



Lene Madsen

## INTERVIEW

## Resolving ways

Family mediator Lene Madsen talks about the virtues of mediation over litigation

CAN FAMILY MEDIATION reduce conflict for couples choosing to separate? Yes, says Lene Madsen of Bluewater Mediation, a family mediation service that helps separating and divorcing couples reach their own agreements about what is best for their family.

Madsen is a trained mediator facilitating a process that reduces conflict while creating a workable separation agreement. With a background in international and Canadian human rights prior to becoming a family lawyer and mediator, Madsen provides the tools to solve family problems, including issues related to parenting, child custody and access, as well as matters related to finances, such as the sharing of property and arrangements for support.

By giving people more control over their lives (rather than having a court make decisions for them), Madsen believes people are more likely to honour their own agreement because they helped create it.

### Who is family mediation for?

Family mediation is largely for separating, separated or divorced couples who want to make a plan for their children, untangle their finances and create a baseline where they can move on with their lives.

### What are the benefits of mediation?

There are many benefits. Mediation is essentially an interest-driven process. The focus is less about what are my rights and entitlements and more about what do I need and want and what might my spouse need and want, and how can we get those interests met in a way that's going to be good for the children. It's not that it's blind to rights—as a mediator with a legal background I certainly share legal information. I'm not allowed to give advice.

### Why did you become a family mediator?

I come to mediation with a belief that most people with some support are capable of negotiating and building their own futures. In mediation, people have a real chance to tailor fit something to their lives and for their children. People can be their best selves on behalf of their children and mediation invites them to do that. It's a space where you can offer your children something important by reducing conflict and consciously building a path for them.

### Is there a cost benefit?

Almost always. Mediation varies in terms of how many sessions it takes. It very much depends on the level of conflict. My experience is that couples who come in good faith and are prepared to do a comprehensive disclosure in an efficient way move quite quickly toward a comprehensive agreement. It is cost effective because it's shorter and they are sharing the cost of the mediator.

### Are there couples that mediation might not be for?

Yes. I think where it doesn't work is where there is contempt between parties. Separating couples who are angry or hurt can still mediate if there is a core level of respect for the other person. If that respect is absent, in my experience mediation doesn't work.

### What if a couple has unique or specific needs?

I have co-mediated with experienced social workers that were able to give guidance on complex parenting issues. One couple's agreement was complicated by a family business. We brought in their accountant, whom they both knew and trusted. It doesn't add much to the cost but adds significant value.

### Do couples still need a lawyer if they choose mediation?

My contract requires that they get independent legal advice. Very often counsel will have good points that can be worked into a session.

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BY EVELYN SYMONS