facilitate agreed solutions in international family disputes. These Conventions include:

- the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Convention);
- the Hague Convention of 13 January 2000 on the International Protection of Adults; and

In addition, the Guide is intended to assist States that are not Parties to these Hague Conventions but which are considering how best to develop effective structures to promote cross-border mediation in international family disputes. The Guide is addressed to governments and Central Authorities appointed under the 1980 Convention and under other relevant Hague Conventions, as well as judges, lawyers, mediators, parties to cross-border family disputes and other interested individuals.

The Guide is the fifth Guide to Good Practice developed to support the practical operation of the 1980 Hague Child Abduction Convention. The four previously published Guides are:

- Part I: Central Authority Practice;
- Part II: Implementing Measures;
- Part III: Preventive Measures; and
- Part IV – Enforcement

In addition, the General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children relates to both the 1980 Hague Child Abduction Convention and the 1996 Hague Child Protection Convention. All States Parties, and in particular Central Authorities designated under the 1980 Hague Child Abduction Convention, are encouraged to review their own practices and, where appropriate and feasible, to improve them. The Guide can be downloaded from: http://www.hcch.net/index_en.php?act=publications.details&pid=5568.

**International Family Mediators**

The launch of the European Network of International Family Mediators, which took place in Brussels in April 2012, was a significant event. The Network comprises a register of certified practitioners, already experienced mediators, who have all received extensive additional training in international family mediation in order to deal with cross-border family conflicts and, in particular, cases of international child abduction. Those who successfully completed the minimum of 60 hours training in international family mediation are eligible to be members of the European Network of International Family Mediators, which is now available as a resource to professionals and families (individual details and profiles appear on the website: www.crossbordermediator.eu).

Seventy mediators overall, from over 27 countries (including Austria, Belgium, Bulgaria, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Turkey and the UK) participated in two programmes of training in international family mediation, both funded by the European Commission as part of the EU project ‘Training in International Family Mediation’ (TIM). In the first programme in the autumn of 2011, 21 experienced family mediators, each selected from 21 countries including one from the UK (the author) completed the training; the second programme involving 49 participants from 27 countries including two from the UK (Sandra Fenn and Frances Place from reunité) was focussed on the training of international family mediators. Each programme consisted of the theoretical and practical aspects of the TIM mediation model, a particular bi-national, bi-cultural, bi-lingual and bi-professional mediation model for international family mediation.

The course content included, for example: cultural aspects of communication, families, emotions and mediation; the characteristics of bi-national families, effects of parental child abduction; mediation in child abduction cases with non-Hague Muslim countries; specific models of mediation such as the use of cross-cultural co-working, incorporating the voice of the child, the caucus, video-conferencing and online mediation; co-operation with other organisations (such as Central Authorities, judges, translators, youth welfare offices); and the legal context – theoretical and practical aspects of the 1980 Hague Convention, Brussels II bis Regulation, international private law and national family law; and legal aspects of mediation such as the written agreement, the memorandum of understanding and the mirror order.

Under the leadership of trainer, Dr Jamie Walker (MiKK, Germany) and Project Manager, Hilde Demarré (Child Focus, Belgium), the following organisations collaborated in providing the training (and associated research): Child Focus (Belgium); MiKK (Germany); the Catholic University of Leuven; and the Dutch Child Abduction Centre. It is intended that members of the Network will receive supervision and continuing training on a bi-annual basis.

Research shows that mediation, voluntarily engaged in, can be a valuable intervention in appropriate cases involving international situations of family conflict and child abduction (see for example Trevor Buck, An Evaluation of the Long-Term Effectiveness of Mediation in Cases of International Parental Child Abduction (Reunite International Child Abduction Centre, June 2012)). However, practising in this international context requires specialised knowledge.

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and skills. In order to assist parents in reaching their own realistic outcomes, often bridging large distances, cross-border mediators must know and understand the relevant international judicial instruments; they must be able to co-work constructively, frequently at short notice, in situations of high conflict and in the context of different cultures and languages.

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What is safe parental involvement?

The UK government consultation Co-Operative Parenting Following Family Separation: Proposed Legislation on the Involvement of Both Parents in a Child's Life (14 June 2012) has proposed an amendment to the Children Act 1989 by adding some form of presumption or principle or starting point or change (the exact nature yet to be decided) to the so-called welfare checklist. The intention would be to emphasise the importance of the involvement of both parents in the lives of the child. This intention is worthy. The execution seems pointless. In particular, because of its desperate anxiety to avoid anything remotely close to the Australian experience of children law reform a few years ago, the proposals seem unnecessarily anodyne. It must be doubted if they will have any impact or improvement in practice. If this is the case, it must be highly regrettable.

In its headlines, the government says that there is a risk at a time of parental separation that the children's needs are overlooked and in too many cases one parent finds it hard to retain a strong and influential relationship with the child. Sadly this is too often the experience of many working in the family justice system. The results are often heartbreak. The stated aim of the proposed legislative amendment is to ensure this joint parental involvement happens in court cases and reinforce the expectation generally that both parents are jointly responsible for their children’s upbringing.

The short history is that in 2009, the influential Centre for Social Justice in its ground-breaking reform report Every Family Matters recommended change to statute law to include provision of a principle, not a presumption, that both parents having a ‘significant involvement’ in the life of the child was in the best interests of the child, subject to safety aspects of course. In 2010 the UK government set up a Family Justice Review (FJR) to consider some areas of family law reform. In their interim report in 2011, they recommended statutory reference to the child having a ‘meaningful relationship’ with both parents, a difference of sorts from ‘significant involvement’ but no major change. However after extensive responses to the interim report and especially after feedback from some in Australia, the FJR got cold feet and in their final report recommended no change.

The government has disagreed. There have certainly been some calls for presumptions or starting points of equal time provisions but almost everyone in England was adamant that we would not go down the fraught route of the terminology of the Australian legislation with its perceived artificial expectations within the public arena of some sort of time equality starting point. England already makes ‘shared residence orders’.

In April 2012, England was much blessed by having not one but two of Australia’s finest speaking to us on this subject. Chief Justice Diana Bryant, Australia’s most senior family court judge, spoke at an international lecture at a London law firm (see below for the full paper) and the following day Professor Patrick Parkinson, Australia’s leading family law academic, spoke at the Palace of Westminster (for a full summary see June [2012] Fam Law 758). Both covered the lessons to be learned from the Australian experience in children law reform.

The Australian changes in 2006 were that in determining the best interests of the child it was necessary to look at two primary considerations, the first being ‘the benefit to the child of having a meaningful relationship with both of the child’s parents’, similar to the FJR interim proposals. In addition, a (reattributable) presumption was introduced that it was in the best interests of the child for both of the child’s parents to have an equal shared parental responsibility for that child. If the court found that the presumption applied, then the judge had to consider making an order for equal time or ‘substantial and significant time’ if in the best interests of the child (with reference to a series of additional considerations) and reasonably practicable. So time became inextricably linked with the ‘meaningful relationship’ and the shared parental responsibilities. Perhaps inevitably public expectations, hopes and anxieties as a consequence of the legislative reforms was not on the meaningful relationship or the substantial and significant time. It zoned in immediately onto equal time. This caused major problems. Lay parties, fathers of course but also mothers, expected to have to work out some complicated arrangement which was close to equality. Mediators were putting in place equal time. Lawyers struggled with client expectations. The judges grappled with the legislation, requiring some higher court decisions to right the balance, although they have still not fully overturned the initial equal time expectations by the public from the legislation.

The UK government proposes a ‘presumption that a child’s welfare is likely to be furthered through safe involvement with both parents unless the evidence shows this is not to be safe or in the child’s best interests’. On any basis it is cumbersome even tautologous wording. A safe involvement unless