents share their responsibility but when they get divorce as their will not be sharing responsibility will be considered as a burden.*

Parties who participate in mediation will have the chance and time to speak and they will listen to the other party, they will have enough time to express their feelings unlike in the court. In general the advantages of mediation shows that parties are both the identifiers and proposers of their own solution that avoids the winner-loser atmosphere like in the court. They will learn different things on the parenting skills, conflict resolution and the effects of divorce on parents and their children. As the process is very informal parties could express their feelings, as much time given to them they will get the chance to speak their issues. Generally speaking parents or parties could get numerous advantages when participating in mediation. Explaining about the benefits and its informal nature of mediation Meron the judge explained it as:

*The informal nature of mediation is only advantageous to the judges and the respondents. Because the workload of the judges will be reduced if parties directly go to mediation. in the case of respondents respondent as the process if informal there is no rule that forces him/her to perform the things that she/he asked. It is informal and it is based on the agreement of the parties. Let families contact the mediator but it has to be court-annexed one. When parties are ordered by the judge to contact a mediator they follow all the procedures properly fearing the court. If they contact mediators directly by themselves*

*the applicants or those who came to apply for custody or maintenance will suffer a lot because respondents does not act in the same way to mediation like the court. People give much respect to the court and wanted to be heard in the court before being referred to another professional.*

Supporting this concept most mediators had responded that as most the mediations are court-annexed one the effectiveness is very low because parties came here just because they are ordered by the court and knowing that a report will be send to the judge about the process of mediation. But this is not the cases for every family. But still mediators are not sure whether parties are participating in mediation fearing the court or they really wanted the service.

When helping parents to reach to a settlement did not work out the next work is helping parents to reach to an agreement on the issue of how to raise their children. They are taught that they are giving the money, making visitations and other issues for the sake of their own children. Some parents think that they are doing those things for their wife/ husband.

Parties who participate in mediation will get empowered. There are times when physical abuse is common and becomes cyclical and also domestic violence. To magnify this Nigist the mediator expressed it as:

*There are some women who are suffering a lot because the physical abuse and domestic violence from the husband. At such cases I tell the women that there are times when she has to say no to violence and tell her that the law is there for her to protect her from physical abuse.*

If parties come to mediation and reach to an amicable settlement it will help them to avoid emotional disturbances, stress that they have experienced as a result of the conflict and can work properly and focus on their work.

In mediation the probability of reaching to agreement is really high as the mediator helps them to look deep inside themselves. In mediation every party thinks that it is the other party who is responsible for the conflict. In mediation different assignments are given to spouses to list the things that they consider as major problems in the house. While discussing these issues with the mediator, the mediator will ask them what their own problems are despite the problems from the other party. Through this process parties will get the chance to look deep inside themselves and figure out what they have done. If understanding is created the probability of reaching to an agreement is very high and both will understand that it is both who were responsible for the conflict. To explain this benefit of mediation Nahom explained it as:

*You said that your husband/wife is doing this and you are not happy how about you? What did you do when he/she did these things? Did you ask her/him why he was doing that? When I asked them such questions they will realize that it is both who is responsible for the conflict in the family. If they agree on their problems they will identify the solutions by themselves.*

In both mediation and application to court it is the women who mostly apply for divorce. In such cases men are always respondents and getting a call from the court will make men/husbands frustrated. To illustrate this idea Eden the lawyer explained about this frustration as:

*Husbands say how dare she do this to me? But when we call them from the center we do not call them respondents rather we call them and ask them to come to the office so that we could discuss some issues about their family. As much as possible we try to persuade them that it is not from the court that we are calling them as we are found at the compound.*

#### **4.7. Promoting the Best Interest of the Child**

Findings show that mediation has two major goals that both aimed at promoting the best interest of the child. Best interest of the child is not only promoted by helping parties so that they can reach to the agreement of living together. The other goal of mediation focuses on helping parents to remain as responsible parents even after separation to keep the best interest of the child which is called a peaceful divorce. This goal helps parties to reach to an agreement on the custody, maintenance and visitation of the child.

All the participants and key informants agreed on the idea that talking to children on trial is not good for their psychology. Cases in the family bench that has children under 18 is done in a closed hearing where there are no audiences so as to protect children from disturbance.

Decisions by the court may only be the favor of one party and that will create a hostile relationship among parties regarding on decision. In mediation issues of custody, visitation and maintenance are based on the agreement of the parties that will minimize the hostile relationship that will come in the case of court. Parties might not get in to conflict as they were the ones who make the final decision.

When parents speak calmly and reach to agreement the first beneficiaries are the children as the main victims of divorce are children. Explaining about the benefit of mediation for children Hadas the lawyer explained it as:

*I had the experience of being judge in the family bench. Children in the court room feel very frustrated, they think of not losing both of their parents and coming to the court by itself is the hardest challenge for children. But in mediation as much as possible we have some pictures and toys for children so they do not feel that they are talking to a stranger.*

When parents participate in mediation they will learn about children's right, parenting skill and effect of divorce on children. Parents will learn that children have to right to eat, drink, shelter and get the necessary accessories as they age. To elaborate this idea Hana explained it as:

*There are some parents who think that children do not have any right and think that they can punish them as they want. In such times I tell them about the rights children have about the responsibility of parents. I tell them that punishing children in a way that physically and psychologically hurt children is a crime. Through this children are beneficiaries as their parents get information on mediation sessions.*

In mediation parents will learn that they do not have to fight in front of their children so as to minimize effect of parent's conflict on the children's education and not hating the fact that they are the members of that family. For this purpose rules are proposed during mediation that controls the communication that must exist in the house till mediation is over. In such cases children think that everything is fine and they will not be disturbed on their education and their inner peace.

Children have different kinds of needs that they get from their parents who live together. They get these needs if they have responsible parents who live peacefully. When parents participate in mediation they will learn about relationship and responsibility. To elaborate this idea Nahom the mediator explained it as:

*If parents live together peacefully because of the lessons that they get from mediation sessions children will get role models at their own house, will live peacefully and happily with both their parents, the son will learn how to be a good husband and father from his father, the girl will learn how to be a good wife and mother from her mother. They will*

*feel guaranteed, children will have a good relationship, and they will have a bright future because of the love and support they get from their parents.*

Children who come to mediation are afraid because they think that they will be asked with whom that they want to live with. To elaborate this Nigist the mediator explained it as:

*There are times when I called children to participate when parents insist on divorce. They feel like I asked them to come to ask them with whom they want to live. When I ask them 'do you know why you came here? They immediately say ' yes, and I want to live with mom/dad. But when I ask them to come to my office I do not ask them to choose where they want to live with. I tell them that "both are separating because of their own problem, both love you so much. Your mother/father will do things they use to even if they are not living with you like before. They will buy you this, they will do everything to you".*

Findings on the benefits of mediation on children show that mediation helps children directly or indirectly so that their rights can be secured, the peace in their house will be secured because of the lessons that parents get in mediation. They will also find their role models at their houses. Children will focus on their studies, they will not get in to the disturbance of choosing where to live, and they will not be asked in the front of the judge. Most importantly their best interest in every aspect whether the decision is divorce or not will be secured.

#### **4.8. Minimizing the Workload of the Court**

Findings from the key informants show that in the case of court ordered mediation, the workload of judges will decrease based on the number of cases that are sent for mediation. In explaining the role of mediation in minimizing the work load of the judges Mahlet explained it as:

*Currently family cases in the court are a lot in number and different issues are raised in the same archive and there is a very high workload that needs the assistance of*

*professionals who can help the family and give us a professional comment by helping parents to find a way so that they could stay in marriage or assess the place where the best interest of the child will be more secured among the parties. Now day's mediators are doing these things and we decide based on the reports that they send us which are also reducing the workload of the judges. But this does not mean that the court is forced to make decisions on the reports but can use it an input for decision making.*

Findings also indicate that there are times when what the reports says and what clients say contradicts. Explaining such conditions Hiwot the judge explained it as:

*When I read the reports that are sent from the center to the parties they refuse that they did not say such things to the mediator at such times I call the mediators to discuss it with them.*

Inconsistent to that the other judge complaining about the role of family mediators in assisting the works of judges he said it as:

*Much is expected from them, but they are not sending us the report on the family on the time that we ask them, clients do not find them at their office as they are not full time workers in the court. I mostly remember those clients who are supported by traditional arbitrators than the professional mediators. They were supposed to assist as more but they are not. I do not even know them in person. All I do if the report is late is taking my own decision.*

Findings from the key informants also show that previously assessing the issue of custody, visitation and maintenance were the responsibilities of the judges. In order to decide on maintenance judges used to contact the organization or the work places of parties to ask payrolls to know the income of the parties and decide on that. In mediation parties themselves negotiate

on those issues and decide on that. By looking at the reports judges tell the parties about their agreements the parties had made with the mediator and if they agree on that the only responsibility of the judge will be passing the decision.

#### **4.9. Roles of Professional Family Mediators**

Depending on the problems that families brought to mediation and the professionals educational backgrounds their roles also varies as they use different kinds of mechanisms. Still there are common tasks they perform in order to assist parties and to promote the best interest of the child. The common tasks are introducing their names, their role, asking the needs of the parties because some came just because the court ordered them, some came with the sense of application to the court, some came thinking that it is women affair. Therefore asking the needs of the parties is found to be the role of mediators. The other things are checking whether there are children who are under 18 as the project serves only those targets of population. After that the issues will be on the appointments with the mediator and telling parties that there will be private as well as common sessions that they will have with the mediator. The final roles of each mediator are report writing if the cases are a court-annexed one to the court and report to the center. The other specific roles are listed as follows.

##### **4.9.1. Facilitating**

In facilitating parties mediators support parties to express their needs and wants. During facilitating mediators ask different questions to understand the problem in detail and to understand their needs. To elaborate this Nahom explained it as follows:

*The wife could say financial problem is the case. My role in facilitating this is that, what is the specific thing, does he hides his income from you? Is he extravagant? Does he not*

*give enough money for the house? Are the questions I ask so as to understand the problem and to make the other party understand why he is doing that.*

In facilitating mediators focus on issues that could help the parties to stay in their marriage by creating an understanding among them.

#### **4.9.2. Preparing Private and Joint Sessions**

The purpose of preparing private session is to help parties to speak about their problems without fearing the presence of the other party. At such times they become free and say what they want to. In this case the role of the mediator is to stay confidential. The other task in private sessions is assignments that are practiced in the office. To elaborate this Nigist the mediator said it as:

*I have adopted the concept of empty-chair technique from psychology. In this technique I ask clients to assume that the other party is sitting in that chair and tell him whatever they want to say to him/her. Some cry, some shout and some sit quite. This technique helps them to vent out their feelings of anger. On the other hand I can understand their problems in detail.*

On the common sessions parties are encouraged to talk and discuss things with the other party. Mediators ask parties to tell what they feel about the party. In the common sessions parties are also encouraged to reach to an agreement on their problems and come up with the same idea about their problems in order to see alternatives that will be solutions to the problems.

On private sessions mediators discuss things in detail to understand the early childhood of the party. In understanding about the childhood experience of parties Nahom explained it as:

*Some husbands most of the time reflect the marriages of their father and grandfather in their marriage that they have seen in their childhood which is mostly abuses wives. It is*

*in private sessions that I discuss the early childhood experience of parties to understand the type of family he was raised in and teach them about relationship in marriage.*

#### **4.9.3. Giving Assignments to be Practiced at home**

Findings show that assignments that are practiced at home are given for those who want to live together. For these spouses mediators ask parties to write different things. Some of the assignments are writing about what their family means to them, what they will feel if they lose their partner, what they expect from the other party and in the family, what the problems in the house are, what they feel about the conditions in the house are some of the questions that parties are asked to do in the assignments that they take home.

The other assignment is to listen to those CD, DVD which is prepared by some professionals who works on the media. Parties listen to those materials about marriage and conflicts and conflict resolution techniques. There are also writings by professionals on marriage that is given to parties to read it and to next time discuss what they have understood in the sessions.

There are times when the issue of single individual is the only problem in the family. In such cases before going to the sessions of mediation, mediators give assignments to those individuals and it is after that they go to the mediation and discuss on the assignments in detail with the help of the mediator.

#### **4.9.4. Educating**

Findings show that in mediation it is not only the cases that brought families to mediation are discussed but issues that will be important for the future life of the families are also well discussed and parents will learn lots of things in the process of mediation that are important for their future life.

Lessons are given to spouses on every session depending on the cases of the family and the problems that they have. Some of the lessons are effects of divorce on children, psych education, sex education, parenting skill and conflict resolution.

In common sessions parties are encouraged to say everything that they want to say to the other partner. In such cases one of the parties may feel so hurt because of the words of the other party. In such cases psycho-education is given to parties. In speaking about psych-education Nigist explained it as

*After joint sessions I meet parties in private sessions and teach them about emotional behaviors of individuals and tell them that people could say anything when they got angry and they do not mean everything that they say, they say it for the sake of saying I and to offend the other party who is in conflict with them.*

The other lessons are given to parents are on the rights of children. They learn that children have the right to basic needs and get the things that they want from their biological parents. In doing to Selam the mediator explained it as:

*Some of the clients do not understand the effect of divorce on children and when I tell them the stories of some children whose educational performances of their children because of the separation of their parents, they got shocked, and in the next session we meet they tell me that they have cancelled their ideas of divorce. The information that we give them in different sessions helps them to make their minds and decide for the best interest of their children. They say that they did not know that children will be negatively affected by the separation of their parents.*

In mediation spouses will learn how to remain as responsible parents if they got separated. They are told that they have to be close to their children and support them in any way they can

even after separation. Those who do not get the right to custody will learn how to remain as a responsible parent. For those who want to reconsider their marriage are though how to manage social life in marriage. Findings show that social lives are those related to friendships, visiting families and reunions and etc... In marriage this kinds of social lives will not be the same as they used to be before marriage as in marriage there are responsibilities for partner and children. Spouses get lesson about social life in marriage.

The other lesson is parenting skill and conflict resolution techniques for parents who want to reconsider their marriage. In mediation parents learn what the relationship between parents and children should look like, how to punish and reward them for the things they do.

Sex education is the other lesson that parents get in mediation. Discussing about sex education Nigist explained it as:

*I teach parents/spouses that women and men have different sexual motives. For men sex is one of the means they went out their angers and stress and women do not want to have sex when they are in such emotional feelings. Wife could say 'how could he wants to sleep with me without supporting me and fulfilling the things that are needed in the family', the husband on the other side could say 'why did I get married if she is not willing to have sex with me?' in such issues my role is giving them lessons about the different issues that makes men and women to have different attitude towards sex. I teach them to understand one another as they have different desires for sex.*

#### 4.9.5. Probing

In probing parents/spouses negotiate and complain on the problems that they have with the other partner. In such activity the roles of the family mediator is asking different questions and help them to see it from another angle or perspective. Mediators ask parties from what angle that they have seen it and asked them if they have seen from the other angle. Words like “what do you mean? From what angle did you see these things? Have you ever seen it from this perspective? These are the commonly asked questions in probing. In such times mediators help spouses to express their feelings to the other party and ask them if they have seen the issue from another perspective.

#### 4.9.6. Giving Direction

There are times when mediators directly or indirectly inform that the behavior or the attitude of parties is wrong. Some of the common issues in marriage are behavioral problems (drinking, coming late home, physical, and verbal abuses, loss of respect and love, communication problems and the like. To elaborate the role of a family mediator when becoming directive Nahom expressed it as:

*The wife could say he does not respect her, he mistreats me in public or such things, and if the husband accepts that I tell him that she is his wife and should respect her before anyone else.*

Adding an example on this Nahom continued as:

*There are some husbands who listens to everything their mother say than their wives. For such husbands I tell them that it is their wife whom they should give priority before their mother. I tell him to make boundaries between his mother and his wife.*

#### **4.9.7. Encouragement**

Parties are encouraged in two ways. In the first session of mediation they are encouraged to vent out the emotional feelings that they have hold in their house and in the court. First sessions are full of screams, cries or in general full of different feelings. Parties are encouraged to vent out all those feelings in mediation. The other way in which parties are encouraged is in the next sessions of mediations. There might be phone calls between disputing parties, text messages, and visitations that took place among parties after the first sessions. Positive changes are well encouraged by mediators.

#### **4.9.8. Bringing Scenarios**

Mediators bring the stories of others or their own to teach and give hope to parties. Nigist explained it as:

*I even bring my stories to give them hope and believe that their marriage can also be improved. I tell them that my parents have lived together for 30 years, when my father becomes aggressive my mother used to do this and say this because of this they were able to live together for the last 30 years. When I tell them this they got hope that their relationship can be solved.*

Adding about the issue of bringing scenarios to parties about the effect of divorce on children she explained it as:

*In teaching them about the negative effect of divorce I bring the stories of other to tell them how the life of the partners and the children suffered a lot because of separation.*

#### 4.9.9. Referral

Referral is another role of family mediators when there are issues of drug abuse, physical abuse, child abuse and psychiatric issues. Referral in mediation comes before going to the actual work of mediation. Speaking about priorities that come before mediation Hana explained it as:

*Living together and agreement on the issue of children are secondary things. There are different tasks that we perform before going to the actual process of mediation.*

When there are physical abuses by husbands there is a place called 'shelter for women' it is a secret place so as to protect the safety of women and they stay there for a while. There are governmental and nongovernmental organizations that cooperatively work with the center to give shelter for children who are suffering from child abuses. The other issues are psychiatric and drug abuse. As Yekatit 12 hospital closely works with the center those with psychiatric issues are referred there. Drug abuse which is the other issues is also referred to other professionals. After referring those clients to different places then issues on the marriage or children are the next tasks of mediators. Nigist in this issue added:

*What if my client lost her life in the middle of mediation? What if children are physically hurt by their parents if I give priority to the conflict and its resolution? Therefore basic needs, physical wellbeing of parties and children, health are given priority before the actual process of mediation*

The other issue can be extreme economical problem. In such cases mediators save some amount of money that is saved in the center and it is given to those clients who have serious economic problems.

The other role of family mediators are persuading the other party to participate in mediation as mediation is a process that is done with both parties. Trying possible alternatives to move from

conflict to a peaceful relationship, promoting the best interest of the child and bringing ideas to families but leaving the decision for them.

#### **4.10. Challenges of Family Mediators**

Findings reveal that challenges come from the work itself, families, the court and the limited resource of the Child Justice Project Office and police officers.

Except for one of the mediator who works in the center once in a week for a half day, the others did not even wait till I finish the question ‘does mediation has a challenge?’ they said it like ‘it has a big big challenge, very much challenging than giving other services. Elaborating this idea Nigist expressed with a very tiresome voice as:

*Mediation is a very difficult task that takes all your energy, feeling and everything. There are times when the stories of your clients cannot go out of mind which makes me feel like I am one member of that family. All I do at such times is discussing those issues with the other mediators by the keeping confidentiality of my clients.*

##### **4.10.1. Challenges from Families**

Findings show that majority of families who come to the center are from lower economic and educational background but there are also some who came from a better educational and economic background for issues on custody, visitation, and maintenance. Because of their lower educational status they cannot clearly understand the assignments that are given to them which affect the process of mediation. In addition to that some parties said that they are not around or are not willing to participate in mediation and the other wants it badly. Some came by their own motive but still with a sense come of application to the court, and some came as it is a women affair office. They do not know what kinds of services are provided in the center. Some families

come just because the court has ordered them which minimize the effectiveness of mediation. They came fearing the court.

Issue of trust on family services as family services are not common in the country. The fact that families come to mediation after several attempts by their relatives, friends and traditional arbitrators, it makes mediation very difficult because clients are already exhausted to do the things that are asked by the mediator.

According to the findings those who were not happy by the traditional arbitrators especially women think that the same will also happen by the services provided by professionals.

Findings also show that some female clients expect the mediators to favor them and to threaten their husband.

Limitation of follow up techniques. Mediators do not know that has happened to parties who have got the services and how are they living which makes them unable to know what has happened to that family. To elaborate this Selam the mediator said it as:

*There are cases that worry us and the follow up techniques are limited as there are no human power in the project. We call them by telephone but that is not enough to understand their condition.*

Supporting the idea of Selam, Nigist on the other hand explained about the limited access to follow up by bringing a story of spouses who come to mediation by the order of the court.

*There were spouses whose cases were drug abusing behavior of the husband and has opened different files in the court several times. Finally, the court orders them to mediation and we openly discuss everything and he asked for her apology and promised her that he will not take any drug anymore and the case was closed by an agreement of*

*the spouses because they love each other so much despite the drug abusing behavior of the husband. The issue of drug abuse is cyclical and needs the support of many individuals and other concerned bodies on the area of drug abuse to help such kinds of issues related to drug abuse. They have reached to an agreement but I doubt if they are living together because I did not know what happened after they have ended the sessions with me. This issue in addition tells the limited resource of referral as well.*

When there are private sessions there are times when the other party follows and come together fearing that the other party could tell some necessary information to the mediator which affects private sessions.

Finds from the mediators show that there are some clients that minimize the roles of family mediators because they have high expectations from mediators. To elaborate this Nigist explained it as:

*There are some clients who say 'is this all you can do to us' I tell them that the decision is all for them and it is them who lives together and that decision cannot be made by me. So I understand them and tell them to decide by themselves.*

#### **4.10.2. Challenges from Police Officers**

As Hana explained it as *'mediation is not an activity that ends in the mediation room it needs the effort of the parties, the mediator, governmental and nongovernmental bodies.* It needs the cooperation of many organs to bring an effective change to the family. She continued as:

*There are times were I have to go and suddenly check the condition of my parties especially is the case is physical abuse or child abuse in such cases i have to go to their house and check the condition of the family. For this reason I need a police who would*

*go with me for any case and my safety and when I ask them to go with me they refuse. All I can do is going there by myself by taking the risk.*

#### **4.10.3. Challenges from Courts and the setting of the center**

All the participants said that judges give them short time to get done with the process and being the reports. As they are all volunteers and as there are also other cases from the center the time that is given to them by the court is very limited as stated by the mediators. Hana explained about this issue as follows:

*There are times when judges give us one week to send them the report. I only work here twice in a week and report writing by itself despite the sessions with clients' needs time. In such tough conditions I try to report to the court and when I send them the report they report that the court had already closed the file by their own decision which makes all the efforts nil.*

When such issues occur mediators ask for additional time, report the case to the center coordinator and if the case is very serious they report it to federal supreme court, child justice project office as it is the focal office for all the centers.

Alongside the judge the setting of the center is also another challenge that is identified by the participants. When parties are called from the center mediators inform the name of the court and follow the center. Clients come fearing the court which minimizes the effectiveness of mediation.

Facilities in the mediation room in one of the courts. The rooms are small and there are other legal aid service providers in the same room and this condition creates disturbances in the office which makes the process of mediation difficult.

There are times when mediation faces stoppage because of the limited nature of referral system because there are issues that need to be addressed before the actual mediation process. To elaborate this limitation Selam explained it as:

*There are lots of clients who came here with financial and health problems and that limit me from helping them because it is the health and the financial problem that comes first before mediation. Telling them they need to go to a mental clinic is considered as 'you are crazy' so as they did not get those services in the nearby areas they do not come again which implies that mediation was interrupted and there is not anything that I can do.*

#### **4.11. Mediated Cases by Professional Family Mediators**

In the centers different families have taken the services provided by professional family mediators. Some reach to settlement and some got divorced but agreed on the issue of children's custody, visitation and maintenance.

Table 3 below shows the cases that were seen by professional family mediators in the three courts (court-ordered and from the center)

The table below presents the data from the family documents from each center and presents the number of families who have received mediation services. As shown below the centers names are represented as C1, C2, and C3. It expresses the number of petition to divorce, number of divorced and reconciled spouses. It also shows the number of cases that were stopped and are on appointment from 2006-2008 e.c.

Table -3 Cases handled by the three courts

Center's name	Year	Petition of divorce	Divorced	Reconciled	Stopped	On appointment
C-1	2006-2008	263	54	142	30	37
C-2	2006-2008	160	60	78	10	12
C-3	2006-2008	38	20	4	6	8
Total in the three courts		461	134	224	46	57

## CHAPTER FIVE

### DISCUSSION

#### 5.1. Limitation of the Study

Besides to the significance the study also has its own limitations. The research only sees the practice of professional family mediation from the professional family mediators and the legal professional's perspective. Much is said about the benefits of mediation but this research does not show whether mediation has brought all the benefits of mediation to families who have received the services. The other limitation of the research is lack of literatures on the area professional family mediation together with the roles and challenges of the family mediators.

This chapter discusses the findings of the research in light with the research questions, objective of the research and related literature of the research. It also gives answers about the prospects of professional family mediation and the roles and challenges of the family mediators.

Findings show that professional family mediators have the back grounds of psychology, social work and marriage and family counselor as a volunteer in the child justice project office, children's legal protection centers. Similar to this Bonnici in 2014 mentioned that a professional family mediator is an impartial and independent person appointed by the court and is professionally qualified to act as such. Most of them are family therapists, social workers, psychologists or lawyers.

Findings show that cheating, physical and verbal abuse of children and spouses, hiding income from partner, sexual incompatibility, drug abuse, inability to communicate well in conversation and interference from close families and friends in the marriage are the major causes of divorce that participants and key informants have reported. Consistent with these findings, a longitudinal research by Amato and Previti (2003) divulges that infidelity, physical

and mental abuse on spouses and children, communication difficulty and interference from parents of the spouses were the major causes of divorce.

## **5.2. The Benefits of Professional Family Mediation to Families and the Court**

According to the findings gained from participants and key informants mediation has several benefits to parties/spouses. Some of the benefits are promoting a win-win solution, it is more informal and parties can express their feelings to each other. Parties get a faster settlements with a less economic and emotional cost, will learn different things from mediation on issues like parenting, conflict resolution, psycho and sex education. Confidentiality to parties because all the cases that were discussed in mediation are not reported to the court because those who are not happy by the mediation services might proceed their cases to court. Empowerment, probability of reaching to an agreement and building a stronger relationship are some of the possible advantages parties could gain from mediation. Likewise according to (Schepard, 2001) mediation has the benefit of increasing the self- determination and empowerment of parties and their ability to communicate, promote the best interest of the child and reduce the economic and emotional costs associated with the resolution of family disputes. In addition to that Tefera Eshetu and Mulugeta Getu (2009) has mentioned that the process in the court is expensive as there are lawyer's fees cost of the court and other fees but mediation is cost effective. Mediation avoids the winner-loser mentality and promotes a win-win solution to parties. Caller (2013) on the other hand has mentioned that mediation protects the confidentiality of parties and that parties will have an agreed deal of control the process and outcome of mediation. According to caller (2013) mediation promotes more satisfaction and faster settlement compared to the formal procedure in the court. Consistent with this Tefera Eshetu & Mulugeta Getu (2009) had

mentioned that mediation is faster, cheaper and less formalized both in terms of process and tailoring results.

Findings from participants show that mediation helps parties to have a stronger relationship as they openly discuss issues of their family with the mediator they can reach to understanding and helps them to know more about their spouses. In line with that Kelly (2014) sees conflict as an opportunity to build a stronger relationship and stronger families and therefore conflict is not a bad thing. The idea pointed out by Kelly in conflict resolution and the findings are similar in a way that conflicts can contribute to a stronger relationship and stronger families. Azcona (1999) has also mentioned that resolutions of conflicts are the very secure steps that bring happiness and fulfillment to the family.

Findings from the key informants depict that mediation minimizes the workload of the court as most family disputes that can better be handled by mediation are ordered for mediation. Judges looking at the reports that are sent from mediation and discussing that with the spouse will make the final decision. Listening to witness and looking for other information are not made by the judges because of the professional mediators who openly discuss the issues with the family and help them to reach at their own decision. In line with this Vanderkool and Pearson (1983), have mentioned that mediation relieves court dockets that are clogged with matrimonial actions and that if mediation is applied this load might be reduced. Related to this Stoesen (2006) stated that mediation can help clear dockets and allow disputing parties to reach at their own resolution. Therefore, according to the findings found from participants and informants professional family mediation is helping parties to move from competitive and destructive relationship to constructive and peaceful relationship. Similarly, professional family mediation is also reducing the workload of the cases that are found in the family benches.

### **5.3. Roles of professional family mediators**

Findings show that mediators play the role of facilitator to support parties to express their needs and wants by asking different questions to parties in order to raise an understanding between parties. If economic problem is the issue the mediator asks different kinds of questions on issues that are related to finance in order to understand the problems and raise an understanding among parties. Kelly (2014) similar with this mentioned that in facilitative mediation parties are encouraged to negotiate in their needs and interests with the help of the mediator facilitating the process. According to Kelly (2014) the role of the mediator is asking parties different kinds of questions regarding the conflict, explores the needs and interests of the parties.

Findings show that encouragement is also another role of family mediators. In this case mediators encourage the positive changes that participants have shown on their relationship such as calling, texting or talking in person. Holding the same idea Drews (2008) has mentioned that in mediation mediators focuses on the positive outcomes of mediation and encourage parties for those positive outcomes.

In mediation the issue of one member of the family can sometimes be the problem in the family. Findings show that there are issues that need to be addressed before the actual mediation. Among these issues drug abusing nature of one of the parties and the behavior of one single individual that could be the cause of conflict in the family. In such cases mediators meet parties in private sessions to work out things with them before going to the actual mediation. In the private sessions mediators would refer parties to a better therapy or study about the childhood and every aspect of the person to understand the behavior in detail. This role of mediators is highly related with family systems theory which suggests that family is a system and members of

the family are pieces of the larger whole who mutually influence one another (Leavel& LeMonda, 2013). In the findings, it was also showed that the behavior of one member could affect the wellbeing of the other members of the family and could be the cause of divorce. In addition to this in psychodynamic theory it was mentioned that early childhood experiences are very central to future relationships that a person is going to have. In the findings it was mentioned that there are some husbands who reflect the types of marriage that they have seen in their childhood in their marriage and does not give respect to their wives. The findings and the theory reflects similar ideas in their view point about the effect of early childhood experience.

According to the findings of the research in confrontation mediators encourage parties to complain about their problems and help them to see it from another perspective or angle. In line with this Barsky (2001) mentioned mediators help parties to understand the conflict from another party's perspective.

Bringing scenarios which is also the other role of family mediators has two major goals. One is to teach clients about the effect of divorce on themselves and their children educational performance, peace and future relationship by bringing the stories of others. The other purpose of scenarios is to give parents the hope that their problems can be solved. Consistent with this finding Foster (2003) has mentioned that mediators work together with the parties to create a story where conflict is replaced by an agreement or settlement because of the stories that are told by the mediator.

In mediation the decision making parties are the spouses themselves. They discuss ideas with the mediator, the mediator also gives ideas and opinions on the solution, but the decision is left for the parties on the idea of amicable settlement or remaining as responsible parents even after separation. In any case the mediator does not make any decision for the parties. In line with

this Hutchison (1999) in the humanistic theory suggests that humans are rational, purposeful and autonomous. This shows that parties/spouses can reach to their own resolution as they are rational, purposeful and autonomous in the decision that they make for themselves and their children. Findings show that mediators have the role of teaching and counseling parties who come to mediation. Inconsistent with this Schepard (2001) has mentioned that mediators work with participants to explore options, makes decision and reach their own agreement. Literatures suggest that mediators have roles of reframing, focusing the parties in the future and best interest of the child. Barsky (2001) has mentioned that mediators have the role of ensuring that the parties view the process as fair, provide space for facilitating client's self-determination and autonomy. Inconsistent to these literatures mediators in the finding have to role of teaching parties on different issues like child right, parenting skills and psycho education which is not mentioned in other literatures.

#### **5.4. Challenges of Family Mediator**

Findings that were found from participants and key informants of the study revealed that the lower economic statuses of families, domestic violence are issues that interfere with mediation because these are the basic things that should be met before taking the actual mediation. Still the referral system is weak which causes stoppage of mediation services. Role minimization, lack of cooperation among police officers, limited follow up techniques, short appointments to get the report of the family they ordered for mediation from judges in the case of court-annexed mediation, contacting the mediator at the final moment after the family is already exhausted, the limited financial and human resource are challenges. Every service given in the center is for free and mediators are all volunteers and work once or twice in a week which makes mediation inaccessible for families want the service either from court order or families who

come to the center directly by their own motives. In line to this, Kelly (2014) identified that deciding whether to use mediation or therapy and inaccessibility of mediation to those who wants to get service at minimum cost are challenges of mediation.

## CHAPTER SIX

### CONCLUSION AND IMPLICATION TO SOCIAL WORK

#### 6.1. Conclusion

Conflict is inevitable in every human interaction which is also true in the case of families. The important point to conceive is about the resolution of those conflicts that can lead the family either into crises or a peaceful life. Conflict resolution of families is a base for the future life of the family.

With a small number of participants and key informants the study has made an effort to explore and had found out the intents of having professional family mediators in the court, the prospects of professional family mediation to families as well as courts and the roles and challenges of professional family mediators who are working in the child justice project office, children's legal protection centers in federal supreme court and first instance courts of Yeka and Lideta benches.

The study participants were professional family mediators who were currently working in the project. In addition to that Judges who are currently working in the family bench, lawyers in the project office, and the coordinator of the children's legal protection centers/ mediation coordinator were key informants of the study. For this effort a qualitative research was applied in order to understand the condition from the professional family mediator's points of view. Under qualitative method a case study was used as a specific method for study. Documents of the families since mediation has started in the courts were used in order to show the exact number of families who have taken mediation services, how many of the families have reconciled, divorced, has stopped and is on appointment since the completion of the data collection.

In-depth interviews with the family mediators and key informant interviews with the key informants were taken in order to find a sufficient data. In addition to the interview document reviews were made to triangulate the collected data from the interview. Interview guidelines and observation check list was used as instruments of data collection.

Findings show that Article 36 of the Federal Democratic Republic of Ethiopian constitution which devotes full article about the right of a child is a base for the establishment of the child justice project office. Decisions by the court might not always secure the best interest of the child. Decisions on child custody, visitation and maintenance might not always consider the best interest of the child. For this reason a project office was established under the federal Supreme Court and under that the children's legal protection centers (CLPCs) were established that could guarantee the best interest of the child.

One among the factors that affects the best interest of the child in civil cases is divorce. Divorce has negative impact on children and the aim of the center is to reduce that effect by helping parents to reach to an amicable settlement and if that did not work promoting a peaceful divorce where parents can remain as responsible parents even after separation was the target of the center. In order to achieve this having professional mediators was found to be important. Therefore, the intention of having family mediators in the court is to keep the best interest of the child. In mediation attempts will be taken so that parents can reconsider their marriage if not they are encouraged and taught to agree about the custody , visitation and maintenance of their children and remain as responsible parents even after separation to support their children and to reduce the negative impacts of divorce on children.

Findings have also revealed that mediation benefits spouses and their children and also the court. Interviews with the key informants have shown that family mediation has decreased

the workload of the court as parties themselves are the ones who make the decision on their problems.

Confidentiality to parties, a win-win solution, informal nature of mediation that invites parties to breath out their feelings which is not possible in the court room are advantages of mediation to parties. Faster settlements for free, learning about parenting skill, conflict resolution methods and sex education, chance to build stronger relationship, opportunity for apologies are other benefits that spouses could get in mediation.

Getting role models from their parents, feeling secured because their parents are living together, protection of child rights are benefits of mediation to children. Not getting in to the feeling of choosing with whom to live, not speaking in the court in front of the judge which psychologically hurts children are the other possible benefits that children could directly or indirectly get from mediation.

Findings show that professional family mediators have the role of facilitating conversation between spouses and helping parents to view the conflict from another perspective. Empowering that the law is there for them to those who are physically and verbally abused, teaching them about parenting skill and the effect of divorce to children are also the other roles of family mediators. Encouraging the positive changes disputing parties have shown in another session, giving assignments to spouses to list the problems in the family, the expectation and the feeling they have if they lose their partner are the roles of family mediators. In addition to that bringing ideas to parties and leaving the decision for them, telling if parties are wrong in some of the things they are doing, confronting parties to see the conflict from the other party's perspective are other roles that are identified in the study. Bringing scenarios to give hope to families and to teach them about different issues from the stories of others, referring parties to

women shelter if there is a physical abuse, to hospitals if there is a psychiatric or other health issue, to foster homes if children are not in safe in their home are the other roles of family mediators. The final role of all family mediators is writing reports to the court in the case of court-ordered mediation and report to the project office in the case of families who directly came to the center.

Findings in the study shows mediation is a very difficult task that takes energy and feelings of mediators as some of the stories stays long in mind, lack of understanding the assignments and other things as most of the families who come to mediation are from lower educational background. Lack of trust on families in the service as professional family service is not common in the country, minimizing the roles of mediators by parties because of high expectation from the process, need of favor from women clients to threaten the husbands as the place of mediation is given in the court compound are some of the challenges of family mediators. Limited referral system that interrupts mediation services, lack of follow up techniques to know the conditions of families who have taken mediation services are living peacefully or not, lack of cooperation from police officers as there are times that needs to go to the homes of parties to see their condition, the short appointments that are given by judges to get the reports in the case of court-annexed mediation are the other challenges that are identified in the study.

## **6.2. Social Work Implication**

The finding of the study on the area of roles and challenges of professional family mediators presents social work education, policy, research and practice implication which are presented below.

### **6.2.1. Implication to Practice**

Findings show that families are benefiting from professional family mediation. They are learning so much from it and are the ones who make the final decisions unlike the court in which the judge impose decision on the parents. Most families come to mediation at the last moment after many attempts by relatives and traditional family arbitrators which make mediation a difficult task. This comes as a result of limited organizations that give family services in the country. Besides to that most do not know about marriage, parenting, and rights of children. Awareness must be created starting from high school about relationship, parenting, marriage and family. Mediation service can be effective if parents know about their own rights and responsibilities together with the rights of their children on the other hand. The petition to divorce will be reduced if much awareness is created on the society.

Findings also depict that there is lack of referral and follow up technique mechanisms. There are parents who need psychiatric support but because of the limited links the mediation will not continue. So the center should look for governmental and non-governmental organizations that could support the process of mediation to have a noble mediation practice.

Mediation unlike the court gives more attention to the psychological and emotional aspects of spouses. It also promotes the best interest if the child more than the decisions in the court. Therefore the practice should be well promoted and appreciated in every courts of the country as it is also reducing the workload of the court in the family bench.

Findings show that physical abuse on women and children are causes of divorce and this issue must be addressed before families come to court after several injuries. There is a need of large number of social workers who could assess conditions of families at micro level and prevent the physical abuse of women and children through referral.

Social workers have many roles in different organizations. One among these roles are working with children and working with families in conflict. Because of the conflict in the house children get disturbed and are even being abused. Social workers should therefore work with children who are suffering a lot because of the conflict of their parents. Findings show that it is only those families who came to the court that get mediation services. There are a lot of families who could suffer from conflicts and cannot come to court because of less awareness or other problems.

Finds had also shown that there is lack of cooperation among police officers for the success of mediation. Trainings should be provided to police officers that mediation is not a task that can only be completed in the mediation rooms but needs the collaboration of other professionals like police officers that could assist the works of mediators.

In general more trainings must be provided in the child justice project centers to legal professionals in order to help families holistically.

### **6.2.2. Implication to Social Work Education**

Social work and mediation holds similar concepts as both rely on engagement, assessment, planning and intervention. In mediation mediators engage with the families in dispute, they assess the problems in the family, help families to plan things and help them to decide for themselves by limiting themselves from making decision for the families.

Social work also promotes empowerment that aims at helping clients to help themselves. Therefore, the education at bachelor, masters or PhD program should focus on mediation as it has similar stand with social work education. Social work can understand families and children more than any other profession. Parikson (2010) has mentioned that a specialist in social work can become a very good mediator because social workers have the ability to work with social

techniques and apply them to resolving a difficult family situation and carry out his/her activities in the paradigm of both trust and partnership with the family which makes them able to find a proper solution to the problem that exists in the family.

In regard with social work education, the curriculum should incorporate conflict resolution mechanisms in the education as one course. Findings show that mediation promotes a win-win solution that can also be applied in other interactions just like families. In addition to teaching the conflict resolution theories, models and therapy the school of Social work should teach students about mediation practically. This will in turn increases the limited number of mediators who are working in the project.

### **6.2.3. Implication to Research**

There is lack of research on the area of professional family mediation in Ethiopia. This might have come due to the fact that it is a new phenomenon in the country. This research has only explored the practice only from the mediator's points of view and those who are involved in the legal system. A further longitudinal study is needed in order to know the impact of mediation on families who have taken mediation service. Post-mediation services must be applied on families who have reached to amicable settlement whether they are living peacefully or not. Those who are separated whether they are visiting and giving maintenance supplies to their children must be assessed in order to see if mediation has brought the changes that are mentioned by participants, key informants and documents.

### **6.2.4. Implication to Policy**

As family conflicts cannot only be viewed from the legal side the family code should include the importance of social and other human behavior professionals so as to bring a sustainable change to the family.

The policies of the country should also appreciate organizations that give psychological and social support to families who are in conflict and meet their needs before they come to courts. Families come to courts and mediation after lots of attempts by significant individuals and there are no organizations that socially and psychologically support them before going to the court.

As it has been shown in the finding of the research it is only four mediators who are working in the project as volunteers because of the limited budget of the project. Government should pay more attention to families in conflict and come to mediation by investing more on budget to the child justice project so as to increase the number of mediators to promote the best interest of children and help parents to reach to their own agreement.

The policy should include family mediators as part of either the project or court by creating a work position for mediators so families could get the services every time they come to the court. This will expand the service and increase the accessibility of the service.

The education policy should also include issues that can teach about relationship, marriage, children, family and the like in the civic and ethical education starting from high schools in order to raise the awareness of the young generation about family. Healthy family can produce healthy individuals who could do so much for the country and promote development in every sector.

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## **Appendices**

### **Appendices A**

#### **Informed Consent for professional Family Mediators**

My name is Adyam Adnew and I am a student at Addis Ababa University School of social work. The reason why I am here today is because I am doing a thesis on the prospects and challenges of professional family mediators in the court. The purpose of the study is to explore the general work experiences of family mediators who practice court-ordered family mediation. It aims at identifying who family mediators are in our context, benefits of having family mediators in the court for the court and the family, the model standards of family mediation, the models of mediation that are utilized by family mediators, the guiding principles that regulate the working behavior of family mediators and finally the roles and challenges that family mediators have in mediating families who come to the court for the help of legal and social services. I request you to answer a number of in-depth interview questions that will be recorded in audio tape based on your willingness which might take a maximum of 40 minutes. There are no incentives that will be given because of your participation. It will be a benefit for you to show the public about the role of professional family mediators in the court. Every point that you will raise in the interview process will be kept confidential. The researcher is the only person who will have the access to listen to the recordings. All the information will be stored in a safe place and will be deleted after the submission of the research. In the publishing of the research there will not be any means that will personally identify the information that you will give. Your name will be changed to another name or will be represented in number. You can ask any question about the research and I will answer your questions. Your participation is completely voluntary.

Name ----- signature----- Date-----

## **Appendices B**

### **Informed Consent for Legal Professionals**

My name is Adyam Adnew and I am a student at Addis Ababa University School of social work. The reason why I am here today is to conduct an interview with legal professionals who know the role of professional family mediators or work cooperatively with family mediators. The purpose of the study is to explore the general work experiences of professional family mediators. It aims at identifying the benefits of having professional family mediators in the legal system, the model standards of family mediation, the models of mediation that they utilize in family mediation, the guiding principles that regulate the working behavior of family mediators and finally the roles and challenges family mediators have. I request you to answer a number of questions that will be recorded in audio tape based on your willingness and will take a maximum of 30 minutes. There are no incentives that will be given for your participation in the research. The interview has the aim of getting information about your knowledge about professional family mediators' role in the legal system or the logic why professional family mediators are included in the legal system to assist families in conflict and need resolutions for their conflict and besides to that the research aims at understanding the working relationship that family mediators have with the legal professions on handling family conflict cases. Every point that you will raise in the interview process will be kept confidential. The researcher is the only person who will have the access to listen to the recordings. All the information will be stored in a safe place and will be deleted after the submission of the research. In the publishing of the research there will not be any means that will personally identify the information that you will give. Your name will be changed to another name or will be represented in number and any detail that might identify you will be removed. You can ask any question about the research and I will answer your questions. Your participation is completely voluntary.

Name ----- signature----- Date-----

## **Appendices C**

### **Informed consent for the Child Justice Project children's legal protection centers program and mediation coordinator.**

My name is Adyam Adnew and I am a student at Addis Ababa University graduate school of social work. The reason why I am here today is because I am doing my thesis on professional family mediators. The purpose of the research is to identify the prospects and challenges of family mediators while working on the court-ordered family mediation. It aims at who family mediators are in our context, their prospects to the family and the legal system, their roles and challenges they have while working as family mediators. I will request you to answer some questions whose answers are very important for my study. Besides to benefiting the researcher it would also be a good opportunity for you to show the public what you are doing in order to create a settled family. The interview would take a maximum of 30 minutes. Based on your willingness I would like to record the interview which will be deleted after the submission of the final paper. Your participation is completely voluntary.

Name----- signature----- date-----

## **Appendices D**

### **Interview Guide for Professional Family Mediators**

#### **A) General information:**

A. Name B. Age C) sex D) Educational status E) Current work status other than family mediator E) work experience as professional family mediator

#### **B. Information about professional family mediation**

1. How did you become a member of the project (employee or volunteer)
2. What are the paths that that you have to pass in order to be a professional family mediator?

Probe: qualifications for being a family mediator in the court (any short term trainings)

3. What is family mediation and family mediators for you?

Probe: how do you define the term family mediation in the court and the practitioners?

4. What do you think is the reason behind to make professional family mediators part of the legal system.

#### **C. Information on the Benefits of Family Mediation**

1. How do you see the benefits of family mediation to families compared to the formal process in the court?

Probe: what are the possible benefits families could get from mediation? (For spouses and the children and parts of the families who lives in that house hold?)

2. As there are plenty of models that are used in family mediation what are the professional models and strategies that you apply when mediating these families.

#### **D. Information on the Roles of family Mediators**

1. What are your roles in the court as professional family mediators?

Probe: the roles you have with the families and while working with other legal service professionals

#### **E. Information on the Challenges of Family Mediators**

1. Does family mediation have challenges? If yes, what are the challenges you think family mediation faces. Would you witness me some of the challenges that you face on your stay as a family mediator in the court? ( it could be from the families, legal professionals and from the administration)
2. How do you handle the challenges that you face?

#### **F. Information about families who came to mediation and the process of mediation**

1. What is your first activity when families come to mediation service?
2. Think of the families who were ordered by the court to take mediation.
  - What are the types of families who come for mediation (number of children, economic status, educational level, how long they have stayed in marriage) will be good if you also add about their level of willingness and unwillingness.
  - What are the common causes that brings families to the court and then to a mediation service?
  - Have you ever that mediation service for that particular family is no longer helpful?

Probe: conditions where mediation is not important for that specific family rather other services like counseling and therapy? In such cases what kinds of actions do you take?

- How long does mediation takes in order to reach at a decision?

- Probe: compared to the formal process in the court which one is preferable for a faster settlement?
- Are there times where children participate in mediation? If yes, in what conditions and what are the criteria that are used to choose the children?
- Are there any systems that you use to follow up families who reached to agreement?

Probe: visitation to the homes of the families to understand their condition including the children.

- How do you evaluate your success on mediation? Would you share me some of your successful stories where you mediated families and help them to reach to an agreement?
- How do you see the relationship that you have with other legal service professionals?

Probe: working cooperatively, sharing ideas and etc...

Thank you for your participation!!

## Appendices E

### Interview Guide for Judges

#### A) General information:

- A. Name    B. Age    C. Sex    D. Educational back ground D. Work experience  
as a judge

#### B) Information on family mediation

1. How do you define professional family mediation
2. From your work experience as a judge what are the common issues that brings couples for divorce and who is the one who mostly apply for divorce? (husband or wife)
3. Previously family conflicts were handled by arbitrators who are selected by the families themselves. Related to this what makes professional family mediator role different from arbitrators?
4. Do you think family mediators help families in conflict? If yes would you witness me some of the moments that families were advantageous because of the mediation services provided by professional family mediators?
5. What are the types of family issues that you order families to contact a mediator?
6. After you order the families to contact a mediator how do you see their willingness to contact with a mediator? Who is likely to accept the request and who disagree to contact with a mediator?
7. Do you think it is important that family conflicts are referred to mediators? If yes why?
8. In addition to assisting families in conflict, are there conditions where family mediators are also helpful for the legal system? Probe: do family mediators contribute anything to the court?

9. How do you see the work relationship you have with family mediators?
10. By whom do you think are families especially children more assisted? From the formal procedure in the court and mediation thorough professional family mediators.

Thank you for your participation!!

## **Appendices F**

### **Interview Guide for Lawyers**

#### **A) General Information:**

A. Name B. Age C. Sex D. Educational Back ground E. work experience as a lawyer

1. From your own perspective how do you define professional family mediators in the court?
2. Where there times you work with professional family mediators? If yes would you share me the conditions or cases that you work collaboratively with the family mediators?
3. How do you see the role of professional family mediators in assisting families in dispute?
4. What is your stand regarding to are families (spouses with their children) more beneficial because of mediation than the formal process in the court system? If yes what do you think are the possible benefits that families could get because of mediation?

Thank you for your participation!!

## **Appendices G**

### **Interview Guide for the Child Justice Project children's legal protection centers program and mediation coordinator**

#### 1. General Background

- A. Name B. Age C. Sex D. Educational Back ground E. work experience in the project.

#### **Information on the Project**

1. As the founder of the child justice project, when was it established, by whom was it established and what was the aim of its establishment?

#### **Information on Family Mediation**

1. As the founder of the project what was found important to include professionals to assist families in dispute?
2. Who is the authorized body to entitle these professionals as professional family mediators?
3. Is there any training that is given to the family mediators in order to practice family mediation? If yes, what are the kinds of trainings that are given to these professionals in order to assist families in conflict? And for how long do they take the trainings?
4. How do you define professional family mediators in your perspective?
5. Alongside with the trainings what are the other criteria that are expected from a family mediator in order to be part of the project?
6. Are there domestically drafted or internationally adapted family mediation standards and guiding principles that are used in family mediation? If yes what are they?
7. How do you see the success of family mediation? Probe: is it helping the families, do they settle because of the mediation services or the cases are proceeding to the court?

8. Do you think courts are getting benefits because of the mediation service provided by these professionals? If yes how?
9. All the professionals are volunteers is there any special reason why they are all volunteers? Are there any plans in the future to practice family mediation by employees of the court or project?
10. What does your work relationship with other professional in the court look like? Probe collaboration to help families in dispute

## **Appendices I**

### **Observation Check List**

- A) Upon the consent of the families and the professional family mediators I will observe some parts of the mediation sessions
- B) The place where mediation takes place
- C) How the files of the families are documented
- D) What does the work relationship that family mediators have with other legal professionals looks like

**የፈቃድ መጠየቂያ ቅጽ ለባለሙያ የቤተሰብ አስማሚዎች**

ስሜ አድያም አድነው ሲሆን በአዲስ አበባ ዩኒቨርሲቲ የሶሻል ወርክ ት/ቤት ድህረ ምርቃ ፕሮግራም ተመራቂ ተማሪ ነኝ የጥናቱ ርዕስ “Court-ordered family mediation by professional family meditors: the prospects and challenges of family mediators ሲሆን የጥናቱ ዋና ዓላማ የባለሙያ የቤተሰብ አስታራቂዎችን የስራ ልምዳቸውን ማወቅ ነው በዚህ ጥናት ላይ በሀገራችን ላይ የባለሙያ የቤተሰብ አስታራቂዎች ማን እንደሆኑ፣ ባለሙያ የቤተሰብ አሳማሚዎች ለቤተሰቡ ብሎም ለፍርድ ቤቶች እያበረከቱ ያለውን አስተዋጽኦ፣ በፍርድ ቤት ውስጥ የቤተሰብ ማስማማት መመሪያ ደንቦችና መርሆች ካሉ እነሱን መረዳት፣ የቤተሰብ ማስማማያ ስልቶች ምን እንደሆኑ በስተመጨረሻም የባለሙያ የቤተሰብ አስማሚዎችን ሚና እን ተግዳሮቶች ምን እንደሆኑ ለማወቅና ለመረዳት ይዳስሳል።

እነዚህ ጥያቄች ላይ በሚያተኩረው ቃል መጠይቅ ላይ የምትሰጡኝ መልሶች ለጥናቱ በጣም ጠቃሚ ስለሆኑ ግልፅ እና ዝርዝር መረጃዎችን እንደትሰጡኝ በትህትና እጠይቃለሁ ቆይታችን ግፉ በል አርባ ደቂቃ የሚወስድ ሲሆን ፈቃደኛ ከሆናችሁ ቃለ መጠይቁን በመቅረፅ ድምፅ እንድቀዳው እጠይቃለሁ ስለተሳትፋችሁ የምታገኙት ምንም ማበረታቻ ባይኖርም ለማህብረሰቡ የተረጋጋ ቤተሰብና የፍቺ ቁጥርን ለመቀነስ የምታደርጉትን ጥረት ለመግለፅ ጥሩ አድል ይፈጥራል በውይይታችን ላይ የምቀነሱት እያንዳንዱ ነጥብ በሚስጥር ይጠበቃል በጥናቱ ህትመት ጊዜም የአናንተን ማንነት በግልፅ የሚጠቁም መረጃ እንዳይኖር የጥናቱ ባለቤት ስማችሁን በቁጥር አሊያም በሌላ ስም ይተካል ግልፅ ያለሆናችሁን ማንኛውንም ጥያቄ የጥናቱን ባለቤት መጠየቅ ትችላላች ተሳትፋችሁ በሙሉ ፈቃደኝነት ላይ የተመሰረተ ነው።

ስም----- ፊርማ----- ቀን-----

**የፈቃድ መጠየቂያ ቅፅ ለህግ ባለሙያዎች እና ለህጻናት ፍትህ ፕሮጀክት ህጻናት ህግ ከሌላ ማከል ሚዲሽን COODNIATOR**

ስሜ አድያም አድነው ሲሆን በአዲስ አበባ ዩኒቨርሲቲ የሶሻል ወርን ት/ቤት ድህረ ምርቃ ፕሮግራም ተመራቂ ተማሪ ነኝ የጥናቱ ርዕስ “Court-ordered family mediation by professional family meditors: the prospects and challenges of family mediators ሲሆን የጥናቱ ዋና ዓላማ የባለሙያ የቤተሰብ አስታራቂዎችን የስራ ልምዳቸውን ማወቅ ነው በዚህ ጥናት ላይ በሀገራችን ላይ የባለሙያ የቤተሰብ አስታራቂዎች ማን እንደሆኑ፣ ባለሙያ የቤተሰብ አሳማሚዎች ለቤተሰቡ ብሎም ለፍርድ ቤቶች እያበረከቱ ያለውን አስተዋጽኦ፣ በፍርድ ቤት ውስጥ የቤተሰብ ማስማማት መመሪያ ደንቦችና መርሆች ካሉ እነሱን መረዳት፣ የቤተሰብ ማስማማያ ስልቶች ምን እንደሆኑ በስተመጨረሻም የባለሙያ የቤተሰብ አስማሚዎችን ሚኒ እነ ተግዳሮቶች ምን እንደሆኑ ለማወቅና ለመረዳት ይዳስሳል።

በአንዚህ ጥያቄች ላይ ለሚያተኩረው ቃለ መጠይቅ ላይ የምታውቁትንና የሚሰማችሁን አንድ-ትነግሩኝ በትህትና እጠይቃለሁ ከነዚህ ጥያቄዎች በተጨማሪም ባለሙያ የቤተሰብ አስማሚዎች ከህግ ባለሙያዎች ጋር ያላቸውን የስራ ግንኙነት ይዳስሳል ቆይታችን ግፉ ቢል ሰላሳ ደቂቃ የሚወስድ ሲሆን ፈቃደኛ ከሆናችሁ የምትሰጡኝን መረጃ በመቅረፅ ድምፅ እንድቀዳው እጠይቃለሁ በዚህ ጥናት በመሳተፋችሁ ምንም የምታገኙት ማበረታቻ የለም የምትሰጡኝ ማንኛውም መረጃ በጥንቃቄ ይቀመጣል በጥናቱ የህትመት ጊዜም የእናንተን ማንነት በቀጥታ የሚጠቁም ነገር አንዳይኖር የጥናቱ ባለቤት ሰማችሁን በቁጥር አሊያም በሌላ ስም ያተካቸዋል ስለ ጥናቱ ማንኛውም ግልፅ ያልሆነላችሁ ነገር አለ መጠየቅ ትችላላች ተሳትፋችሁ በሙሉ ፍቀደኝነት የተመሰረተ ነው።

ስም ----- ቀን----- ፊርማ

**ባለሙያ ቤተሰብ አስማሚዎች ቃለ መጠይቅ መነሻ ጥያቄዎች**

**ሀ. ጠቅላላ መረጃ**

1. ስም
2. ፆታ
3. የትምህርት ደረጃ
4. በቤተሰብ አስማሚነት የስራ ልምድ

**ለ. በቤተሰብ ማስማማት ላይ የሚያተኩሩ ጥያቄዎች**

1. ይህንን ፕሮጀክት እንዴት ተቀላቀሉት በተቀጣሪነት ወይስ በበጎ ፈቃድ
2. ባለሙያ የቤተሰብ አስማሚ ለመባል ምን ምን ስልጠናዎችን ወስዳዋል? ማብራሪያ፡- አንድ ሰው ባለሙያ የቤተሰብ አስማሚ ለመባል በምን ትምህርት ወይም ስልጠና ብቁ መሆኑ ይጠበቅበታል?
3. በእርሶ አመለካከት በባለሙያ የሚካሄድ የቤተሰብ ስምምነት እንዴት ይገልፀታል? ባለሙያዎቹንስ?
4. በእርስ አመለካከት ባለሙያ የቤተሰብ አስማሚዎች በፍርድ ቤት ውስጥ እንዲኖሩ የሚያደረጉ ምክንያት ምን ይመስልዎታል?

**ሐ. ቤተሰብ የማስማማት ስራ ለቤተሰቦቹ ስለመኖረው ጠቀሜታ የሚያተኩሩ ጥያቄዎች**

1. የቤተሰብ የማስማማት ስራ ለቤተሰቦቹ (ለልጆች) ያለውን ጠቀሜታ እንዴት ይገለፀታል በተለይም ከመደበኛው የሕግ አሰራር ጋር ሲወዳደር (ማብራሪያ የቤተሰብ ግጭቶች በባለሙያ መታየታቸው ለወላጆችና ለልጆች ያለውን ጥቅም፡፡ ምንድን ነው?

**መ. የቤተሰብ ማስማሚያ ስልቶች ላይ የሚያተኩር ጥያቄ**

1. ብዙ አይነት የቤተሰብ ማስማሚያ ስልቶች እንደሉ ያታወቃል ከነዚህ ቤተሰቦችን ለማስማት ከሚደሩን ስልቶች እናንተ የትናቸውን ስልቶች ትጠቀማላችሁ ለምን?

**ሰ. የቤተሰብ ማስማማት ሂደት ላይ ስላሉት ደንቦችና መርሆች ላይ የሚያተኩሩ ጥያቄዎች**

1. ከአለም አቀፍ ደንቦችና መርሆች ላይ የተወሰዱ ወይም እዚህ ሀገር ላይ የረቀቁ ደንቦችና መርሆች አሉዎቸው? ካሉ ምን ምን ናቸው? የእነዚህ መመሪያ ደንቦችና መርሆች መኖር ጥቅም ምንድናቸው ብለው ያስባሉ?

ፈ. የቤተሰብ አስማሚ ባለሙያዎች ሚና ላይ የሚያተኩሩ ጥያቄዎች

1. በዚህ ፕሮጀክት /የህፃናት ፍትህ ፕሮጀክት ውስጥ የእናንተ ተቀዳሚ ሚናዎች ምን ምን ናቸው።  
ማብራሪያ፡- ሚናዎችዎችን ከቤተሰብ ጋር እና ከህግ ባለሙያዎች ጋር ያለዎትንም አብራርተው ቢገልጹልን.
2. እንደ ሰጠህ ፈቃደኛ ይህንን ስራ መች መች ነው የሚሰሩት እና ለምን ያህል ሰፍተዋል?

ሠ. ባለሙያ የቤተሰብ አስማሚዎች ያሉባቸው ተግዳሮቶች ላይ የሚያተኩሩ ጥያቄዎች

1. በባለሙያ የሚሰሩ የቤተሰብ ማስማማት ስራ ተግዳሮቶች አሉ? ማብራሪያ ካሉት ምን ምን ናቸው? ከገጠሞች ልምድ ሊያከፋሉኝ ይችላሉ?
2. ተግዳሮቶቹን እንዴት ነው የምትፋቷቸው?

ሸ. የቤተሰብ ማስማማት ሂደት ላይ እና ቤተሰቦቹ ላይ የሚያተኩሩ ጥያቄዎች

1. እንደ ጊዜ መለስ ብለው ከዚህ ቦታ ላይ በፍርድ ቤቱ ትእዛዝ መሰረት ወደ በዚህ የመጡትን ቤተሰቦች ያስተውሏቸው
  - 1.1. በአብዛኛው ምን አይነት የቤተሰብ ሁኔታ ላይ ያሉ ሰዎች ናቸው ወደ ፍርድ ቤት ለፍቺ በመቀጠልም ወደ ባለሙያዎች የሚመጡት (የቤተሰቡ የኢኮኖሚ ደረጃ፣ የትምህርት ደረጃ በትዳር የቆዩበት ጊዜ፣ የልጆች ብዛት እና የመሳሰሉት ?)
  - 1.2. በአብዛኛው ጊዜ እነዚህን ቤተሰቦች ወደ ባለሙያ የሚያመጧቸው ምክንያት ምንድን ናቸው?
2. በዚህ ስራ ላይ ሆነው ይህ ቤተሰብ ከስምምነት ይልቅ ሌላ አይነት እንክብካቤ ነው የሚያስፈልገው ብለው አስበው ያውቃሉ? አዎ ከሆነ በምን አይነት ችግርና ሁኔታ ላይ ያለን ቤተሰብ ነበር እንዲህ ያሉት? ምን አይነት አገልግሎት ነበር የሚያስፈልጋቸው? በዚህ ሁኔታ ውስጥ እርስዎ ምን ያደርጋሉ?
3. አንድ በግጭት ውስጥ ያለ ቤተሰብ በባለሙያ አስማሚ ምክንያት በሚሰጠው አገልግሎት ምን ያህል ጊዜ የፈጀበታል?  
ማብራሪያ ከመደበኛው የህግ አሰራር ጋር ሲወዳደር የትኛው አካሄድ ቤተሰቡ በተሎ መፍትሄ እንዲያገኝ ይረዳዋል?
4. ህፃናት በቤተሰብ ስምምነት ሂደት ላይ ተሳትፎ የሚያደርግባቸው ሁኔታዎች አሉ? አዎ ከሆነ በምን ዓይነት ሁኔታዎች ላይ

5. በዚህ አገልግሎት ስምምነት የደረሱ የታወቁ ቤተሰቦችን ክትትል የምታደርጉበት ሁኔታ አለ?  
ካለ ምን ዓይነት
6. በዚህ ስራ ውጤታማነታቸውን እንዴት ይገልጹታል? ካሎቻችሁ ልምድ በመነሳት በዚህ  
አገልግሎት ስለተስማሙ ቤተሰቦች ትንሽ ቢያጋሩኝ
7. ከሌሎች የህግ ባለሙያዎች ጋር ያሉዎትን የስራ ግንኙነት እንዴት ያዩታል? ማብራሪያ አብሮ  
የመስራት ባህሉና ሀሳቦችን ከመለወጥ አንጻር

**ለዳኖች ቃለ መጠይቅ መነሻ ጥያቄዎች**

**ሀ. ጠቅላላ መረጃ**

1. ስም
2. እድሜ
3. ሦታ
4. የትምህርት ደረጃ
5. የስራ ልምድ በዳኝነት

**ለ. በቤተሰብ ማስማማት ላይ የሚያተኩሩ ጥያቄዎች**

1. ባለሙያዊ የቤተሰብ ማስማማትን እንዴት ይገልፁታል?
2. ከዚህ በፊት በነበረው ልምድ የቤተሰብ ግጭቶች በአብዛኛው የሚታዩት በሽማግሌዎች ነበር ከዚህ ጋር በተያያዘ ባለሙያ የቤተሰብ አስማሚዎችን ሚና እንዴት ያዩታል?
3. አንድ ፍርደ ቤት ዳኛ ምን አይነት የቤተሰብ ጉዳዮች ነው ወደ ባለሙያ የቤተሰብ አስማሚዎች የሚልኩት?
4. በግጭት ላይ ያሉ ቤተሰቦችን ባለሙያ የቤተሰብ አስማሚዎች ይረዷቸዋል ብለው ያስባሉ? አዎ ከሆነ እንዴት? በዚህ አገልግሎት ተጠቃሚ ከነበሩት ሰዎች የሚስታወሱት ቢያጋሩኝ?
5. ቤተሰቦችን ከማስማማት ባለፈ ባለሙያዎቹ ለፍርድ ቤቱ ምን አስተዋፅኦ ያበረክተሉ? ማብራሪያ የስራ ክመቀነስ ወይም ሌላ::
6. ከቤተሰብ አስማሚዎች ጋር ያለዎትን የስራ ግንኙነት እንዴት ያዩታል? ማብራሪያ የቤተሰቡን ጉዳይ ወደ ባለሙያዎች ከተላከ በኋላ በእናንተ እና በባለሙያዎች ያለው የስራ ግንኙነት ምን ይመስላል?

**ለጠበቆች ቃሉ መጠይቅ መነሻ ጥያቄዎች**

**1. ጠቅላላ መረጃ**

- 1.ስም      2.እድሜ      3.ፆታ      4. የትምህርት ደረጃ      5. በጠበቃነት የስራ ልምድ

2. በእርሶ አመለካከት ባለሙያ የቤተሰብ አስማሚዎችን እንዴት ይገልጻቸዋል?

3. ከባለሙያ የቤተሰብ አስማሚዎች ጋር የምትሰሩበት አጋጣሚ አለ? አዎ ከሆነ ምን አይነት የቤተሰብ ጉዳዮች ላይ ነው አብራችሁ የምትሰሩት

4. ባለሙያ የቤተሰብ አስማሚዎች በፍርድ ቤት ውስጥ ያላቸውን ሚና እንዴት ይገልፁታል?

5. በእርስ አመለካከት ከመደበኛው የፍርድ ቤት ሂደት እና በባለሙያ ከሚካሄደው የቤተሰብ ማስማማት ስራ ቤተሰቡን በተለይም ልጆችን የበለጠ ተጠቃሚ የሚያደርገው የትኛው ነው ብለው ያስባሉ? በቤተሰብ አስማሚዎች ካሉ ቤተሰቡ በእነዚህ ባለሙያዎች በሚሰጠው አገልግት ምን ምን ጠቀሜታዎች ያገኛል በፍርድ ቤት ካሉ ምን ምን ጠቀሜታዎች አሉት?

**ለፍትህ ለሀገርና ፍትህ ፍትህ ጽህፈት ቤት ሀላፊ ቃለ መጠይቅን መነሻ ጥያቄዎች**

**ሀ. ጠቅላላ መረጃ**

- 1. ስም 2. እድሜ 3.ፆታ 4. የትምህርት ደረጃ 5. በዚህ ፍትህ ሀላፊ የሥራ ልምድ

**ለ. ፍትህ ሀላፊ የሚያተኩሩ ጥያቄዎች**

- 1. ይህ ፍትህ ሀላፊ ለማን ተቋቋመ? በማን ተቋቋመ? ሲቋቋም ምን ምን ዓላማዎችን አንግቦ ነበር የተነሳው?

**ሐ. ስለ ባለሙያ የቤተሰብ ስምምነት ሀላፊ የሚያተኩሩ ጥያቄዎች**

- 1. እንደ ፍትህ ሀላፊ ባለሙያ የቤተሰብ አስማሚዎች በግጭት ላይ ያሉ ቤተሰቦችን በባለሙያዎች እንዳታዩ የተቋቋመው በምን ምክንያት ነበር?  
ማብራሪያ ባለሙያ የቤተሰብ አስማሚዎች ፍርድ ቤት ላይ እንዲኖሩ ያስፈልገበት ምክንያት ምንድን ነው?
- 2. እነዚህ ባለሙያዎች ባለሙያ የቤተሰብ አስማሚ የሚለውን ስም የሚሰጣቸው ማነው? ይህንን ስም ለማግኘት ምን ምን ነገሮች ማሟላት ይጠበቅባቸዋል ማብራሪያ ስልጠናዎችን አሉት?
- 3. አስማሚዎች ስልጠና ውጪ ከነሱ የሚጠበት የተለየ ባህሪ ወይም መስፈርት አለ? ካሉ ምን ምን ማሟላት ይጠበቅባቸዋል
- 4. በእርስ አረዳድ ባለሙያ የቤተሰብ አስማሚዎችን እንዴት ይገልጻቸዋል?
- 5. ከአለም አቀፍ የተወረሱ ወይም በሀገራችን የረቀቁ መሰረታዊ ቤተሰብን የማስማት ደንቦች እና መርሆች አሉ ? አዎ ከሆነ ምን ምን ናቸው? ከአለም አቀፍ ከሆነ ከየት የወሰዱ ናቸው? በሀገራችን የረቀቁ ከሆነ ማው የረቃቃቸው?
- 6. በቤተሰብ ማስማማት ስራ ላይ ውጤታ ማላታችሁን እንዴት ነው? ቤተሰቦች እየተስማሙ ነው ወይስ ጉዳያቸው ወደ ፍርድ ቤት እየተመለሰ ነው?
- 7. ይህ ፍትህ ሀላፊ የሚሰጠው በከተማዎችን ባሉት ሁለት የመጀመሪያ ደረጃ ፍርድ ቤቶች እና በጠቅላይ ፍርድ ቤት ውስጥ ነው? ለዚህ የተለየ ምክንያት አለ? ከዚህ በኋላ እንደ እቅድ የተያዙ ነገሮች አሉ ማለትም በባለሙያ የተደገፈ ቤተሰብ የማስማማት ስራ በሌሎች የሀገራችን ከተማዎች ላይ?
- 8. ፍርድ ቤቶች ላይ ካሉት የህግ ባለሙያ እና አስተዳደር ላይ ካሉት ሰዎች ጋር ያላችሁን ግንኙነት እንዴት ያዩታል።

### **የቅኝት ዝርዝር**

1. የቤተሰብም ስምምነት ሂደት እንዴት እንደሚካሄድ የተወሰኑ ክፍሎች ላይ በመገኘት መመልከት
2. የቤተሰብ ስምምነት የሚካሄድበትን ቦታ ማየት
3. የቤተሰብ ፋይሎች እንዴት እንደሚቀመጡ ማየት
4. ባለሙያ የቤተሰብ አስማሚዎች ከሌሎች የህግ ባለሙያዎች ጋር ያላቸውን የስራ ግንኙነት መመልከት