

The mediator invites Janice and Henri to begin their free storytelling.

14 Janice: Well, when we adopted Robert, I mean we adopted him. We expected that he was going to come into our family and be our child. We've met with Vicki and we talked before the baby was born and our understanding was that the baby, now we know the baby is Robert, was going to come and live with us and be our child.

15 Henri: For 100 percent. That was our understanding.

16 Mediator: Let me go back a little bit. Obviously, you must have met each other somehow. How is that Vicki, you decided upon the parents taking care of Robert?

The mediator touches on a hypothesis to which the parties' reaction is important. He tries to refer to the story about how the parties' encountered one another and became bonded.

17 Vicki: Well, where I work, I met this friend of mine. He knew this couple, Janice and Henri, and said that they had been wanting to adopt, but adoptions took too long to wait. So, you know, I talked to them, and I agreed that they would. They seemed pretty nice people, and I agreed to let the baby go with them.

18 Mediator: Was there some kind of selection procedure that you went through for these parents, Janice and Henri?

The mediator's strategy is to make the parties remember that the together previously have solved tasks. He tries indirectly to bring out what in the current situation is so special that the task at hand was not able to be solved together.

19 Vicki: I met them at their house and I asked them questions, you know, what they do and, you know, how they perceived raising a child? I just wanted to make sure it was a safe home, a good home. I want my child to be provided for. I can't do that right now.

- 20 Mediator: So, then, you felt happy and satisfied that that was going to be a good home. Are you saying that's the way it is now, or not?

Here is a circular question about difference. A good question about difference should hopefully lead to an answer about difference. The difference here is about the past compared to the present.

- 21 Vicki: Yeah, but, I had agreed that I had talked to them about it, about having agreements of me being able to see him, have contact with my child.

- 22 Mediator: With Robert? I see you nodding your head. Does that mean yes or no?

The mediator explores whether the question is understood and whether nodding means accept.

- 23 Janice: Yes. My understanding was that by contact, Vicki was free to write letters and send pictures on holidays, Christmas, birthdays, that kind of thing. But I had never, I don't think we ever considered Vicki seeing Robert and spending time with him. I just think it's a very confusing situation for everyone, including Robert, when he gets older.

- 24 Mediator: Henri, check this out. Is this the same kind of ...

Members of the same group do not necessarily see things the same. Therefore, it is import to examine possible disagreements. The mediator tries to include all present to the dialogue. Please notice that Janice uses the expression: Yes, ... but. Normally that points to lip-service and signals a lack of recognition.

- 25 Henri: Yes, my understanding was that the contact would be up until the point when she surrendered the baby to us after signing the papers and it would be contact as saying goodbye to the baby and having a last few moments alone with little Robert. But I didn't realise that it was going to incorporate visitation every other weekend. I agree with my wife that it would be very confusing, not only to us, but also to Robert as he was being raised, to have another person in his life that was saying she also was the mother. I think it would be a difficult situation to maintain.

- 26 Mediator: You have obviously been referred here by your legal counsel. Why is it that you have not pursued this legally, then? Is there a reason why you haven't decided to pursue this legally and come to mediation today? I'd be curious as to...some couples I deal with say, Let's just go to court and fight about it. Some say, Let's go to mediation. Did you guys make a decision that this is the way you would resolve this, or how did this come about?

Here is a typical WATNA (Worst Alternative To a Negotiated Agreement) question. The mediator assumes that the couple wishes to maintain a good relation to Vicky.

- 27 Janice: Well, we're still in the period between signing the final papers and I think we really want to try to find a solution.
- 28 Mediator: Help me out with something, Vicki. I need to understand a little bit more. Is it your impressions that during the negotiation phase with Mom and Dad here that it wasn't clear to you about what visitation meant? Was it not discussed? And then, if I might, then I'll ask both of you what your general impressions are?

The parties are working under the duress of a deadline. It is important that mediator appears under no pressure but also gives the parties the impression that useful solutions can be worked out within limited timeframes.

- 29 Vicki: No, I pretty well got the impression, I said I wanted to have contact with my boy and that's why I signed the papers. They had agreed that I would have contact.
- 30 Mediator: Did they say anything about what kind of contact?
- 31 Vicki: No. No, we didn't really talk about it.
- 32 Henri: That was the problem, the ambiguity of the way things were presented to us by our legal counsel. It's becoming quite a big issue for us right now, because we have an inability to conceive children on our own and the adoption process is an almost impossible mass of paperwork and red tape. So when the opportunity came to adopt Robert, we just