

Court Annexed Mediation Service...

Court annexed mediation service in divorce cases: The case of four Federal courts

Addis Ababa Ethiopia

By: Bezawit Eshetu

A Thesis Submitted to School of Social Work, Addis Ababa University Presented in Partial
Fulfillment of the Requirements for the Degree of Master of Art (Social Work)

Addis Ababa University

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This is to certify that the thesis prepared by Bezawit Eshetu, entitled *court annexed mediation service in divorce cases* and submitted in partial fulfillment of the requirements for the Degree of Master of Arts (Social Work) complies with the regulation of the University and meets the accepted standards with respect to originality and quality.

APPROVED BY THE EXAMINING BOARD

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Declaration

I declare that *Court annexed mediation service in divorce cases: The case of four Federal courts* is my own work. All the sources that I have used or quoted have been indicated. I have acknowledged by means of reference and that this work has not been submitted before any others degree at any other institution.

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Place: Addis Ababa University, Ethiopia

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Abstract

The study has made an effort to describe the purpose of court annexed mediation service and the view of clients', judges' and professional mediators towards the current ongoing court annexed divorce mediation services together with the challenges of the practice. The study has also described the service delivery of mediation. For this effort a qualitative descriptive method with case study method have been employed. Professional divorce mediators were key-informants of the study, family bench judges and couples who were using the mediation service by court order have been participant of the study. In-depth interview, 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. The main purpose of court annexed mediation service is to promote the interest of children and also to save the marriage from breaking. Professional mediators use different techniques based on the case when they are delivering the service, but use common steps. Clients', judges' and professional mediator have positive perspectives towards court annexed mediation service, but some participants of the study have a negative perspective. Lack of qualified mediators, knowledge gab from judges about the importance of mediation and unwillingness of couples to participate in the mediation were some of the challenges that were identified in the research. Trainings to judges and mediators in order to expand the services, encouraging different organizations that give psychological and social support for couples in conflict in order to help families in a better way have been indicated in the research.

Key word: court annexed divorce mediation.

Chapter One

1.1. Background of the Study

According to the revised family code of Ethiopia under article 96 Marriage is a legal union of a man and a woman. In a marital union conflict of spouses is expected. When couples are unable to resolve their conflict through communication by themselves they found divorce as final solution to handle with their disagreement. Divorce is the legal separation of married spouses. The effect of divorce on the divorcees and their children is much more damaging for it would subsequently cause multifaceted and complicated problems. Divorce would pose high degree of insecurity on the children of divorcees. This is because they directly carry all the problems which affect them adversely in their academic pursuits and further social life. Family disintegration does not provide a safe environment for all family members; it rather produces 'child abuse' with far reaching consequences. In the face of efforts made by the government and the community to protect a family from disintegration, divorce has become inescapable aspect of life (Serkalem, 2006).

Mediation is a voluntary, informal, consensual, strictly confidential and nonbinding dispute resolution process in which a neutral third party helps the parties to reach a negotiated solution. It is the intervention into a dispute or negotiation by an acceptable, impartial and neutral third party who has no authoritative decision-making power to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of the issues in dispute. Court-annexed mediation envisions a situation where disputes brought forth by parties for litigation at the courts, are screened for suitability to be resolved through the mediation process, and thereafter, referred by judges to mediation. This is in the hope that the parties are able to achieve settlement through facilitated negotiation (Shako 2013).

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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).

Ethiopia has a rich history of alternative dispute resolution. It already existed in the culture and customs of the traditional communities. It is also recognized in the legal system, according to the Ethiopian family law where the petition for divorce is made to the court, the court speaks to the spouses separately or jointly with a view of persuading those to renounce the petition for divorce and solve their dispute amicably (Reda, 2011). The court practices further reveal that where the attempt made has failed or is likely to fail, the court may direct the spouses to settle their dispute through arbitrators of their own choice and where the spouses did not agree to settle their dispute through arbitration, the court may dismiss the parties by giving them a cooling period of up to three months. Within in this three months period some of the courts send the spouses to mediation services, that is what we called court annexed mediation service.

As far as am aware and experienced in the concept of court annexed divorce mediation varies from other types of mediation services. The fact that court annexed divorce mediation service has obligatory nature and it is directed by the court order. This would mean that the clients do not have say in the process as they have been told to see mediators assigned by the judge. For most clients it might be possible to find that clients losing hope or with lack of interest to get to the mediation services. Even when we are considering court annexed mediation services, it is possible to find few judges who do not give much attention to the cooling period and rather immediately pronounce divorce.

The purpose of this study was to describe the court annexed mediation service in divorce cases in the case of four Federal courts. This study indicated the purpose of court annexed mediation, how clients, judges and professional mediators view and describe the current ongoing court annexed divorce mediation services, the service delivery of mediation and the challenges of the practice, as it would help to recommend possible suggestion after studying the gap. It would also imply to give a baseline for professional mediators and judges to consider the mediation service beyond its application as being court annexed.

1.2.Statement of the problem

Internationally a number of studies have been conducted on various aspects of divorce mediation services. Cognizant of the existing literature it is possible to say that family mediation is a researched area in western countries. Examining these studies help to have a broad understanding about the phenomena. Among these researches, Ervasti (2012) conducted a research on recent developments in Finnish adjudication and civil procedure on the basis of empirical data. In addition, the article contains a discussion of court-annexed mediation as it is being applied in Finnish courts.

Kelly (2000) has conducted a study on issues facing the family mediation field. On his study he found out that family mediation is still not available in any meaningful way to families seeking a less costly and more cooperative process due to the absence of strong leadership by respected family law practitioners and judicial officers combined with a family law bar hostile to encroachment of mediation.

Birnbaum (2009) conducted a research on the opinion of the child in divorce mediation and other alternative dispute resolution processes. He found out that when parents separate or

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divorce, decisions have to be made that will have significant impacts on their children. Finding ways to include children's participation in those decisions is necessary.

Fackrell, Hawkins & Kay (2011) has conducted meta-analytic study on court affiliated divorcing parents education programs , on their study they found out that divorcing parents education programs are effective in reducing co-parenting conflicts, it improve child outcomes and reduce future litigations.

When we look the existing literature in Africa they are conducted based on the experience of few countries. Boniface (2012) has conducted a comparative study on western style mediation and African humanistic mediation, his study explores the principles and process of western style divorce and the process of African humanistic mediation as they are applied in South Africa. It also deals with advantages and critiques on both approaches and similarities between the principles. It is stated in the comparative study between the traditional way and the court annexed mediation both is used successfully for the mediation service and have been effective in saving the marriage.

Differently Jordaan (2003) has conducted a study on court based mediation in South Africa; the findings states that an attempt should be made to resolve a dispute through mediation before proceeding to litigation. Failure or unwillingness to do so can attract cost sanctions, even against a successful litigating party in South Africa. In similar African case Ding (2010) has conducted a research on alternative dispute resolution in sub-Saharan African countries; he indicated that promoting common legal framework in sub- Saharan countries should be helpful to increase the use of alternative dispute resolution in the region.

Even if there are numbers of studies in western countries about divorce mediation, in Africa particularly in Ethiopia the numbers of studies on divorce mediation are very minimal.

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For instance, Adyam (2016) has conducted a research on the roles and challenges of professional family mediators under child justice project office, Children's legal protection centers in three courts of Addis Ababa. Her findings showed that mediators have the role of facilitating conversation between disputing parties, negotiating, teaching, encouraging and referral. Marshet (2013) conducted a study on social workers' practice in the court with sexually abused children. The study investigated the role of social workers in the court with sexually abused children. The finding showed that social workers have diversified roles such as acting as an intermediary between the sexually abused child as a witness and the court and preparing the child for court under special circumstances. Furthermore, other roles such as: referral and advocacy has been discovered as roles of social workers. Social workers as well work with families of sexually abused children in case of interfamilial sexual abuse being a mediator and an advocate. The study also revealed that social workers have professional relationship with Prosecutors, Judges and Lawyers while working with sexually abused children. The study also found out the center of the relationship on social workers practice is working as an intermediary. The court also has a wide discretionary power on permitting social workers either to be a witness or give an expert opinion

In the previous paragraphs a lot has been said on court annexed mediation, role of social workers on mediation, incorporating children's say on mediation, comparative study on African and Western style of mediation and alternative dispute resolution in Sub-Saharan African countries. Looking through the issue from different points, it was possible to understand that court annexed mediation is highly practiced with the help of professional social workers. I was also interested to find related research conducted on this area but I could not find any through my review of literature. I was looking forward to gain the knowledge on court annexed mediation for

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particular divorce case. Even if the practice is now emerging and there are four courts undertaking the services, only few researches have been conducted on divorce cases and mediation including the roles and challenges of social workers, I still see the missing point that they have not incorporated the perspectives of clients, judges and professional mediators on court annexed mediation for divorce cases in their researches. As to fill the existing knowledge gap it was my interest to study court annexed mediation service in divorce cases in the case of four Federal courts. This would also benefit as a baseline for professionals to be aware of clients' perspective towards the service provision.

1.3. Research Question

How do clients, judges and professional mediators view and describe the current ongoing court annexed divorce mediation service, and the challenge of the practice?

1.4. Objective of the Study

1.4.1. General Objective

The general objective of this research is to describe court annexed mediation service in divorce cases in the case of four family benches of federal first instance courts

1.4.2. Specific objectives

- To describe the purpose of court annexed mediation service in these courts
- To describe court annexed divorce mediation services delivered in these courts
- To describe the perspectives of clients, professional mediators, and judges' towards the service delivered in these courts.
- To asses challenges of court annex mediation services in these courts

1.5.Scope of the study

This study is delimited to assess the service provided for clients who are on divorce cases in relation with court annexed mediation. It covers the purpose of such services and it incorporates the clients, judges and professional mediator perspective towards the service. It also studied the service delivery of the mediation. Concerning all this, the study limited its scope at describing court annexed mediation service in divorce cases at four Federal courts in Addis Ababa.

1.6. Significant of the study

This research would help to identify those court annexed mediations for divorce and their challenges as per to its target. Studying this area and making an in depth interview with the research participants help to see their views about existing practice and eventually to inform for future improvement of the program. On top of that, it helps clients to be clear about the usefulness of being court annexed for such mediation and which would help professionals to expand their views and skills for such services. As this study also studied the challenges from the side of judges it would make a clear demarcation on their involvement and would help to study their stance on such services. At the end, this study would serve as a baseline for future researches who would like to conduct a study on a larger scope of geographic and participants' coverage.

1.7.Organization of the Paper

This paper has six chapters. The first chapter includes the introduction, statement of the problem, research objective, and research questions. It also incorporates the scope, significance, and presents the operational definitions of important terms used in the study. As the introduction it gives insights about how divorce cases can be handled by mediation. The second chapter

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presented the literature review which shows about different findings about court annexed mediation. It explained about mediation, court annexed mediation, service delivery of the mediation and perspectives of court annexed mediation as well as the challenges of the practice. . The third chapter shows the methods that were employed in the study; how data was collected and analyzed, data quality assurance and ethical considerations. The data presentation was indicated in chapter four followed by chapter five presenting major themes that were emerged from the qualitative data gatherings. In this chapter comparison and contrasting has been done with the previous findings on the area. The last chapter shows the conclusion and the social work implications.

1.8. Definition of Terms

Clients- couples who come to get the mediation service as court annexed after giving the request for divorce.

Court Annexed Divorce Mediation- mediation service for couples ordered by court

Judges- Judges who resides in the family bench and who are sending couples for mediation service

Mediation- professional counseling to save the marriage

Professional Mediators- those who are giving the mediation services who are from school of social work graduates or from other disciplines.

Chapter Two: Review of Available Literature

2.1 Introduction

This chapter tried to assess various researchers' findings and studies conducted related to court annexed divorce mediation. It helps to explore what have been done so far in the area of court annexed divorce mediation and what will be done to fill the knowledge gap. Accordingly, it begins with Mediation, divorce mediation followed by court annexed mediation, and then the service delivery of mediation, the perspectives of mediation and the challenges facing mediation services are discussed. At the last theoretical perspectives and legal frame work are discussed.

2.2 Mediation

According to Mediation and Conciliation project committee Supreme Court of India (2010) Mediation is a process whereby two or more people involved in a conflict voluntarily sit down together with a mediator who will assist them in working out a solution to their dispute. Mediation is facilitating settlement. It merely facilitates the disputing parties to arrive at a settlement without suggesting any terms, so that the parties themselves find a solution and reconcile the difference

As social conflict is an omnipresent facet of the human experience, it is hardly surprising that mediation finds expression at all levels of social functioning and in apparently all societies ,past and present (Fisher, 2011). According to a comprehensive yet concise treatment of the history of mediation by Christopher Moore (2003), this form of third-party intervention has been employed in almost all cultures in all regions of the world and in all phases of recorded history. Religious leaders, community elders, and, at times, special intermediaries have all played the role of mediator in their various efforts to deal with potentially destructive disputes in their respective collectivities. The current practice of mediation in secular, western societies has seen

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the role proliferate to address all manner of disputes at the interpersonal level, from divorce and custody issues between separating spouses, to workplace grievances and complaints, to fights on school playgrounds, to landlord-tenant problems, to consumer complaints, and to corporate battles between executives (Christopher Moore, 2003).

2.3 Divorce Mediation

Divorce has a negative impact on children, it is important that families become involved with interventions that promote the positive involvement of both parents in children's lives following divorce (Amato & Sobolewski, 2001). Research by Kelly (2004) has shown that involved, families and children are in need of interventions to manage conflicts and emotions; divorce mediation is helpful in resolving emotional and agreement issues in family conflict, which could have a positive impact on children's adjustment to the divorce.

Since its inception in the mid-70s, family mediation has been an interdisciplinary endeavor. Divorce mediation arose from widespread, intense dissatisfaction with the negative process and long-term impact of adversarial divorce proceedings on the participants and their children (Kelly, 2006). Divorce mediation can be helpful and beneficial for families when resolving emotional and familial conflict, which could decrease the negative effects divorce, can have on children (Nelson, 2013).

Among early leaders who conceptualized, published, and offered training in divorce mediation, the disciplines of origin included law, psychology, social work, education, and labor negotiations and these pioneers drew upon diverse theory, research, and practices, to craft a very different process that acknowledged the need to blend the psychological, family systems, and legal aspects of the divorce experience into an empowering rather than destructive process. Kelly

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(2006), this cross fertilization of frameworks, substantive knowledge, and techniques, from the fields of communication, social psychology (conflict and power research), divorce and child development research, family systems theory, negotiations, and law, created much of the appeal of the family mediation process to practitioners and participants.

In mediation, professional boundaries are set and it can be an ongoing process lasting months or even years for families Emery (2004), and each session can last several hours (Amato, 2010). It can be especially helpful in divorce cases with children and has the ultimate goal of conflict resolution (Emery, 2004; Kaslow, 1984), creating harmony, and improving cooperation among participants (Lowenstein, 2009). The mediation process has become a popular practical approach to resolve issues with families (Lowenstein, 2009; Mantle & Critchley, 2004) and has been described as the least intrusive intervention in regards to divorce (Mienkowska, 2012). In Kelly's (2004) review of mediation studies, it was concluded that mediation is effective in resolving emotional and agreement issues in family conflict. Mediation can help not only children, but parents as well with managing emotional problems caused by the divorce (Beck 2004 & Deutsch, 2008).

2.4 Court annexed divorce mediation

Mediation is a confidential and voluntary process that helps the parties in conflict come to agreements without the use of the court system and expensive legal services (Emery, 2004), as well as help with negotiating through the process (Milne, 2004). However, some mediation can be mandated by a judge Amato (2010), which is very common in child custody disputes (Kelly, 2004; Raisner, 2004) or court based mediation programs (Mayer, 2004). Mandated mediation can also happen when and if parents do not agree on issues regarding their children such as their

adjustment to the divorce or relationships with their children (Deutsch, 2008). Mediation should also be agreed upon by both parties involved in the divorce (Severson & Bankston, 1995).

According to Ervasti (2012) nowadays, conflict resolution has become a major task of the judiciary, at a par with the traditional task of providing protection under the law. And when the courts adopt the point of view of conflict resolution, the main focus will be on the relationship of the parties and the healing thereof, the perceived justice of the proceedings and, more generally, the experience that the customers have of the work of the courts.

Ervasti (2012) developed countries operate some sort of mediation mechanism linked to the courts. This development can be seen as an example of the privatization of the law, but also as a sign of changing court culture in the post-modern world. In this way, both adjudication and mediation have as their main objective to produce decisions that satisfies the parties in context, in proceedings that are perceived as being fair. At the same time, the role of the courts as conflict resolvers becomes more prominent.

According to Peters (1999) there is some evidence suggesting that mandatory mediation may not be reducing court personnel expenses because the same numbers of cases are still going to trial. Only about four percent of civil cases make it to trial in most court systems. Instead, mandatory mediation may be influencing the types of cases that make it to trial, for example, the ones that cannot be negotiated easily. But it also may be helping ensure that trial time is given to the cases that need it most.

2.5 Service delivery of mediation

Mediators use structured process in which the organization of the sessions, timing, roles and interaction follow a regular pattern from one case to the next with an emphasis up on conclusion and private discussions with individual's disputants (Sibely & Merry 1986)

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The conflicting parties meet with the mediator. The mediator introduces everyone and explains the process and rules. Upon agreement to follow the rules, the parties each explain their positions. After the mediator clarifies the issues, each party is given the opportunity to present solutions to the conflict. Thereafter, the parties and the mediator discuss and decide which solution best addresses the conflict. Finally, the agreement is put into writing (Kressel, 1997).

The mediator sets the tone, makes the introductions and explains the rules of the mediation at the initial stage of the mediation. As a neutral third party, the mediator listens carefully to the parties and helps them communicate to resolve their differences. The mediator assists the parties in reaching a settlement which is agreeable to all involved. After an agreement is reached by both parties, the mediator writes out the details of the settlement. All parties sign the agreement indicating their willingness to abide by its terms. If no agreement is reached, the case may be referred back to the Court.

According to Drew (2008) there are four models of mediation that are used in different jurisdictions and subject areas: The first one is facilitative mediation, where the parties are encouraged to negotiate based upon Facilitative mediation where the parties are encouraged to negotiate based upon their needs and interests instead of their strict legal rights. Their needs and interests instead of their strict legal rights. The second one is settlement mediation, where parties are encouraged to compromise in order to settle the disputes between them. The difference between the two models is the first one the parties are encouraged to settle their dispute based on their needs and interest but in the second model parties encouraged to settle their agreement by compromising their need and interest. The third one is transformative mediation, where the parties are encouraged to deal with, in this model parties are encouraged to deal with underlying causes of their problems with a view to repairing their relationship as underlying causes of their

problems with a view to repairing their relationship as the basis for settlement. The fourth and the final model is evaluative mediation, where parties are encouraged to reach settlement. In evaluative mediation, parties are encouraged to reach settlement according to their rights and entitlements within the anticipated range of court remedies.

2.6 Role of social workers as a Mediator

The National Association of Social Workers (NASW) stipulated that Social workers have the duty and responsibility to advocate for more forms of appropriate and healthy conflict resolution such as mediation to fulfill the ethical duty of service to clients and to recognize the importance of human relationships (NASW, 2008). Social workers are ethically responsible to work with vulnerable populations, which could include children and families experiencing transition and conflict. It is the duty of social workers to help resolve conflict that the clients may face and this could be done through mediation. Moreover, Social workers are ethically bound to work for the children and families experiencing conflict which is suggested in the Importance of Human Relationships Value (NASW, 2008).

The role of a mediator can be described in many ways, but most importantly, mediators work in the best interest of families, keeping in mind the wellbeing of the family (Giunta&Amatea, 2000). Mediators do not act as experts (Mayer, 2004), can have multiple roles, and come from a wide variety of backgrounds. Mediators have different styles and ways of conducting mediation sessions (Meierding, 2004). Several researchers have examined the skills that mediators should have and are most often trained in. More specifically, Mienkowska (2012) stated that the mediator should have legal and psychological knowledge. Grebe (1986) also noted that most mediators have mental health backgrounds. Likewise, the combination of lawyers and mental health professionals is common (Deutsch, 2008; Emery, 2004; Kaslow, 1984

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&Meierding, 2004). This could be due to the court process in which families are often involved, especially regarding child custody disputes (Deutsch, 2008; Kaslow, 1984).

According to Matthias (2014) although many South African social workers gain extensive experience in care and protection matters, it is clearly essential that they receive specialized training on mediation if they are to work effectively as a mediator. Training and related measures are required to enable significant numbers of South African social workers to provide effective ADR (alternative dispute resolution) services as envisaged in the Act. It is essential for social workers to receive training.

2.7 Challenges of court annexed mediation service

Family mediation field has struggled for twenty-five years to become a credible option and significant presence in separation and divorce actions, in the past decade, and it has emerged as a major dispute resolution process in many states within the U.S., Australia, Canada, and Scotland (Kelly, 2006). With increasing acceptance, family mediation has broadened to include adoptions such as, child protection, guardianship, juvenile, parent-teen, and probate matters, although divorce mediation remains the predominant practice (Kelly, 2006). Mediators face many challenges related to their role, such as their knowledge base of child development is limited, and their professional background and experience. Since children are at risk during divorce (Emery, 2004), it is important to look to professionals providing mediation services to children and families

According to Kelly (2006) Even though the academy of family mediators and the society for professionals in dispute resolution has endorsed mediation training as a central route to competence as a mediator, far too many local and state bar associations have refused to require any mediation training for listings on referral panels, this failure to take the need for specialized

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training seriously has diminished the quality and stature of family mediation, both through the dismissive attitude toward relevant training, the blurring of boundaries between family mediation and family law adversarial practices, and through coercive and sometimes unethical practices.

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.

2.8 Theoretical Perspective

In describing court annexed divorce mediation services it is important to have knowledge about helpful theories that are related to family conflicts and family conflict mediation. This part tries to assess different theories that will view conflicts and family mediation from different perspective.

2.8.1 Family system theory

The family systems theory is a theory introduced by Dr. Murray Bowen that suggests that individuals cannot be understood in isolation from one another, but rather as a part of their family, as the family is an emotional unit (Brown, 1999). Families are considered systems because they are made up of interrelated elements or objectives, they exhibit coherent behaviors, they have regular interactions, and they are interdependent on one another (Morgaine, 2001).

Understanding this theory could help one to have the knowledge where a conflict could arise in the family. Changes in the rules, boundaries, in the structure and roles in general can be a force that attempts at changing this equilibrium could lead the family to a conflict. It also help

the mediation process in assessing the components of the family elements, patterns, boundaries, power, rules and roles to help families in conflict.

2.8.2 Social constructivist theory

According to the constructivist perspective reality is subjective and context specific. It focuses on individual stories promoting self-determination. It also acknowledges difference and is open to new ideas and entertain new dimensions. The perspective grounded on the fact that social reality is created when actors get involved in social interaction, then they create a common understanding of their world (Hutchison, 1999). This theory helps social workers as a mediator especially in case of divorce mediation services. This theory also help the mediators in the process of mediation to understand that reality is not objective and it helps families to reconstruct their own shared realities that will move the family from conflict to agreement.

2.8.3 Critical Conflict resolution theory

According to Hansen (2008) critical conflict resolution theory calls for mediators to identify power imbalances, take the side of the underdog, and focus on helping people change negative relationships. He also suggests that this theory requires the mediator to develop analytical thinking skills and promote critical ideas. One of the core values of social work is the concept of social justice, which can be seen as a benefit. Through the use of critical conflict resolution theory in conflict situations, the mediator could work to help the parties overcome social injustice and power issues. Hansen (2008) indicates critical practice can fill a specific niche in the field of conflict resolution outside the traditional settings where a neutral third-party stance is desirable or essential as with mediation in the courts, for instance. He suggested traditional conflict resolution roles can be played out in settings other than the courts. Using critical conflict resolution theory, Hansen (2008) views the possibility of thinking critically as a social work

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mediator in helping overcoming social justice issues directly related to oppression, which is a fundamental social work objective. Understanding this theory helps social workers in divorce mediation to develop analytical thinking skills to promote critical ideas so that the couples change negative relationship between them.

2.9 Legal frame work on divorce

The Ethiopian constitution under article 34 recognizes the right of individuals to form a family with their own free and full consent and also in the same article the constitution recognized family as the natural and fundamental unit of society and is entitled to protection by society and the State (Constitution of the FDRE, 1995).

The revised family code of Ethiopia in the preamble stated that whereas, the family, being the natural basis of society, shall be protected by the society and the state, and that one of the means of protection is effected by regulating and governing family relation by law (Revised Family Code Proclamation No.213/2000). The Family Code and the regional family codes of Ethiopia recognize marriage as an institution.

According to the revised family law under article 77 the two spouses' co-jointly or one of them can make a petition for divorce to the court. They can include the reasons for divorce in the petition. In the same article it states that the spouses cannot end their marriage without the knowledge and approval of a court of law. Hence, the spouses, if they are determined to dissolve their marriage by their mutual consent, they should submit their agreement in writing to the court and get its approval, the spouses are not allowed to simply dissolve their marriage on their own without getting the approval of the court. Divorce by mutual consent shall be submitted to the court either by both spouses conjointly or by one of them (Revised Family Code Proclamation No.213/2000).

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Under article 78 of the revised family code, the court shall speak to the spouses separately or conjointly with a view of persuading them renounces the petition for divorce and tries to solve their dispute amicably. If this attempt fails, the court may direct the spouses to settle their dispute through arbitrators of their own choice. When this did not work the court may dismiss the spouses by giving them a cooling period of up to three months. According to article 79 of the revised family code where all the efforts made before, have failed, the court shall pronounce divorce within one month from the receipt of the reports of arbitrators or the end of the cooling period, as the case maybe (Revised Family Code Proclamation No.213/2000).

Summary

Through the reviewed literature a lot has been said about mediation, divorce mediation, court annexed mediation, service delivery of court annexed mediation, the role of social workers as mediators and the challenges of court annexed mediation service. Mediation is conceptualized differently by different scholars though all are agreed on the importance of mediation than litigation. Court annexed mediation has been provided in the justice system of western countries (example USA and Canada) though its relevance and introduction is new to Ethiopia. Service delivery of court annexed mediation varies based on the case and the quality of the professional mediator. Even if court annexed mediations is proven significant it is not out of obstacle. The shortage of professional mediators, the perspectives of judges towards the service and its availability are among the challenges of court annexed mediation documented so far. With regard to theories on mediation, family system theory, critical conflict resolution theory and social constructivist theory are the notable theories. As to the response of court annexed mediation, laws which are currently functional in Ethiopia does not recognize court annexed mediation as part of the legal system.

Chapter Three: Research Method

3.1 Introduction

This chapter describes the philosophical orientation of the study, the research design, the research process, the rationale for selecting descriptive case study strategy, and the selection of research participants. In addition, the methods of data collection, data collection procedures, data analysis, strategies for ensuring trustworthiness and ethical considerations are described.

3.2 Researcher's perspective

As for seeing reality from different aspects, positivists take it as objectivity. As they view it the reality is taken as it is and not opens for multiple interpretations. They consider it as value free and emphasis on observable facts. The other view of reality is the constructivists, in which reality is perceived as a product of people's interpretation (Gray, 2004). The world existence is one and how it is given its meaning differs from one to another. The world exists but how people give meaning to it differ from one another. Truth and meaning do not exist in some external world, but are created by the subject's interactions with the world. In view of the fact that the observer contributes a greater part in the establishment of reality and is more often than not believed to do this by means of his or her intellect, a number of writers are of the view that the opposite of positivist research paradigm is constructivism (Goles &Hirschheim, 2006)

This study was guided by the assumptions of constructivist paradigm. Constructivism is a world view that views knowledge as being created through social interaction and the type of knowledge that will produce through social interaction is not one but many(Creswell,2013). As a researcher, I believe that reality is the result of the interaction between the individual and the society in which this particular individual lives. My constructivist position to sources of knowledge and world view as a researcher emanates from my firm believe on the social

construction and shared nature of reality through negotiation among societal forces. In doing so, this research will employ social constructivist paradigm, a paradigm which gives essence of power to the research participants and a chance to describe reality from their own perspective rather than fitting the participants response to pre - determined researcher's idea.

3.3 Research Design

Qualitative research with specific strategy of case study was the type of research design that this particular study utilized. Qualitative research design is a type of research which is conducted in a natural setting intended to generate facts, discovering new issues by using a wide range of evidence (Neumann, 2014). Since this research aimed at describing professional family mediation perspective towards court annexed family mediation services in the study area, qualitative research design was more apt to generate deep, rich, and holistic data from the research participants point of view. One identifier of a qualitative research is the social phenomenon being investigated from the participants' viewpoint (Creswell, 2013).

Descriptive case study as a specific research method was employed in this study since the research purpose is describing the issue of court annexed mediation as it is perceived by professional family mediators in these courts. Case study as a research strategy is chosen since it enables the researcher to generate data that is directed to answer research questions; "why" and "how" (Yin, 2009). Case studies are a design of inquiry found in many fields, especially evaluation, in which the researcher develops an in-depth analysis of a case, often a program, event, activity, process, or one or more individuals. Cases are bounded by time and activity, and researchers collect detailed information using a variety of data collection procedures over a sustained period of time (Yin, 2009). The aforementioned family benches which are delivering court annexed mediation services in the case of divorce issues is the case of this research which

was described in case study design as it best suits to uncover the issue under investigation holistically. Moreover, as data was collected at one point in time during the study period, it is cross sectional and this time dimension of the research is supported by literature. It is stated that:

“Cross-sectional dimension, as a type of research dimension in terms of time was utilized due to the fact that this study has aimed at gathering data at one point in time in this type of research study, either the entire population or a subset thereof is selected, and from these individuals, data are collected to help answer research questions of interest. It is called cross-sectional because the information about X and Y that is gathered represents what is going on at only one point in time” (Olsen & St. George, 2004).

3.4 Study Area

Addis Ababa City administration was the site of this study. Four courts were selected for conducting this study based on the following criteria. These are researcher's prior knowledge about the beginning of professional family mediation services in these courts and since the above mentioned courts have family bench mediation services. This helped me to access the professional social workers. In Addis Ababa Federal high court Lideta, Federal first instance court yeka, Federal first instance court Nifas Silk Lafto and the child justice project office which is found under the auspices of Ethiopian Federal Supreme Court are the only courts that have family mediation services and all of them are included in the study. Apart from that, the researcher's knowledge of family mediation services has its own contribution for the decision to conduct the study in Addis Ababa.

3.5 Participants of the Study and Inclusion Criteria

This research was carried out on three groups of participants due to the fact that these participants have the knowledge and the proximity to the phenomenon under study. These are (a) professional mediators who give mediation in the selected courts (b) judges who are working in family mediation court rooms and (c) couples who are the clients of court annexed family mediation services. The specific inclusion criteria for these groups will be discussed in the following ways.

The inclusion criteria for professional family mediation social workers were: (a) professional family mediation social workers who have been giving mediation services for more than six months (b) professional family mediation social workers whose educational background is social work or other discipline and (c) professional family mediators who have got training on family mediation. Judges were recruited based on (a) their experience in these family benches (at least six months) and (b) judges who did take training concerning family mediation. Couples were invited to take part in this study based on (a) their case (those couples who fill divorce petition to the court and they are court annexed) (b) term of marriage (those couples who have been married for more than one year), (c) those couple who has a child and who are currently using the mediation service.

3.6 Sampling and Sample Size

3.6.1 Sampling Technique

Non- probability purposive sampling technique was used to select participants. Purposive sampling is a type of non- probability sampling technique that allows a researcher to select research participants based on unique attributes that the informants possessed (Tongco, 2007). The study participants' were recruited via purposive sampling technique that satisfied the aforementioned criteria stated under "participants of the study and inclusion criteria" section of this chapter.

3.6.2 Sample Size

Sample size determination in qualitative research is based on data saturation principle and the question of how many participants are enough to obtain the relevant data will be answered when the researcher reaches data saturation meaning when the researcher gets rich information that specifically answers the stated research question (Charmaz,2003). Taking into consideration this sampling size determination procedure, the researcher exhaustively explored information from research participants until data redundancy is reached. As to Creswell (2013) specific to case study method, the number of case which provided rich data is from two to five sample size. Having this in mind these two recommended sampling size determination procedures in qualitative research, among the four mediators who are currently working in the selected courts as a professional mediators all of them (four) were interviewed. With regard to the selection of judges, those judges who were residing as a judge in the family bench when the data was collected. Four couples were interviewed and the researcher was forced to stop conducting more interview since the researcher come up with redundancy of information.

3.7 Sources of Data

Both primary and secondary data sources were gathered based on their relevance to this particular study. In doing so, primary data were generated from judges; professional family mediation social workers and couples who are visiting court annexed family mediation services, the interview was made separately with couples because to get . Secondary data were collected from published books and journal articles, official government documents, laws and policies pertinent to the issue under investigation, and internet sources.

3.8 Data Collection Methods and Tools

Various methods of data collection have been recommended to gather qualitative data in general and qualitative case study data in particular. Creswell (2013) provides definition of qualitative case study along with the specific data collection methods for it. “Case study research is a qualitative approach in which the investigator explores a bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information (e.g., observations, interviews, audiovisual material, and documents and reports), and reports a case description and case-based themes” (Creswell,2007). Hence, the following data collection methods were employed to gather the relevant data for this particular research.

3.8.1 Semi-structured interview

Semi-structured interview was held by preparing guiding question items that provide direction for the researcher and permit the researcher participants to describe their view in an open, flexible manner. Interview with judges were held at their office and interview with professional mediator and couples were conducted at the offices where mediation takes place.

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The interview took 20-30 minutes with couples, 20 minutes with judges and 30-45 minutes with the professional mediators respectively.

3.8.2 Observation

Observation is a complex research method because it often requires the researcher to play a number of roles and to use a number of techniques; including her/his five senses, to collect data (Beker, 2006). Observation was conducted through the use of observation checklist regarding the available facilities for family mediation services in these court rooms. Accordingly the researcher, observed the communication and interaction between professional mediator and clients with the full consent of couples. Through that the researcher was able to grasp the reaction and feelings of clients have towards the mediation services. The researcher also observed whether the service rendered was client- friendly or not.

3.8.3 Document Review

National and international legislations, policy frameworks, and official court reports concerning cases of family mediation services in these courts was critically reviewed to know the status of court annexed family mediation services in the study area.

3.9 Data Analysis

In fact data collection and data analysis are conducted simultaneously in case study research, specific procedure for analyzing case study data was followed. Accordingly, pattern matching, explanation building, time-series analysis, logic models, and cross-case analysis was be used as a specific data analysis procedure for case study research (Yin, 2009). The researcher transcribed the data along with the note taken through data collection. Through interview the media of communication was Amharic thus for analyzing it is important to translate it into English. The researcher transcribed the data according to the data obtained.

As part of the data analysis, I tried to understand and gain the general information from the information I gathered. The first thing I did in order to analyze the data was to get to know what I have collected. This meant to take time to read through what I have jotted down. Thus I translated the information gathered from Amharic to English.

Rubin & Rubin (1995) stated in order to find a meaningful way of analyzing data it is important to use coding techniques for finding and marking the underlying ideas in the data, grouping similar kinds of information together in categories and relating different ideas and themes to one another. Coding means as a way to put the data gathered thematically. A theme produced from the research question and put the data which are similar under a theme.

DeSantis&Ugarriza (2000) defined a theme as an abstract entity that brings meaning and identity to a recurrent experience and its variant manifestations. In the process, the researcher was putting similar ideas together and brought them under similar code and categorized under the major theme.

3.10 Data Quality Assurance

A number of mechanisms have been suggested to bring trustworthiness of a qualitative data. Creswell (2007) recommends making research procedure more public, member checking, triangulation, long term engagement in the field, and thick description as way for assuring credibility of research results in qualitative study. To attain credibility of the study, participants were encouraged to describe their experiences with regard to court annexed family mediation services precisely and adequately. The methods and procedures used in the study and the interpretations and research findings are presented genuinely this is because I used triangulation and stated with the participant for more than on visit.

3.11 Ethical Consideration

The research was conducted according to the guidelines of ethical standards of the Social Work profession. In the research, participants involved with their own informed consent. Participants were told that their names are not going to be used in the report and they were also aware of that they have the right not to give answers either to the whole or to part of questions they are unwilling to answer and they can withdraw from the research at any time they want. Accordingly, before the start of each interview, participants willingly signed the informed consent, the interview was conducted at their place of choice, anonymity of participants was maintained by using pseudo name and confidentiality of the information protected by using it only for this research purpose. The researcher also protected the mental well-being of the participants through treating and approaching every participant of the research with respect.

Chapter Four: Data Presentation

4.1 Introduction

This part of chapter presents the findings of the research. It has different sections and it incorporates the purpose of court annexed mediation service, service delivery of mediation, the perspective of clients, professional mediators and judges towards the service and challenges of court annex mediation. Participants of this study were professionals mediators who are directly involved in the mediation service, couples who used mediation service by court order and judges who are residing in family benches and who send couples to the mediation service. As shown below, pseudonyms have been given for participants of the study.

4. 2 Description of participants

In-depth interview were conducted with professional mediators who are the key informants for this study. They are working in the selected federal courts at Yeka, Lideta, Nifas Silk Lafto and Federal Supreme court. They came from the background of social work, psychology and counseling, their experience ranges from seven months up to three years in the selected courts.

Table 1 profile of professional mediators

Pseudonyms	Age	sex	Educational Background	Experience
Rahel	33	F	1 st degree in psychology and 2 nd degree in social Security	Seven months
Tsion	31	F	1 st degree in sociology and 2 nd degree in Counseling	Three years

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Selam	35	F	1st degree in psychiatric nursing and 2nd degree in counseling psychology	One year
Muna	30	F	1 st degree in sociology and 2 nd degree in social work	One and half years

(Source: field data, 2017)

In-depth interview were conducted with judges who send couples to the mediation service. All the judges interviewed were currently working in the family bench. The educational background of the judges is first degree in law; their experience is from 4 months up to one year in the family bench.

Table 2 profile of judges

Pseudonyms	Age	Sex	Educational Background	Experience
Mahlet	34	F	1 st degree in law	Four months
Frezer	41	M	1 st degree in law	Sven Months
Tewdros	37	M	1 st degree in law	One year
Fikerte	32	F	1 st degree in law	One year

(Source: field data, 2017)

In-depth interviews were conducted with four couples, who are using the mediation service by court order. The interview was done separately for each couple.

Table 3 profile of couples

Pseudonym	Age	Educational Background	Duration of Marriage
Couple A			26 years
A1 Asegdech	45	4 th grade	
A2 Asefaw	51	First degree	
Couple B			7 years
B1 Bizunesh	36	12 th grade	
B2 Berihun	45	Master's degree	
Couple C			2 years
C1 Chaltu	28	Diploma	
C2 Chala	53	Diploma	
Couple D			1 year
D1 Dagmawit	33	10 th grade	
D2 Daniel	38	With current education	
		10+	

(Source: field data, 2017)

4.3 The purpose of court annexed divorce mediation service

4.3.1 Promote the best interest of the children

This part of the paper presents the findings that were collected from document review, observation and in-depth interview with participant. Court annexed divorce mediation service is given under the federal Supreme Court child justice project office at four federal courts namely,

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federal high court *Lideta*, federal first instance court *Yeka*, federal first instance court *Nifas Silk Lafto* and federal supreme court. Among others services the project office provide, giving divorce mediation for couples who are send by court order is one of them.

Court-annexed mediation service was promoted and courts started to order family conflicts that can be better handled through mediation. According to Judge Frezer not every divorce case are ordered for mediation. He explained the issue as that:

Causes of divorce are many in number, the reasons might be 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 so on but we do not order couples for mediation who came here to make their divorce a legal one or with similar issues. Couples who have children below 18 and whose cases can be better handled by a professional are the cases we order couples to contact a mediator.”

The project office starts the idea of court annexed mediation service to promote the best interest of the child. According to professional mediator Tsion,

Families together, in most cases, serve the best interest of children. Even in instances where being together does not work; helping families resolve their differences amicably and continue providing unbiased care and support for their children would also help the children grow to their full potential. The service of mediation that the project is providing is helping parents resolve their differences amicably even in instances where their marriage did not work and this is helping the children continue their life as usual without forcing them to pass through stressful situation”.

Findings shows that, separation or divorce is a highly stressful and emotional experience for everyone involved, but it can often feel to children that their whole world can be turned

upside down. At any age, it can be traumatic to witness the dissolution of parents' marriage and the breakup of the family. Inevitably, such a transitional time can't be without some measure of grief and hardship, but it can dramatically reduce children's pain by making their well-being top priority. Professional mediators on these study believes that mediation is about identifying interests and then making an agreement that comes as close as possible to meeting those interests. When it comes to children, who are not usually part of the process, it's especially important to consider whose interests are being advanced.

According to professional mediator Muna:- *“The main concern of every parent especially the mothers at the outset of a divorce are for their children. How will a divorce affect their children? Will their education suffer? Will they be emotionally damaged? Will the other parent stop me from seeing them? How will I support them? Being a parent is worrying enough, but when the two parents split, a whole new load of worries emerge.”*

All participant of the study believe that mediation has beneficial effects on any children who may be involved. Mediation is less stressful and it allows for a more peaceful home during the conflict. In addition, children benefit from seeing their parents cooperating, even when they disagree with each other. It also benefits children with a continued future with both parents. Like many other issues in mediation, parties generally keep more control over their children's interest and needs.

4.3.2 Saving a marriage

Findings shows that court annexed mediation service help couples to save their marriage. While not all marriage can be saved, there are lots of cases in which the mediation help the spouses to stay together. In divorce mediation the chance of couples reaching to agreement for

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saving their marriage is high as the mediation process helps them to look deep inside themselves. In divorce mediation every party thinks that it is the other party who is responsible for the conflict, but in mediation process the mediators use different techniques to show the spouses that each parties are responsible for their conflicts. Professional mediator Rahel explained as:

I always give assignments for couples to list out the good and bad things about their partner and i also ask them to list the things that they consider as a major problem in the house. After they brought the list we start discussing about it deeply, through this process each party start to realize what they have done and how each party contribute for the conflict.

Court annexed Mediation helps spouses to build strong relationship among them. Parties openly breathe out everything that they have been holding for many years, they breathe out things they never told to their partners. When each party gets the chance to speak and listen to each other it creates an understanding. Each of them understand how they feel deep inside and this understanding gives the chance for them to apologize for the wrong things that they have done. Expressing this idea in detail couple A1 said it as:

I have no idea that my husband starts drinking because he has no happiness in the house; I always thought he is drinking because he is alcoholic, when he is drunk he became physically abusive, we always fight about his drinking problem we tried to solve our issue by “shimglena” but he never said anything about his unhappiness he always said he will improve and he will end up apologizing. But now when he explains why he is drinking in the mediation process, it makes me to realize I also contribute for my husband drinking problem. I am the one who is filing for divorce but the mediation process helps me to

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open my eyes now I agree to stay in my marriage. I understand that it's my responsibility to create some happiness in my home."

Findings show that deciding to leave a marriage should be made carefully, it should be done after knowing all the facts and having tried all types of solutions. Mediation help couples to evaluate the pros and cons of leaving or staying in the marriage. To elaborate this Selam the professional mediator explained it as:

Most of couples especially the party who fill for divorce think if they leave their marriage, their problems will be over but the sad truth about divorce is that it has lots of pain. Later in life, they may say, "If I knew what I know now then I would have stayed in that marriage". Thus, it's my job to show couples it's better to stay in marriage than divorce. It's my number one priority to save the marriage.

4.4 Common Steps of Service delivery

The findings from observation and key informant interviews showed that the professional mediators don't use approaches and theories when they deliver the service. They use different kinds of techniques based on the clients and the problem at hand. But there are common steps all the professional mediators follow to deliver the service to their clients. The common steps are listed as follows.

4.4.1 Engagement

Engagement is the first step that all professional mediators practice when they deliver the mediation service, in these stage mediators try to build communication with their clients. This session also allows the mediator to provide details about both the process and the expectations. Guidelines, ground rules and basic information exchanges will also occur at this time. In most

circumstances, when the mediation begins, all of the parties will be present in the same room. The mediator will usually open the session by making some introductory remarks, explaining what the process is about and introducing her/himself to the couple in the room.

“In this first stage, I give warmly welcome to my clients and explain myself to them. I also give a chance for them to introduce themselves to me. This is where the communication starts. I tried to work with couples to lay a foundation for the rest of the mediation in this step. I ask them about their willingness and commitment to participate in the mediation process.” Muna

The mediator starts to explain the plan to the spouses and obtain basic information about the dispute. In this stage the mediator allows couples to make a type of introductory statement, giving each spouse the chance to tell their story and frame what they see as the issues that need to be resolved. The mediator often allows the spouses to interact so the mediator can judge whether they are comfortable with the process. The spouse gives the mediator background information about their situations, and the mediator explains how the mediation will be conducted. The parties will generally be encouraged to speak for themselves. If spouses are unable to meet face-to-face, arrangements may be made to allow them to be in separate rooms.

4.4.2 Assessment

Assessment is gathering information about the root cause of the conflict. In this stage mediator encouraged couples to talk and discuss the actual problem with each other. In the assessment, both joint and private sessions take place in which the mediator helps the couple identify the issues related to their divorce as well as effective solutions. During the joint sessions, the mediator promotes a peaceful environment so that both parties are free to express their needs, concerns and ideas. Sometimes the mediator may prepare private sessions for couples. The

purpose of preparing private session is to help parties to speak about their problems without fearing the presence of the other party. Selam explained it as:

“Discussing privately with each couple really helps me to understand their problems in detail. Sometimes my clients especially the ladies prefer private sessions. This is because it’s convenient for them to vent out all the emotional feelings that they have been holding throughout their married lives”.

In the assessment the mediator use probing, in probing the family mediator is asking different questions and help them to see it from another perspective. Mediators ask parties from what angle that they have seen it. Most of the question the mediator asks is “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.

“As a professional mediator, I have different kinds of methods to help couples resolve disagreements with the issues in their divorce. As a mediator, I work to facilitate effective communication between the parties by making sure each party is given an uninterrupted time to speak, asking a party to restate or explain a point when necessary, and asking questions to make communication clear to all. The ultimate goal is to achieve an outcome that is mutually agreeable to both parties” Tsion.

4.4.3 Planning

During this part mediators are working as negotiating to reach to agreement. The finding showed that mediators communicate with the couples so that both can show willingness for the assignment they will be given. *“We give them assignment so that they can identify good things*

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and bad things, to mention about good things about the family and the marriage” Muna.

Findings show that different kinds of assignment are given for couples who are willing to maintain their marriage. Among the different assignment mediators ask couples to write down their feelings towards their marriage, how they are going to feel if they lost their partner, what they expect from their partner and they ask them to bring in the next session. Mediators also give CD and DVD for couples to listen which is prepared by professional on how to save their marriage and how to communicate in conflicts. The finding showed that mediators along with the couples come up with different solution on how to sustain the marriage.

Findings indicate that mediators use a variety of negotiating techniques to help spouses reach a mutually agreeable solution to their differences. The final decisions are the couples', not the mediator's, because both have had a say in how to deal with the issues that are important to them. In divorce mediation, the couple controls how and when decisions get made rather than judges.

4.4.4 Intervention

Intervention is the part where couples exercise the given assignments. They both would list out on how to save their marriage. The finding also showed that they get counseling services. *“The counseling is mainly to show them whether they are ready to take the divorce and what their life would look after separation. We provide them with different life testimonies so that they can decide on whether they are sure to continue with the divorce or not.” Tsion*

In this regard, the intervention is not only to save the marriage but also to make them sure about the life waiting after divorce. They would also communicate about the child custody issue and how they can handle such issue where it shows best interest for the child. In the intervention

process mediators give different kinds of lessons for couples who want to reconsider their marriage, such as parenting skills, conflict resolution techniques and techniques to build their communications.

4.4.5 Termination

“At this phase, what we are expected to do is to give report for the court based on the agreement the couple made” Selam. The finding indicated that mediators also ask the couples to see if they were happy about the mediation. This also makes it easier for the couples for future marriage if the divorce is sustained. Couples would get a clear and safe environment for themselves and their children

4.4.6. Monitoring and evaluation

This is the last phase where everything is filed. As the profession required them to make monitoring and evaluation, mediators with lack of resource they do not actually go back to see the files once they give the reports to the courts. *“It is unlikely that we go back to see the files and evaluate to check whether the report we made progressed and implemented in the needed way. But with the personal interest there are mediators who are following the case to evaluation and see if the decision being made was done”* Selam

4.5 Perspective of clients, professional mediators and judges towards court annexed mediation services.

4.5.1 Positive Perspective of clients, professional mediators and judges towards court annexed mediation services.

All participants of this study had a good point of view towards the mediation. The judges and the mediators shared their positive side about it. The finding from the couples also showed

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that they are happy about the mediation as it made them to change their mind after filing divorce.

The participant positive perspective towards the service is as follows:

4.5.2 Useful for Resource Saving

Findings reveal that court annexed mediation service save lots of resources; such as money and time. The entire participant agrees that trying to resolve divorce conflicts through litigation is an extremely slow process that can take many months. Couple B2 explains the idea as: *“Trial dates are set in the future and there is a lengthy period of pre-trial discovery before anything happens in court. Delays are common in Ethiopian courts; you have no ability to speed things along and must surrender entirely to the process. But in mediation everything throughout the process is up to you.”*

The data gathered for this study indicates that, the divorce process in the court rooms takes much time and money than mediation. To elaborate this Judge Tewdros said it is as: *“The procedure of divorce cases in court rooms is that, the parties often appear before a judge, who will hear each side’s argument and then issue an order. In many cases, neither party is happy with the result. Some people will appeal the judge’s decision, which results in continuing litigation and additional costs. Other disgruntled clients will simply refuse to follow the order, leading to contempt proceedings and, of course, more attorney fees. On the other hand, divorce mediation requires the input and agreement of each party to move forward. So couples who mediate are more likely to be happy with the result and subsequently to comply with their agreements. This saves both time and money”*

The data gathered for this study indicates that, since the mediation services are given for free court annexed mediation saves money. Sometimes in divorce litigation process couples

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might need representation by attorney and the price of the attorney is expensive but the mediation process does not require the parties to use lawyers.

Participant of this study agrees that mediators assist couples in reaching an efficient, amicable resolution to divorce issues. Although mediation sessions can at times be emotionally charged and intense, a mediator can help parties successfully address and navigate these feelings so that the parties stay focused on the issue at hand, this will allow each party's voice to be heard without losing sight of the ultimate goal and will lead to a quicker resolution of the issue.

4.5.3 Ensures Confidentiality and privacy.

Findings show that court annexed divorce mediation is confidential. The emotional and perhaps embarrassing issues that are raised in divorce mediation be kept private. Rahel the mediator said *“it is like keeping Privacy is important in divorce mediation because most of the time divorce mediation concerns children. Dealing with custody, visitation and child support in mediation can often short circuit much of the bitterness and support positive family interaction. This can really help the children who usually want a close bond with both their mother and father.”*

Muna further explained as *“Mediation avoids the public display of private issues. Clients do get angry and call each other names in mediation; it helps to maintain their dignity as it is very important during divorce. In addition, the parties can avoid public disclosure of private matters if they use mediation. Mediation, on the other hand, takes places behind closed doors, without a court reporter or published transcript, so information about the conflict remains private.”*

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There are times that the couples take private sessions when they cannot get into agreement to make it together. On such cases, the mediators are expected to keep the information they get from the other side as they talk about it more honestly. But during court sessions they might not be willing to tell about their true feeling and their information will be exposed.

In my observation I was able to witness that the private and alone sessions with the mediators gave chance for the couple to talk more freely. I was able to see couple D1 case that she was so emotional telling about her husband's abusive character and once he left the room due to his disturbance she was also able to tell about her other problems that she is feeling about her husband.

4.5.4 Mediation reduces stress

All participants agreed that mediation reduces stress. The judge Mahlet said that *“Court rooms themselves are stressful environment where everyone gets emotional. Whereas when couples first visit mediation, they tend to have negotiation and came to one agreement.”* Professional mediator Rahel also mentioned that *“If divorce happens in the court, couples might feel that the decision being made by the judge favored one of them. But when couples come to mediation they made decisions as they agree on it. They do not feel that one party is winning and the other losing.”* Having such conditions of couples, they do not feel stressed and they are usually happy about the outcome as they feel they involved in every step of it.

Couples who wish to minimize their children's involvement in their divorce proceedings as much as possible may find mediation particularly helpful. To successfully take advantage of this method, parents must communicate effectively and work together, and this benefits the

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children by reducing the damaging stress that parental conflict causes. Using mediation to finalize divorce situations can allow parents to keep their kids from the emotional hardships of going to trial.

4.5.5 Produces Lasting Agreements.

The finding showed that mediation has a good contribution for the couples. This is mainly because of the situation that they make their own agreement. Couples who are on good terms with each other can agree about major aspects of their situations. This leads as they can make a good communication even after the divorce. They can have good communication when dealing on issues such as the division of assets and marital properties, child custody, parenting time, child support and alimony, may use mediation to advocate for themselves. *Tsion “when the court become involved, the ability to make decisions is taken out of couples’ hands. Separating spouses risk not having their agreements and wishes heard or honored. Mediation preserves the couple's right to reach resolutions that are more in their favor.*

The finding showed that mediated agreements are said to have a high obedience rate. This shows that it lasts longer. This means that couples who reach a settlement in mediation are likely to follow through with the terms of their deal. *Muna said “couples collaborate on the solution and have actual ownership of the result, which they adopt together. But in the court procedure a judge orders the parties to do certain things. In addition, because couples in mediation are directly involved in creating their own settlement, they typically only agree to terms that they are capable of carrying out.”*

The entire participant agreed on the idea that, mediated divorce is better than litigated divorce. One of the leading reasons is the fact that divorce mediation has a number of ground rules set up between the spouses to help steer the process in the correct direction. These ground rules help the couples focus on the long term solutions instead of short term victories throughout the process.

4.5.6 Mediation Preserves Relationships.

Findings show that through mediation couples can maintain a good relationship. It allows separating and divorcing couples to take control of planning their own lives and make safe and effective decisions about their future. It is especially beneficial for parents, who though separating, will need to continue making parenting decisions about their children well into the future. The process learned in mediation can serve as a model for future communications well after a divorce is final.

“Throughout the mediation process we use problem solving techniques that often help avoid conflict in the future. We use ground rules and create a safe environment for participants to work through difficult issues in a respectful, private and constructive process. With a professional third party in the room, clients often find ways to communicate more effectively during the mediation process. And since most of our clients have children it’s a must for them to preserve their relationship even if they decide to divorce” Rahel

All key informant participants agrees that mediation takes a lot of work and especially a willingness to understand that there may be another perspective even if you don't agree with it. Doing it for the sake of the children means sometimes agreeing to actions you don't like but are

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willing to accept because they will support a healthy relationship between a child and the other parent, or will be of ultimate benefit to the child.

4.5.7 Minimizing the workload of the court

Findings show that, judges on family benches favor divorce mediation for couples and prefer that couples use mediation service because it decreases the work load of the court. Judge Fikerte explained the importance of mediation for the legal system as:

“Divorce mediation is no longer simply “alternatives” to litigation—they have become core components of the judiciary and integrated into the litigation process. The reasons couples for a divorce can be varied; they can either be emotional dissociation, infidelity, physical abuse, financial, or just a lack of getting along. Whatever the reason for a divorce, the general consensus developing is that it is better to settle divorce through mediation.”

Finding shows that at present family cases in the court are a lot in number and different matters are entertained by judges in the family bench and there is a very high workload that needs the support of professional mediators who can help the couples and give professional help for couples 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. Judge Fikerte continues *“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.”*

4.6 Negative Perspective of clients, professional mediators and judges towards court annexed mediation services.

4.6.1 Involuntary involvement of parties

Findings shows that sometimes couples are unhappy about the mediation because most of them before coming to the court they have tried every other way possible before their hand. They might have involved family mediators, tried friends and also religious fathers whom they believe as the solution providers. Some couples think it is a waste of time to participate in the mediation. Professional mediator Selam explains as:

“Some couples think mediation is a waste of time for them, because they are not coming by their willingness, they are participating because the court orders the mediation. Sometimes they told me am wasting their and my time, they said “we tried every possible way to stay in the marriage but we failed so please don’t try anything this is a hopeless marriage”

Findings also shows that filing for divorce and coming to court as it is culturally unsupported is the last resort for some couples and most of the women know they will go through family and community rejection afterwards, thus they are filing the petition for divorce when they are really done with the marriage. Some judges believe that it should be up to the couples whether to go on with their marriage or to get divorced. Making mediation court annexed gives the parties a wrong perception as they are ordered by the court and they have to obey, which is completely against the rule of mediation that promotes voluntarism. Even in the presence of these services the findings of this research indicated the judges don’t rely on the quality of service provision. Judge Frezer explains as:

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“Even though I agree that divorce mediation is good for couples, I have doubts about the mediator qualifications and the quality of the service provision.”

4.7 Challenges of court annexed mediation service

Findings shows that challenges of court annexed mediation comes from the working condition, lack of knowledge and practice about mediation in the legal system and unwillingness of couple to participate in mediation.

4.7.1 The challenging working condition

The finding showed that mediators face challenges while they are providing mediation services. *“We are few in number that we see many cases. It is really a burden that we do not get the chance to provide a good service due to the burden we are facing”*. As there are four mediators working for the four courts, it is unlikely to manage all those divorce files coming, and since the mediators are giving the mediation service twice a week for half day it’s very difficult to give enough time for each case. There are limited qualified mediators that the current mediators are not able to function fully as they are expected.

The office set up also makes it challenging for the mediators. There is no separate room that is organized for the mediators to give the service. The federal and the Nifas silk courts do not have a room and mediators are not able to have a private and safe environment for the couples.

There are also times that mediators involve emotionally with couples. *“Being a woman by itself is challenging. The women usually want us to give them priority and to side for them. They make us to feel guilty when we are trying to follow the right procedure.”* Tsion. There are also times that they get emotionally attached feeling the concern as women and seeing the burden in

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their marriage. Having no stress and burn out management mechanisms, mediators feel so challenged in their work.

Findings show that since all the mediators giving the mediation service in the selected courts are woman, the women clients are expecting them to favor them. Tsion explains this as:

“In the mediation process most of my females clients expecting me to favor them and to stand with them and to agree to take their feelings and ideas just because am a lady, sometimes they told me to threaten their husband. They always told me “you are women you know how women’s suffers in marriage”, “you know how Ethiopian men treat their wives”, “and you should stand with us”. But I always told them am not talking any sides i am here to help both of them to reach in agreement, but they are not happy to listen that.”

Findings show that emotional involvement is also a challenge for mediators in the mediation process. Professional mediator Selam explains this as:

“I have heard lots of sad stories of couples during their marriage lives, especially women’s, they tell me how they suffer how their husband abuses them how they stayed in their marriage because of their children or because they don’t have anywhere to go to, and sometimes I found myself emotionally involved in the issue, I know it’s not professional but am also a human being I have feelings.”

All key informants of this study agree that the mediation process is frustrating by itself for mediators. As Muna said: *“Hearing different stories of different peoples is frustrating, and the mediation process needs too much energy and patience and since we are giving the service voluntarily we have another work for living and sometimes we might lost our patience and start frustrating”*

4.7.2 Lack of knowledge and practice about mediation in the legal system

The findings showed that there are few judges who took mediation training. This impacted the service as they do not have the knowledge to send couples to mediation service. They do not feel that it is always important to use the mediations service. They are not always obliged to send couples to mediation as the legal system does not obliged them to do so. This is a challenge that not every couple gets the service. Such understanding of judges is also reflected in the federal revised family code of Ethiopia (Revised Family Code Proclamation No.213/2000). Accordingly, this proclamation under its section of divorce has say nothing about the duty to send couples which submit divorce petition in order to get court annexed mediation service.

There are also times that the judges do not see the report after the mediators gave them. They might also not work and apply the report being given. It is always challenging for mediators as their support and effort is not being taken in to account. This is a huge challenge even couples might feel frustrated as their effort for negotiation and assignment is not taken into account.

Due to the judges' personal interest, it is sometimes challenging for mediators to have enough time to the service. The couple and mediators need more time to come to an agreement. The intervention period might sometimes take more times and they might fail to reach to agreement in order to make it to the date of court appointment.

4.7.3 Unwillingness of couples to participate in the mediation service

Findings of this study reveal that for mediation to be successful both couples must be willing to participate in the mediation process and couples should be people motivated to negotiate a final settlement. However, this is not what usually happens during the early stages of court annexed divorce mediation service. Mediator Muna explains

“the couples came for the service from court order thus they are unwilling to participate in the mediation, in the beginning of mediation process most of my clients tells me it is a waste of time for them to participate in the mediation, and also in the initial phase of the mediation emotions often hinder the participants’ ability to be reasonable. In addition, it is also very common for only one partner to be ready to divorce and the other party wishes to work on saving the marriage. This difference in motivation makes hard the chances of mediation’s to be success.”

Chapter Five: Discussion

5.1 Introduction

This chapter presents the finding of the research based on the literature review and the research question. It identifies the purpose of court annexed mediation, service delivery of mediation, perspectives of participants towards court annexed mediation and the challenges of the practice.

5.2 The purpose of court annexed mediation service

Findings shows that the main purpose of court annexed mediation is to promote the best interest of a child. Divorce is a very stressful and emotional situation for everyone involved but it's more difficult and stressful for children. According to (Amato &Sobolewski, 2001) divorce has a negative impact on children, it's important that couples become involved in mediation that encourages the positive involvement of both parties in children's lives. It is also supported in other study (Emery, 2004; Kaslow, 1984) which stated that mediation is very helpful in divorce cases with children and its ultimate goal of conflict resolution.

The other purpose of mediation showed in the finding as saving the marriage. Judges send couples for mediation believing that the marriage would be saved. The mediators as well work as hard as possible so that the couples can think of ways and come up with remedies to save their marriage. This has been observed by the assignment given to the couples to work out their problem. (Beck, 2004; Deutsch, 2008) also supported the finding as it shows mediation is not only useful for children but for the parents as well, in managing emotional problems and maintaining a good communication onwards.

5.3 Service delivery of court annexed mediation

The finding of this study showed that the service is being delivered under Children legal Protection Centers under the auspicious four Federal courts. The mediators use different phases to address the needs of couples and provide the appropriate professional intervention. A study by (Meierding, 2004) showed that mediators can use their own styles and preferences in handling cases before their hands. Thus the different phases used by different mediators have a similarity in opening or rapport building and closing or termination sessions but differ in the techniques used throughout the process. Regarding engagement, the finding showed that it is more of a rapport building in which to build trust between the couples and the mediator. Mediation and Conciliation project committee Supreme Court of India (N/D) showed that the first contact is very important as it creates neutrality and explain the purpose and gain confidence and trust.

In assessment stage mediator encouraged couples to talk and discuss the actual problem with each other. Both joint and private sessions take place in which the mediator helps the couple identify the issues related to their divorce as well as what they propose as effective solutions. The mediator asks couples different questions and helps them to see their issue from different perspectives. According to Kelly (2014) the role of the mediator in mediation is asking parties different kinds of questions regarding the conflict, explores the needs and interests of the parties. It is also supported in another study (Barsky 2001), that mediators help conflicting parties to understand the conflict from another party's perspective.

In divorce mediation, the mediators facilitate a variety of negotiating techniques to help spouses reach a mutually agreeable solution to their differences, which brings the stage of planning. It is also supported in Hutchison (1999), he states that, in the humanistic theory

suggests that humans are rational, purposeful and autonomous. This shows that 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

5.4 Perspective towards court annexed mediation services.

The findings of this study showed participant have a positive attitude about the mediation as it has multifaceted benefits. This is supported by the previous study by Vander Veen (2014), it is said that mediation saves people and business money in legal court fees. Family mediation also produces better psychological and economical outcome than the adversarial approach which may result in reduced use of social assistance and other services. It has also a confidentiality and privacy benefits as mentioned by the participants. Gibson (1992) showed that the relationship of clients and mediator should incorporate trust. That makes the situation favorable for the couples to give true information to the mediator and secure the information withheld.

The finding showed that the mediation is good for reducing stress for the couples as the court room gives them tension and worrying environment. This finding is supported by previous study done by Adyam (2016) which explains that mediation 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.

Through the interview, it was possible to gain that mediation gives the chance for couples to have lasting agreements. This means that their agreement extends even after the divorce. 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). This explains the finding as well that says mediation is helpful for the relationship.

Findings show that judges on family benches favor divorce mediation for couples and prefer that couples use mediation service because it decreases the work load of the court and also maintains family institution. Ervasti (2012) showed that conflict resolution has become a major task of the judiciary, at a par with the traditional task of providing protection under the law. When the courts adopt the point of view of conflict resolution, the main focus will be on the relationship of the parties and the healing. This explains that mediation helps to decrease the workload. But on the contrary Peters (1999) showed that there is some evidence suggesting that mandatory mediation may not be reducing court personnel expenses because the same numbers of cases are still going to trial.

However, there are also participants that perceive mediation negatively as has been confirmed by the findings. These couples are unhappy about the mediation because most of them before coming to the court have tried every other way possible before their hand and coming to courts was the last resort. This shows that the mediation is not up to the couple's willingness whether to go on with their marriage or to get divorced. Although participants have not attributed the problem to mediators, this finding is somehow closer to the study by Eisenberg (2013) that

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asserts alternative Dispute Resolution like mediation is unsupported as it believed to have political ideology even manipulative “mythology” designed to support an emerging industry of professional mediators. This implies that the mediation looks like a business for the mediators.

5.5 Challenges of court annexed mediation service

Findings from key informant participant shows that, the professional mediators who are giving court annexed mediation services in the selected courts are few in number and the work load is very high, findings also indicate that there are limited qualified mediators that the current mediators are not able to function fully as they are expected. In line with this Knuppel (1991) indicated that shortage of qualified mediators is a major problem in mediation service, although the field abounds with mediators, many don't have the requisite knowledge and trainings about the mediation service.

Findings also show that the knowledge gap from judges about mediation is also a challenge for court annexed mediation service. Only few judges who did take the trainings are the one sending divorce cases to the mediation. This finding is supported by Kelly (2006) even though the academy of family mediators and the society for professionals in dispute resolution has endorsed mediation training as a central route to competence as a mediator, far too many local and state bar associations have refused to require any mediation training for listings on referral panels. This failure to take the need for specialized training seriously has diminished the quality and stature of family mediation, both through the dismissive attitude toward relevant training, the blurring of boundaries between family mediation and family law adversarial practices, and through coercive and sometimes unethical practices. Consistent with this 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, 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.

Findings indicate that unwillingness of couples to participate in the mediation is a challenge for court annexed mediation. For mediation to be successful both couples must be willing to participate in the mediation process and couples should be motivated to negotiate a final settlement. This findings is supported by Knuppel (1991) couples must have a good-faith willingness to settle in order for mediation to work, during the emotional tribulations of divorce, many people cannot react rationally, avengeful spouse can compromise the fairness of mediation and this might ultimately remove the emotional healing and voluntary compliance benefits of mediation.

5.6 Discussion Summary

According to family system theory families are considered systems because they are made up of interrelated elements or objectives, they exhibit coherent behaviors, they have regular interactions, and they are interdependent on one another, changes in the rules, boundaries, in the structure and roles in general can be a force that attempts at changing this equilibrium could lead the family to a conflict (Morgaine, 2001).

The constructivist perspective has been helpful for mediators to understand couples construction of social realities and their relationships and to find out strategies of intervention accordingly. According to the constructivist perspective reality is subjective and context specific. It focuses on individual stories promoting self-determination. It also acknowledges difference and is open to new ideas and entertain new dimensions (Hutchison, 1999). As to the findings from observation and key informant interviews professional mediators use different kinds on

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techniques based on the clients problem, as each couples have different stories for their conflicts.

Critical conflict resolution perspective a neutral third party stance is desirable or essential to solve problems. According to this perspective mediation is the solution for solving conflicts than litigation as mediation can help conflicting parties to change negative relationship between them (Hansen 2008). The finding of this study showed that through mediation couples can maintain a good relationship. It allows separating and divorcing couples to take control of planning their own lives and make safe and effective decisions about their future. It is especially beneficial for parents, who though separating because parents will need to continue making parenting decisions about their children well into the future.

Chapter Six: Conclusion and Implications

6.1 Conclusion

Conflict is certain in human interaction which is also true in the case of married couples and conflicting couples file petition for divorce to the court of law. Many people are familiar with the concept of court cases being handled and a judge being present some divorce matters are handled through the mediation process. Deciding to leave a marriage should be made carefully; it should be done after knowing all the facts and having tried all types of solutions but not all matters have to progress to court.

With the available number of key informants and participants, the study has made an effort to describe and had found out the purpose of court annexed divorce mediation. The service delivery of the mediation process, how the clients, judges and professional mediators view and describe the current ongoing court annexed divorce mediation service and the challenges of the practice in four Federal courts, namely federal high court *Lideta*, federal first instance court *Yeka*, federal first instance court *Nifas Silk Lafto* and federal supreme court, has been addressed. The participants were professional mediators who were currently working in the selected courts, Judges who are currently working in the family bench and couples who has benefited from the mediation service by court order.

For this effort a qualitative research was applied. Under qualitative method a descriptive case study cross sectional continuum was used as a specific method for study.

In-depth interviews with professional mediators, judges and couples 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.

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Findings shows that court annexed divorce mediation service is given under the federal Supreme Court Child Justice Project Office at four Federal Courts. Among others services, the project office avails divorce mediation for couples who are sent by court order is one of them. Divorce has negative impact on children and the main purpose of the court annexed mediation is to keep the best interest of the child and to help couples to reach to an amicable settlement and if that did not work promoting a peaceful divorce where couples can remain as responsible parents even after separation was the target of court annexed mediation. In order to achieve this having professional mediators was found to be important.

Therefore, the major purpose of having divorce mediation in the selected courts is to save the marriage and help the couples reconsider their union. If that is not possible, they are encouraged and empowered to agree about the future plan for 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 in mediation professional mediators use different techniques when they are delivering the service to their clients. The findings also show that professional mediators follow common steps in mediation process, they follow the engagement, assessment, planning, intervention, termination and evaluation and monitoring. In engagement professional mediators tries to build communication with their clients. In the assessment, the mediator promotes a peaceful environment so that both parties are free to express their needs, concerns and ideas. Planning is where mediators encourage clients to come up with their own plan and solutions. Along with the couples the mediators shape up the proposed solution for their conflicts. Intervention is the part where couples exercise different methods to give them an insight on how to perceive their problem and talk with each other on solutions to save their

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marriage. Findings show that professional mediator's facilitates conversation between spouses and helping couples to view the conflict from another perspective. Termination is where professional mediator develops a report for courts based on the agreement the parties themselves committed to. . Evaluation and monitoring comes last but the findings shows that even if the profession required to undertake proper monitoring and evaluation, mediators with lack of resource they do not actually go back to see the files once they give the reports to the courts.

Findings in the study show that most of the participant's perspective towards court annexed mediation is positive, but there are few participants who have perceived it negatively. Among the positive perspective participant believes that mediation is a way better results comparing to litigation. Findings show that mediation saves monetary resources because the mediation is given for free. It reduces stress because the mediation process gives the parties a room to relax. It is confidential and private as the emotional and embarrassing issues that are raised in divorce mediation are kept private. Divorce mediation has decreased the workload of the court as parties themselves are the ones who make the decision on their problems.

Findings in the study shows that perspectives of the participants on mediation has been seen negatively as they see as couples are unhappy about the mediation because most of them before coming to the court they have tried every possible chance they have in their hand. Findings also show that some participants believe that mediation should be up to the couples whether to go on with their marriage or to get divorced.

Findings in the study shows that court annexed mediation have challenges. Shortage of qualified mediators is a working condition challenge in court annexed mediation. Findings show that emotional involvement is also a challenge for mediators in the mediation process. The lack of knowledge about mediation system in the legal system is also a challenge for court annexed

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mediation service. Only few trained judges have the knowledge about the importance of mediation. Unwillingness of couples to participate in mediation is also another challenge of court annexed mediation.

6.2. Implications to Social Work

6.2.1 Implication for Social work Education

The finding of this study showed that mediation has been useful for couple. It has indicated that the judges and mediators have a positive perspective about the mediation. As the existing service provision showed that mediators are limited in number hinder the quality of service provision. This shows that school of social work should produce social workers who can practice in mediation and alleviate the stress and burden of the few mediators functioning at the courts. There should be courses that make social worker students gain better understanding and view about mediation. This encourages the couples as their cases would not take more time as more mediators can see more cases while they are many in number. The school of social work also needs to work in providing trainings and experience sharing so that social workers can have a good knowledge base and skills for mediation. This would help the profession to be promoted in the court as the role of social workers can be seen as vital. The school should continue and strengthen the communication and good working relationship it has with the Federal Supreme court Child Justice Project Office as social worker can practice mediation. It also should work with other government and non-government organization as the role of social workers is very important in courts and mediation.

6.2.2 Implication for Social work Practice

The finding indicated that, mediation usually takes place making best interest of children its first priority. This is quite an opportunity for social workers especially those in children and

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family concentration, to implement their professional skills in mediation and ensure the best interest of children. . When couples are seeing mediators for sustaining the divorce or saving the marriage, social workers can intervene in showing the couples the best way the child can benefit in both situations. Mediation should be taken to be one of the ideal functioning roles of social workers in courts. It is also important for social workers to intervene in saving the marriage as seeing what would be best for the child to grow. With different theories and field practices social workers have gained, it is possible to see their intervention is of paramount importance in mediation.

Social workers need to involve in mediation service as they are able to see the advantage and disadvantage of saving the marriage. As the main concern of mediation is best interest of the child, it is helpful when social workers act as mediators who can help clients perceive the problem from multiple levels and formulate solution using the strength based while seeing the best part of the marriage and the existence of the family. Social workers in the court can also work to influence the judges' action as sometimes they fail to read the report and implement it accordingly.

Mediation unlike the court gives more attention to the psychological and emotional aspects of spouses. It also promotes the best interest of 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.

Considering the capability of mediation service and involvement of social workers in the process, the human and economic resource it can save, the work load it decreases on courts, the benefit it renders in ensuring the best interest of children, its purpose of saving family institution

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as one of the purposes of the family law, it should be highly promoted and replicated in all court setups.

6.2.3 Implication for Social work Research

It is possible to say that there have been limited researches done in the area of court annexed mediation in our country. With the limited area the mediation service is given, the researches which have been done previously concentrated in the same area. Being limited in the study area, the previous studies showed about the role of mediators working in the child project office and the role of social workers after divorce. Thus this study can give a way for future studies identifying the gap as the standard of service provision has not been studied, the quality of service provision as the mediators are limited in number and the views from the legal system as the mediation report is not seen as significant to be implemented by the judges as there is no law-binding nature to it. Therefore future researchers can study on the previous mentioned points to give a whole-rounded knowledge about mediation service.

6.2.4 Implication for Policy

The case of divorce cannot only be viewed from the legal side; the laws 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 encourage different organizations that give psychological and social support for couples who are in conflict and meet their needs before they come to courts. Couples 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 selected courts as volunteers. Government should encourage qualified mediators

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to work in all courts in full time basis by creating position for mediators, thus every conflicting couples get the service every time they come to court for petition of divorce. This will expand the service and increase the accessibility of the service. It's also better to give all family bench judges training on the importance of mediation so that they can refer most divorce cases to the mediation service in order to solve conflicts in peaceful manner.

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.

Reference

- Adyam Abebe (2016) the Roles and Challenges of Professional Family Mediators
Unpublished master's thesis, Addis Ababa University.
- Amato, P. & Sobolewski, J. (2001). The effects of divorce and marital discord on adult children's psychological well-being. *American Sociological Review*
- Amato, P. R. (2010). Research on divorce: Continuing trends and new developments. *Journal of Marriage & Family*.
- Barsky, Allan. "UNDERSTANDING FAMILY MEDIATION FROM A SOCIAL WORK PERSPECTIVE." *Canadian Social Work Review / Revue Canadienne De Service Social*, vol. 18, no. 1, 2001, pp. 25–46. *JSTOR*, www.jstor.org/stable/41669716.
- Beck, C. J., Sales, B. D., & Emery, R.E. (2004). Research on the impact of family mediation. In J. Folberg, A. Milne, & P. Salem, *Divorce and Family Mediation*
- Birnbaum, R. (June, 2009). The Voice of the Child in Separation/Divorce Mediation and Other Alternative Dispute Resolution Processes: A Literature Review. Family, Children and Youth Section. Research report. Department of Justice Canada
- Boniface, AE. (2012). *African-Style Mediation and Western-Style Divorce and Family Mediation: Reflections of the South African context*, 15(5), 378-401. Retrieved from <http://dx.doi.org/10.4314/pelj.v15i5.10>
- Brianna, N. (2013). Divorce Mediation and its Impact on Children. *Master of Social Work Clinical Research Papers*. 240 .http://sophia.stkate.edu/msw_papers/240
- Creswell, J.W. (2007). *Qualitative inquiry & research design: Choosing among the five approaches*. (2nd ed.). London: Sage.

Court Annexed Mediation Service...

Creswell, J.W. (2013). *Research design: Qualitative, quantitative, and mixed methods approaches* (4th ed.). Los Angeles: Sage Plc.

Charmaz, K. (2003) 'Grounded Theory: Objectivist and Constructivist Methods', in N.K.

Denzin and Y.S. Lincoln (eds) *Strategies for Qualitative Inquiry* (2nd Edition). Thousand Oaks, CA: Sage Publications.

Deutsch, R. M. (2008). Divorce in the 21st century: Multidisciplinary family interventions. *The Journal of Psychiatry & Law*, 36(Spring)

Emery, R. E. (2004). *The truth about children and divorce*. New York: Viking. Interventions. *Journal of Psychiatry & Law*

Ervasti, K. (2012). *Conflicts before the Courts and Court annexed Mediation in Finland*. Scandinavian Studies in Law

Fackrell, T. A., Hawkins, A. J. and Kay, N. M. (2011), how effective are court-affiliated divorcing parents education programs? *Family Court Review*, 49: 107–119. doi:10.1111/j.1744-1617.2010.01356.

Federal Negarit Gazetta of the Federal Democratic Republic of Ethiopia. *Revised Family Code(RFC) Proclamation No 213/2000*. Addis Ababa.

Federal Negarit Gazetta of the Federal Democratic Republic of Ethiopia. *Proclamation No. 1/1995 Proclamation of the Constitution of the Federal Democratic Republic of Ethiopia*

Fisher, Ronald J. (2011) methods of third party intervention *Journal of Peace Research*.

Giunta, S. A. & Amatea, E. S. (2000). Mediation or litigation with abusing or neglectful families: Emerging roles for mental health counselors. *Journal of Mental Health Counseling*

Court Annexed Mediation Service...

Grebe, S. C. (1986). A model for ethical decision making in mediation. *Mediation Quarterly*

Hansen, T. (2008). Critical Conflict Resolution Theory and Practice. In *Conflict Resolution Quarterly*, Vol. 25, No. 4 (403-427).

Hutchison, E. (1999). *Dimensions of Human Behavior Person and Environment*. Thousand Oaks, California. Pine Forge Press.

Kaijus Ervasti (2012) *Conflicts Before the Courts and Court-annexed Mediation in Finland*. Scandinavian studies in Law

Kaslow, F. W. (1984). Divorce mediation and its emotional impact on the couple and their children. *The American Journal of Family Therapy*.

Kelly, J. (2006). Issues Facing the Family Mediation Field. *PEPPERDINE DISPUTE RESOLUTION LAW Journal*. 1(37).

Kelly, J. B. (2004). Family mediation research: Is there empirical support for the field? *Conflict Resolution Quarterly*

Kressel, K., (1997) *Mediation Research: The Process and Effectiveness of Third-Party Intervention*. San Francisco: Jossey-Bass, 1989.

Lowenstein, L. F. (2009). Mediation with separated parents: Recent research 2002-2007. *Journal of Divorce and Remarriage*

Mantle, G., & Critchley, A. (2004). Social work and child-centered family court mediation. *The British Journal of Social Work*.

Margarate Drews (2008) the four models of mediation. Volume 3. No.1

Court Annexed Mediation Service...

Matthias, C. (2014). Preparing Social Workers for Alternative Dispute Resolution in Care and Protection Cases. *University of KwaZulu Natal, Durban, South Africa. 50(3).*

<http://dx.doi.org/10.15270/50-3-408>

Marshet Abate. (2013). *Social Workers Practice in the Court with Sexually Abused Children.*

Unpublished master's thesis, Addis Ababa University. Retrieved from

<http://hdl.handle.net/123456789/5326>

Mayer, B. (2004). Facilitative Mediation. In J. Folberg, A. Milne, & P. Salem, *Divorce and Family Mediation* (pp. 29-52). New York: The Guildford Press.

Meierding, N. R. (2004). Managing the communication process in mediation. In J. Folberg, A. Milne, & P. Salem, *Divorce and Family Mediation*, New York: The Guildford Press.

Milne, A. L. (2004). Mediation and domestic abuse. In J. Folberg, A. Milne, & P. Salem, *Divorce and Family Mediation* (pp. 304-335). New York: The Guildford Press

Moore, Christopher W. 2003. *The Mediation Process: Practical Strategies for Resolving Conflict*. 3rd edition. San Francisco, CA: Jossey-Bass.

Norkien, R. (2012). Inequality in divorce mediation--Reasons, manifestations and ways to avoid it. Lessons for Lithuania. *Social Work,*

Peters, D. (1999). The role of the court in ADR *electronic journals of the U.S department of state.*

Raisner, J. K. (2004). Mediation with never-married parents. In J. Folberg, A. Milne, & P. Salem, *Divorce and Family Mediation* (pp. 283-303). New York: The Guildford Press.

Florence Karimi Shako (2013). *Mediation in the Courts' Embrace: Introduction of Court-Annexed Mediation into the Justice System in Kenya.* Riara University

Serkalem Bekele, (2006) *Divorce: Its Cause and Impact on the Lives of Divorced Women and*

Court Annexed Mediation Service...

Their Children. Unpublished Master's thesis, Addis Ababa University, Ethiopia.

Retrieved from <http://www.aau.edu.et:8080>

Severson, M. M., & Bankston, T. V. (1995). Social work and the pursuit of justice through mediation.

Schepard, A. (2001, February). ABA House of Delegates. In T, Fee (chair), *Model Standards of Practice for Divorce and Family Mediation*. Symposium conducted at developing a final set of model standards in Chicago.

Steven T.Knuppel, promise and problems in diorce mediation, 1991 J.Dis. Resol. (1991)

Available at:<http://scholarship.law.missouri.edu/jdr/voll1991/iss1/9>

Susans. Sibey and Sallye E.merry (1986) mediator's settlement strategies. Law & policy , vol.8, No.1

Tongco, M. (2007) Purposive Sampling as a Tool for Informant Selection. *Journal of applied research*.

Yin, R. K. (2009). Case study research design and methods (4thed.). Los Angles: Sage Plc.

Appendix 1

Informed Consent

My name is Bezawit Eshetu 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 court annexed divorce mediation services on four federal courts of Ethiopia. The purpose of the study is to assess and describe the purpose of court annexed mediation service in these courts, to assess and describe court annexed divorce mediation services delivered in these courts, to explore and describe the perspectives of clients, professional mediators, and judges' perspectives towards the service delivered in these courts, to assess challenges of court annex mediation services in these courts and to suggest possible recommendation in order to provide better court annexed mediation service. I request you to answer a number of in-depth interview questions based on your willingness which might take a maximum of 30 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 court annexed mediation service. Every point that you will raise in the interview process will be kept confidential. 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-----

Appendix 2

Interview guide for couples who submit petition for divorce

General information Interview: A. Name B. Age C) sex D) Educational status

1. How long have you been married?
2. Have you been divorce before?
3. Have you tried to solve the issue you have with your partner in the traditional way?
(Arbitrators selected by you and your partners)?
4. Why you submit divorce petition?
5. What is divorce mediation for you?
6. How do you feel when the court sends you to take divorce mediation service?
7. Do you have the knowledge about court annexed divorce mediation service?
8. How do you feel to take of court annexed divorce mediation service?
9. Do you think the service given by the professional divorce mediator could help you to
save your marriage?
10. How do you see the benefits you get from the service?
11. Do you think there is disadvantage of taking divorce mediation service?

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12. Do you believe that divorce mediation services should be mandatory in all divorce cases?

Thank you for your participation!!

Appendix 3

Interview Guide for Judges

- A) General information: A. Name B. Age C. Sex D. Educational back ground D. Work experience as a judge in the family bench
1. How do you define court annexed divorce mediation service?
 2. What is the purpose of court annexed mediation service?
 3. What are your requirements to send couples to use the mediation service?
 4. From your work experience as a judge what are the common issues that brings couples for divorce?
 5. Do you think it is important that couples conflicts are referred to mediators?
 - If yes, can you explain how?
 - If No, can you explain why it's not?
 6. In addition to assisting couples in conflict, are there conditions where professional mediators are also helpful for the legal system?
 7. Do professional mediators contribute anything to the court?
 8. Do you use the reports send by the professional divorce mediators for the decision making process effectively?

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9. How do you see the work relationship you have with divorce mediators?

10. Do you believe that divorce mediation services should be mandatory in all Ethiopia courts for divorce cases?

Thank you for your participation!!

Appendix 4

Interview Guide for Professional Mediator

- B) General information: A. Name B. Age C. Sex D. Educational back ground D. Work experience as professional mediators in the selected court.
1. How do you define court annexed divorce mediation service?
 2. What is the purpose of court annexed mediation service?
 3. What are your requirements for couples to use the mediation service?
 4. From your work experience as a professional mediator what are the common issues that brings couples for divorce?
 5. Do you think it is important that couples conflicts are referred to mediators?
 - If yes, can you explain how?
 - If No, can you explain why it's not?
 6. What are the benefits of divorce mediation service?
 7. Do you use theories and approaches when you are delivering the mediation service?
 8. What are the common steps you use when you are delivering the service?
 9. How do couples respond about the mediation service?
 10. What are the challenges of court annexed mediation service?

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11. In addition to assisting couples in conflict, are there conditions where you, professional mediators are also helpful for the legal system?
12. Do you think the legal system fully accepts the mediation service as important part?
13. Do you think you as a professional mediator contribute anything to the court?
14. Do judges use your final reports for the decision making process effectively?
15. How do you see the work relationship you have with judges?
16. Do you believe that divorce mediation services should be mandatory in all Ethiopia courts for divorce cases?

Thank you for your participation!!

Appendix 5

Observation Check List

1. Upon the consent of the couples and the professional divorce mediators I will observe the mediation sessions
2. The place where mediation takes place
3. What does the relationship that the couples have with the divorce mediators looks like
4. How couples communicate each other in the mediation process
5. How the files of the couples are documented
6. What does the work relationship that divorce mediators have with judges looks like

የፈቃድመጠየቂያቅጽ

ስሜቤዛዊት እሸቱ ሲሆንበአዲስአበባዮኒቨርስቲየሶሻሌወርክት/ቤትድህረምርቃፕሮግራምተመራቂተማሪነኝየጥናቴርዕስ

“Court annexed divorce mediation” ሲሆንየጥናቱዋናዓላማበትዳር የተሳሰሩ ጥንዶች ፍቺ ለማቅረብ ወደ ፍርድ

ቤት ሲመጡ በፍርድ ቤት ትዛዝ ወደ ባለሙያየቤተሰብአስታራቂዎች ይላካሉ፡ ስለሆነም የስምምነትሂደቱ ምን

እንደሚመስል፣ የባለሙያ የቤተሰብ አስታራቂዎች

የስራልምዳቸውንማወቅነውበዚህጥናትላይበሀገራችንሊይየባለሙያየቤተሰብአስታራቂዎችማንእንደሆኑ፣ስለስምምነት ሂደቱ

ዳኞች፣ ጥንዶችና ባለሙያየቤተሰብአሳማሚዎች ያላቸውን እይታ መረዳትና በሂደቱ ላይ ያለውን ችግሮች ለመረዳት ነው፡፡

እነዚህጥያቄችሊይበሚያተኩረውቃለመጠይቅላይየምትሰጡኝመልሶችለጥናቴበጣምጠቃሚስለሆኑግልፅእናዝርዝርመረጃዎችን

እንድትሰጡኝበትህትናእጠይቃለውቆይታችንግፋቢልአርባደቂቃየሚወስድሲሆንስለተሳትፎችሁየምታገኙትምንምማበረታቻባ

ይኖርምለማህብረሰቡየተረጋጋቤተሰብናየፍቺቁጥርንለመቀነስየምታደርጉትንጥረትለመግለፅጥሩአድልይፈጥራልበውይይታችን

ሊይየምታነሱትእያንዳንዱነጥብበሚስጥርይጠበቃልበጥናቱህትመትሊዜምየአናንተንማንነትበቀትታየሚጠቁምመረጃእንዳይኖር

የጥናቱባለቤትስማችሁንበቁጥርአልያምበሌላምስምይተካልግሌፅያልሆነላችሁንማንኛውንምጥያቄየጥናቱንባለቤትመጠየቅትችላ

ላችሁ ተሳትፎችሁበሙሉበፈቃድኝነትላይ የተመሰረትነው፡፡

ስም----- ፋርማ----- ቀን-----