



**WILLIAM RJP BROWN**  
**BROWN LEGAL GROUP, LLC**

SOLVING PROBLEMS

CREATING  
SOLUTIONS

Experienced,  
Proactive,  
Compassionate.  
Resolution  
that *moves*  
*you forward!*

## THE USE OF CUSTODY MEDIATION IN LITIGATION

Custody mediation is a tool with many permutations that can be tailored to each family to assist counsel in reaching resolution for that family. The benefits are well recognized. One major benefit is that these families return to court far less often vs. those families with court ordered plans as the parenting plans tend to be tailored to the particular needs of that family.

Additionally, custody mediation during the litigation process provides a forum for child focused communication between the parents in a neutral setting with direct involvement of the parents. Throughout the majority of cases, the Court process maintains the parties at arm's length in many ways. That lack of direct involvement can be problematic to achieving resolution. Mediation allows the family to float ideas, try various schedules, transitions and protocols, prior to them becoming orders. This allows the family to participate in the process, and, for success to build on success.

In early intervention custody mediation, the parties will ideally engage prior to the major positional implements being ordered in court such as family relations studies, evaluations and even a guardian ad litem. The spirit is cooperative in developing a parenting plan and for it to remain as such; it should be commenced as early as possible.

Counsel may wish to utilize custody mediation for their clients for the entire parenting plan or on a more "a la carte" basis for more finite or goal oriented issues. Some examples may include short calendar issues, how and when to commence overnighing of a young child, managing extracurricular activities, integration of new partners, etc. In a similar vein, counsel and parties may wish to have event driven mediation for topics such as holiday and vacation schedules, or, parenting plan tune ups based on developmental milestones of the minor children.

Be mindful that with any form of custody mediation, counsel and the parties should clearly outline the scope of the mediation and whether or not that mediator may have access to third party records or professionals involved with the family, including access to the minor child(ren) and, lastly, the involvement of counsel.

Assessing the where, when and how to utilize custody mediation is the key to maximizing the results for your clients.

## Benefits of Custody Litigation

- Provides a forum for child-focused communication in a neutral setting
- Enables parents to try different schedules and protocols
- May become the basis for a parenting plan
- Creates a cooperative environment for a successful co-parenting plan

*Since 1995, William RJP Brown's legal career has focused on domestic relations litigation representing children, parents and parties in all aspects of divorce, custody and parenting access disputes. That background is integrated with the training and work he has performed as a mediator, a Family Special Master at the Regional Family Trial Docket, his extensive experience as a guardian ad litem across the state, and his network of mental health professionals. Attorney Brown received his Parenting Coordination training through the Association of Family and Conciliation Courts. For additional information about Parenting Coordination, please feel free to contact us.*