Family mediation

Mediation can be particularly helpful in cross-border family disputes and parental child abduction cases. The term ‘family matters’ covers a broad range of disputes, from purely private matters to those involving public authorities.

What is cross-border family mediation?

Cross-border family mediation is a process conducted by one (or several) impartial, qualified third person(s), the mediator. The mediator has no power to decide but helps the parties to regain communication and assists them in resolving their problem themselves.

The agreement reached is a tailor-made solution for their dispute that ensures that their parental decisions take account of the best interests of the child, if a child is concerned.

Family matters include: parental responsibility and access rights, child abduction, child protection measures, maintenance of children or ex-partners and other consequences of divorce or separation.

Partners are encouraged to take responsibility for the decisions concerning their family and to first try to resolve conflicts outside of the judicial system.

Mediation can therefore create a constructive atmosphere for discussions and ensure fair dealings between parents which also takes the best interest of the child into account.

Please consult the following pages to get more details on:

- Principles and stages
- How it works
- Costs
- Legislation

Please select the relevant country's flag to obtain detailed national information.

How does it work?

As a party you can apply for mediation in all the Member States. In some Member States the judge may invite the parties in a dispute to try mediation.

If all parties agree to use mediation, the selected mediator sets up the mediation schedule. The way the mediotor is selected depends on the specific country - you can find this information in the respecitve national pages available on the right hand side of this page.

Legal representatives can play an important role by providing the legal information necessary for the parties to make informed decisions.

Mediated agreements can be rendered enforceable if both parties so request. This can be achieved, for example, by way of approval by a court or certification by a public notary.

Legal representatives can review the mediated agreement to ensure that this agreement has legal effect in all legal systems concerned.

Why should you try it?

You have the opportunity to control the outcome of your own dispute

Mediation is a user-friendly environment in which the party is boss.

Mediation allows you to revise and adjust the scope of the conflict.

You make the decisions and agreements but you are not required to reach an agreement.

By trying mediation, you do not give up your right to file or pursue a lawsuit in court.

A win-win situation for every party taking part in mediation

The mediator is an impartial and trained helper that can assist you to try to work things out yourselves.

Compared to a trial mediation is relatively inexpensive.

Mediation is relatively swift. It can be easily scheduled any time at the mutual convenience of the parties and can take place in a variety of locations.

Mediation allows for flexible solutions (tailor-made) and helps in maintaining or building constructive future relationships and contacts between the parties.

Support and advice of a legal representative in mediation is possible.

Mediation can reduce future litigation.

This link will take you to the Mediators page.

Limits of the mediation

Where there are indications that the case is not suitable for mediation or that one (or both) of the parties are not willing to attempt mediation, the intervention of judicial authorities is necessary. In the screening of the suitability of the case, special attention must be given to the identification of possible risks such as domestic violence and its degree, drug or alcohol abuse, child abuse, etc… The suitability of the case must be decided on an individual basis and the standards applied by the mediator and the mediation organisation.

Related link

Practitioners’ Tool: Cross-Border Recognition and Enforcement of Agreements Reached in the Course of Family Matters Involving Children

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