

Mapping the family relationships' system: The strategic use of a genogram

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Abstract

This article explores the benefits of using a three-generational genogram or family chart to work systemically with two or more members of a family in dispute. A genogram assists to understand family patterns of behaviours and decision making and provides clues to the origin of family stories which may be helping or hindering the resolution of their conflict. Each person's family origin and/or ethnic background can have an influence on how clients react when they are in conflict. By using multigenerational chart family mediation practitioners, family legal practitioners and participants will get a better overview of the context in which the dispute is centred. No mediation is held in isolation. There are often several others who fear they could be harmed or hindered by outcomes as a result of a confidential process in which the participants use their self-determination to gain an outcome that is to their mutual satisfaction.

Introduction to working systemically

A dispute within a family or between two people of a family is seldom held in isolation; once such a dispute becomes known, members of the family tend to have an opinion, want to influence and/or take sides. This type of influence can emotionally undermine the self-determination of mediation participants, unless it comes out in the open during the exploration of their needs, fears and interests in a facilitative mediation approach. To be able to fully see the family from a multi-generational perspective can assist practitioners not only to gain knowledge of the family structure but also to highlight family dynamics.

The following is a brief introduction to thinking systemically when working with people in relationship conflicts.¹ Lederer and Jackson describe systemic concepts as a 'the whole being more than the sum of its parts, because the way in which the parts operate in relation to each other needs to be incorporated in any definition of the whole'.²

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¹ Mieke Brandon and Linda Fisher, *Mediating with Families* (Thomson Reuters, 4th ed, 2018) 1-2.

² William J Lederer and Don D Jackson, *Mirages of Marriage* (WW Norton & Co, 1968); see 45-8 'The System Concepts'.

The family relationship map is used to gain understanding of the system of the relationship of the disputants as well as the potential impact of the wider system. 'The systems that foster and aggravate conflicts consists also of cultures, beliefs, attitudes and ways of thinking and acting that exist inside each of us; between friends and couples; in marriages and families'.³ Cloke also reminds that 'All conflicts are experienced personally and acted out by individuals, leaving the system, context, culture and environment that create and contribute to them largely invisible'.⁴

Eddy states that '[f]amily systems theory describes families as operating like the solar system: each member of the family has a 'pull' on every other member of the family – like gravity pulls planets towards each other and other forces push them away, so that they stay in balance spinning around each other in a predictable orbit'.⁵ He describes how these systems have characteristics that are common: They: a) are powerful; b) seek stability; c) create roles; d) are part of a larger social system; and e) are resistant to change.⁶

Legal practitioners and family practitioners work with all types of families in dispute, such as separating or separated couples, property and finances, elder⁷ or parent/adolescent, wills and estates, parent/adolescent disputes and relationship mediation. Hence practitioners are assisted by this knowledge to develop an understanding of typical dynamics managing any dispute between two or more members of a family and their relationships with others in the context of their extended family attitudes, beliefs and values.

Mapping the family system

In any family mediation a genogram or family chart⁸ can be used to locate two individuals and their relationship with each other in the family system, and to illustrate their differences in perceptions and impressions of their dispute. Such a simple genogram is used to establish factual data. However, many disputants come from complex family systems and a more elaborate family chart helps to have an overview of the current situation of their family.

³ Kenneth Cloke, 'The Future of Mediation: Towards a Conflict Revolution' (Web Page, January 2015) <<http://www.mediate.com/articles/ClokeFuture.cfm>>.

⁴ Ibid.

⁵ Bill Eddy, 'Misunderstanding Family Systems in Today's Divorces (Part 1)' (Web Page, 11 March 2014) <<https://www.highconflictinstitute.com/hci-articles/misunderstanding-family-systems-in-todays-divorces-part-1>>.

⁶ Ibid.

⁷ See Kay Feeney, 'Settlements and Spousal Maintenance for the Elderly' (2019) 29 *Australasian Dispute Resolution Journal* 173.

⁸ These two terms are used interchangeably throughout the remainder of this article.

Originally the genogram was used by Bowen⁹ and other family therapists who found it useful to contextualise clients' 'issues' by developing a multigenerational 'map' of the client's family. Systems theory was widely used by therapists like John Haynes, who was a very highly regarded family mediator teaching mediators to use this.¹⁰ Genograms became useful in the medical world as well as in family mediation. LeBaron and Pillay suggest that '[w]hen we hold relationship at the center of our map, it reminds us that we are ultimately interdependent. Our relationships are carriers for our identities, passions and meanings. Whether it is our conflict or we are helping others, we are always part of a relational system'.¹¹ By using a genogram the structure of the multigenerational family is depicted and the patterns of their interactions can illustrate their closeness, distance and conflictual dynamics.¹² A useful example, at this early stage, is provided in Figure 1.4 below.

The next section will illustrate and describe as much as possible how these concepts are used in conflicts between family members.

The use of a genogram in all types of family dispute management

A genogram is a visual representation of a family structure which provides information on the individuals, who make up a family and their relationship to one another through the use of symbols.¹³ A simple genogram is used to establish (i) factual data on the current generation of a family, (ii) descriptions of individuals and their relationship with each other, and (iii) differences in perceptions and impressions.¹⁴ A traditional diagram may not adequately represent the way many people from different cultures live within larger groups and/or extended families.¹⁵ Colour can be used to represent cultural groups or intercultural marriages or relationships and can show people adopting a new culture besides the one with which they primarily identify.¹⁶ Intercultural marriages or relationships can be identified using colour or a made up symbol (see, for example, Sergei and Anneke in Figure 3 below).

The genogram allows information to be gathered on one or all participants in mediation and may also show an element of their connection to the outside world.¹⁷ When one person from a partnership (as in family dispute resolution)¹⁸ seeks mediation or a person as part of a married couple seeks relationship

⁹ See Murray Bowen, *Family Therapy in Clinical Practice* (Rowman & Littlefield, Maryland ed. 2004).

¹⁰ Personal conversation with Michael Hunt 13 April 21; see also John M Haynes, 'Mediation and Therapy: An Alternative View' (1992) 10 *Mediation Quarterly* 21.

¹¹ Michelle LeBaron and Venashri Pillay, *Conflict Across Cultures Conflict Across Cultures: A Unique Experience of Bridging Differences* (Intercultural Press, 2006) 144.

¹² Mieke Brandon, 'Use of the Genogram in Training Mediators and Mediation Sessions' (2001) 4(4) *The ADR Bulletin* 45.

¹³ *Ibid* 45.

¹⁴ *Ibid* 48.

¹⁵ *Ibid*.

¹⁶ *Ibid*.

¹⁷ *Ibid*.

¹⁸ See Brandon and Fisher (n 1) 59-62.

mediation, a genogram can be drawn to show how that person sees their family system and the relationships interactions. When both people from a relationship seek mediation, such as family dispute resolution (FDR) and relationship mediation, current relationship and previous relationships and/or future relationships and/or children from these relationships can jointly be identified by the participants.

The genogram can be tailor made to each matter; for example, a family lawyer may want to use a family chart or map to depict specific information (births, deaths, marriages, de-facto, separation or divorce, children and multicultural relationships).¹⁹

According to Bowen the ‘emotional system’ is conceptualised as a ‘complex amalgamation’ of ‘nature and nurture’ so that family life experiences and circumstances influences ‘multigenerational patters; family functioning and family process; sibling functioning and a host of additional significant social, environmental and emotional factors’²⁰ (see further Figure 10 below). As Que and Weston state:

Our sense of wellbeing is closely linked with how happy we are with our relationships with other people, especially those that are most important to us. Of these, relationships within families loom large, affecting all members, the family as a whole, and the community. If relationships in the family are supportive and enjoyable, then the challenges we face both within and outside the family can seem less daunting than otherwise. The souring of family relationships, on the other hand, can be devastating experience in which our ‘refuge’ can become a ‘minefield’.²¹

Depicting a multigenerational genogram

Traditionally male and female symbols were depicted differently, males as a square symbol, and females as a circle symbol.²² However, the awareness and representation of gender and gender expression can be acknowledged by using specific symbols to identify the diversity²³ to the people in dispute where this is important to them.²⁴

¹⁹ Brandon (n 11) 47.

²⁰ See Wayne F Regina, *Applying Family Systems Theory to Mediation* (University Press of America, 2011); see also Brandon and Fischer (n 1) 86-89.

²¹ Lixia Qu and Ruth Weston, ‘Snapshots of Family Relationships’ (Institute of Family Studies, May 2008) 5 <<https://ifs.gov.au/sites/default/files/publication-documents/ssreport08.pdf>>.

²² See 30 Free Genogram Templates & Symbols Home (Web Page, 9 November 2016) <<https://www.freetemplatedownloads.net/30-free-genogram-templates-symbols.html>>.

²³ See Genogram Analytics, ‘Identifiers’ (Web Page) <http://www.genogramanalytics.com/genogram_symbols.html>.

²⁴ Ibid.

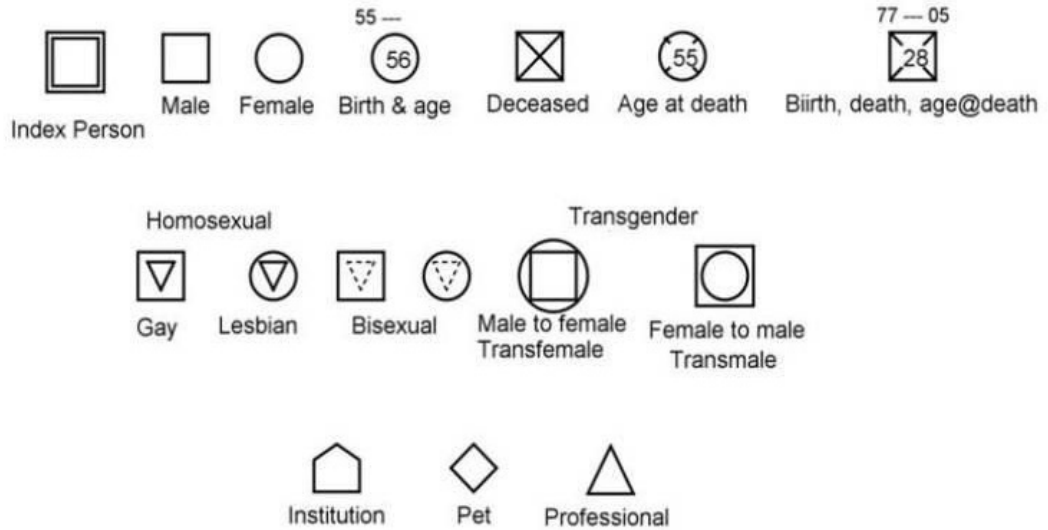


Figure 1: Identifiers

Alternatively, if this is not requested or unknown by practitioners, basic genogram symbols can be used (see Figure 2) or one or two different shapes can be used for each participant (see Figure 3).

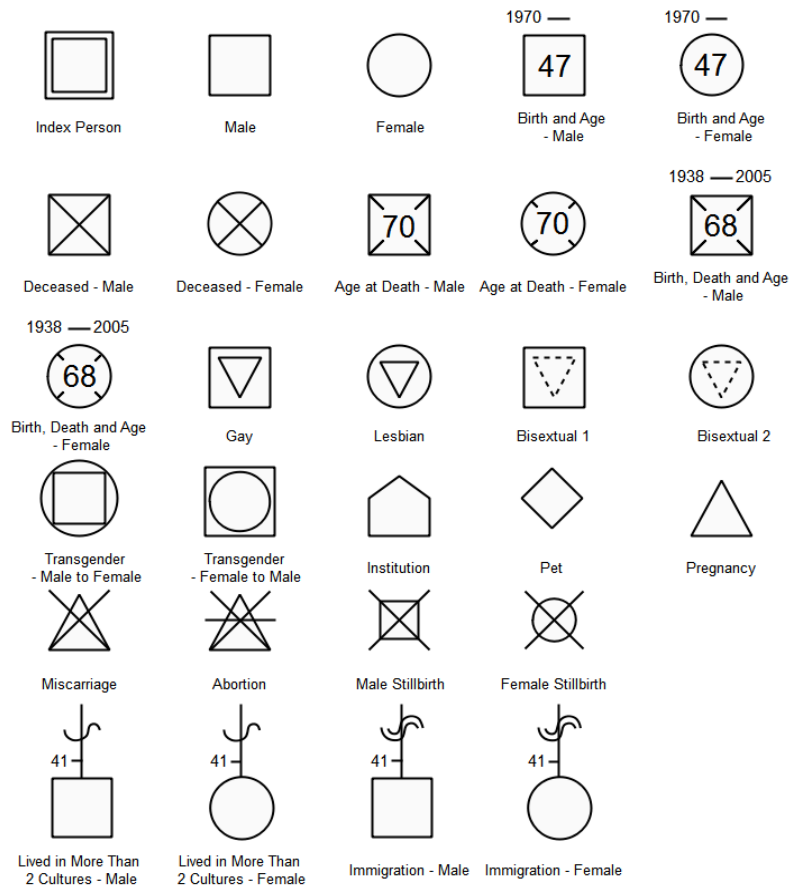


Figure 2: Basic genogram symbols

Alternatively, any other symbol can be used and/or creative illustrations added.²⁵ The following section gives some brief examples of family maps or genograms in different family mediation scenarios.

Elder mediation

The genogram used in elder family mediation (Figure 3) of Otto and Inger’s family (who are in the process of assisting Otto’s mother about the possibility of going into a nursing home) usefully illustrates several dynamics. We can see that:

- a) in each generation a child has died in Inger’s family, and that Otto’s father is deceased;
- b) it is clear that due to the names of several people there may be cultural issues, values and traditions that could be important for the Otto’s mother Fanny (aged 82) to discuss;
- c) the role of the Fanny’s own children and the grandchildren may also be significant (depending on how close these are to her);
- d) there are particular lines between Otto and Sergei and Fanny and Inger; these mean that Otto is not on good terms with Sergei (but is close to his Mum and Anneke); and Anneke and Inger are close as well (see Figure 4 below for details about the meaning of line symbols).

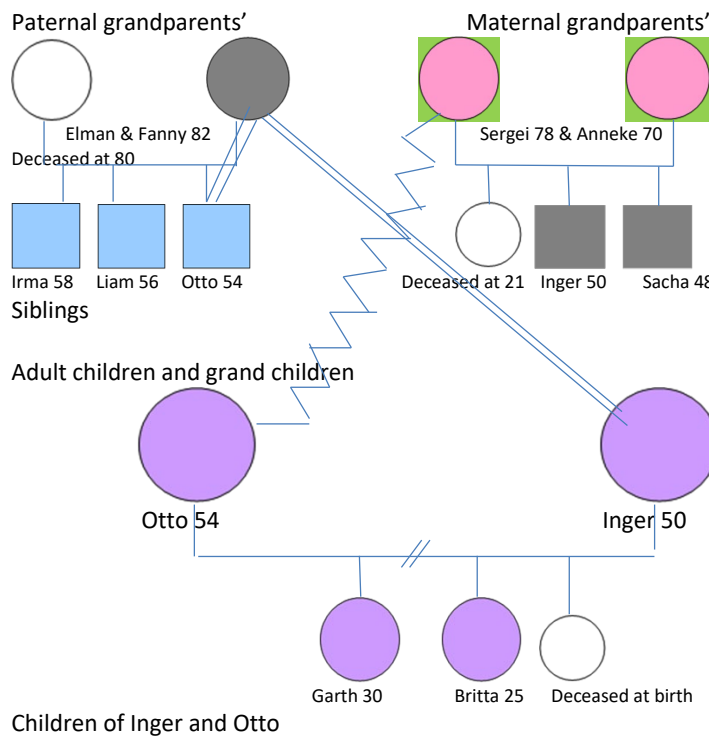


Figure 3: Family map or family chart illustrating the extended family of Otto and Inger

²⁵ See Catherine Barrett et al, *Gender Genograms: A Resource for the Families of older Trans and Gender Diverse People* (2019) <<https://alicesgarage.net/wp-content/uploads/GenderGenogramResourceHere-1.pdf>>.

Who is the client?

In this case Fanny is the client and her adult children are discussing and negotiating how best Fanny can be housed now she is no longer able to look after herself at her home. Any decision she makes will probably be with the assistance of Otto, but it is also likely that his wife Inger will have some discussion with him privately and/or is participating in the mediation itself. After certain plans are made and Otto comes home to announce this to his children, those children may have something to say about it. This can either be supportive of the outcome Fanny is looking for or one or all children could be strongly against these plans and express those views.²⁶ These can be common problems in elder and/or wills and estates mediation as well.²⁷ This demonstrates how important it is to consider other family members by using multigenerational map that shows the ‘family system’.

As seen above, mapping a family relationships chart can provide an overview of:

- Individuals within the family and their relationships with each other, or intra family relationships, which can include changes in closeness and levels of conflict over the family’s or relationship life cycle;
- Relationships interactional patterns in an extended family can be illustrated through these symbols.

Hoag explains how ‘the map is not the territory’²⁸ as he believes that ‘[o]ur brains will use whatever maps we give them’.²⁹ Hence he sees a tremendous value in the ‘therapeutic use’³⁰ of working with family maps. He maintains that mapping: ‘allows us to accept our thoughts and feelings for what they are — just thoughts, just feelings. ... We can become curious about them, we can evaluate them, and we can change them if other thoughts or feelings would be more useful, healthy and life affirming’, By improving our maps he suggests ‘we can improve the quality of our lives, our experiences, our relationships, our health and our success’.³¹

²⁶ For more information about elder mediation and its areas for mediation, see ADRAC, ‘DR, older people and Elder Mediation’ (14 September 2016) <https://f77b663a-db93-4dd8-823d-909937839d69.filesusr.com/ugd/34f2d0_81944e1a41e74e8ea09811335076f42a.pdf>.

²⁷ See Brandon and Fisher (n 1) 232-245 on wills and estates mediation.

²⁸ The distinction between a map and a territory made its debut in Alfred Korzybski’s seminal work, *Science and Sanity: An Introduction to Non-Aristotelian Systems and General Semantics* (1933); see John D Hoag, ‘The Map Is Not The Territory’ (Web Page, 2021) <<http://www.nlpls.com/articles/mapTerritory.php>>.

²⁹ Hoag (n 28).

³⁰ Ibid.

³¹ Ibid.

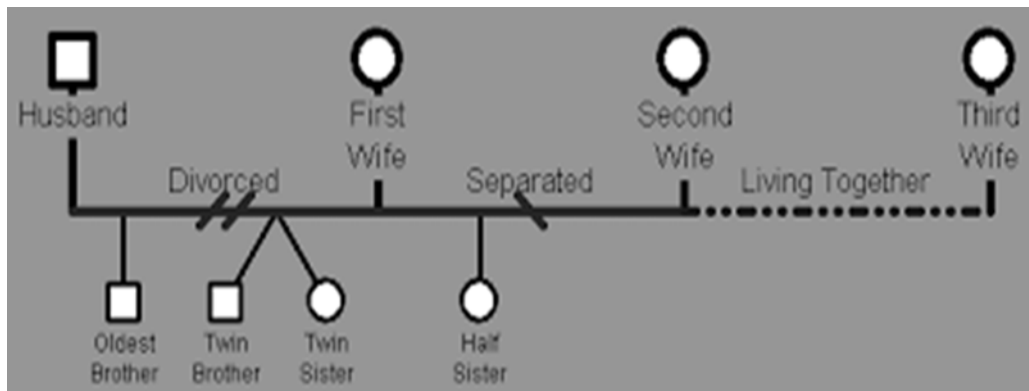


Figure 6: A genogram showing divorced and separated parents

Using a multigenerational family map, that depicts the full context of the family system is, however, more useful in the end, as this helps to show who else may be impacted by the decisions that parents’ make on behalf of their children. Many grandparents, for example, either have regular responsibility of their grandchildren as care givers, or are trying to spend some (or more) time with them.

This is particularly relevant in matters that involve property and finances. It may help to discover how potential offspring can be financial supported, or if and when parents (for example) have given or loaned money to the couple, or one of the partners has had an inheritance or compensation claim or been given a redundancy package. The question becomes what impact may this have on their perspectives and ultimate settlement?

When separated or divorced parents attend FDR,³³ a FDRP or family legal practitioner familiar with multigenerational charts would ask about the interactions, not only between the co-parents, and the grandparents of the children, but also the relationship between the co-parents and their new partners ie if any.

A traditional family chart for a separated and/or divorced family shows all the parents, the grandparents, and how the children reside with each parent. Figure 7, for example, shows that Rowena lives in a de-facto relationship with Manfred and her children and that Phillip is re-married to Carmelita and they live together with their twin boys. This is illustrated through a dotted line around each group forming a ‘family’. The identification of new partners and additional children (who the Swedish call bonus parents

³³ Mieke Brandon, ‘Practice Note – Relationship Mediation: A Facilitative Process for People in Intimate Relationships to Enrich their Togetherness’ (2020) 1 *Dispute Resolution Review* 19 <<https://dr.scholasticahq.com/article/17993-relationships-mediation-a-facilitative-process-for-people-in-intimate-relationships-to-enrich-their-togetherness>>.

and bonus children rather than blended families or stepfamilies)³⁴ is another benefit of an inclusive approach to the generation of a family chart that illustrates the complexity of a family system.

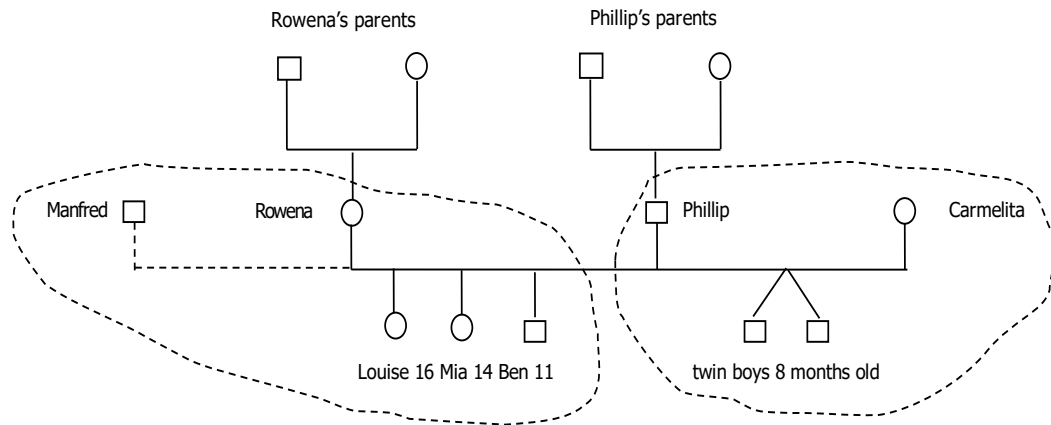


Figure 7: Family chart showing divorced and re-partnered parents

Relationship mediation

‘Relationships mediation’ (also known as marital mediation) uses a facilitative mediation approach to focus on the wellbeing of relationships; as well as each partners’ strengths and hopes to be able enrich their togetherness through exploration of their goals for their individual and joint interests for the future. Relationships mediation is for people in ongoing relationships who are experiencing difficulties and are willing to work through their issues in a collaborative way. It is potentially appropriate for people, regardless of gender, who wish to remain in intimate committed relationships, whether married or not married, with or without children.³⁵

In Australia, s 12G of the *Family Law Act 1975* (Cth) states:

Family Dispute Resolution Practitioners (FDRPs) must give a married person who is considering a divorce, or considering going to court about their children or their finances,

³⁴ See BonusFamilies, ‘More on the Origin of ‘Bonusfamilies’ (Web Page, 2020) <<https://bonusfamilies.com/about/more-on-the-origin-of-bonusfamilies/>>. See also Claire Gillespie, ‘Bonus Family is the Name We Use for Stepfamily’ (Web Page, 29 March 2019) <<https://www.parents.com/parenting/divorce/blended-families/bonus-family-is-the-name-we-use-for-stepfamily/>>. The article begins: ‘[t]he language we use when describing families is critical. So move over wicked stepparent, and make way for the bonus one!’.

³⁵ Mieke Brandon, ‘Introducing Relationship Mediation for FDR Practitioners and Other Experienced Mediators in 2021’ 31 *Australasian Dispute Resolution Journal* 63; see also Mieke Brandon, “‘I love you when, I love you if, I love you because ...’: Relationships Mediation’ (2018) 29 *Australasian Dispute Resolution Journal* 1.

information about family counselling and FDR services available to help with reconciliation. Information does not need to be given if the FDR practitioner believes they already have the relevant documents or they believe there is no reasonable possibility of reconciliation. They also need to provide information on services that assist reconciliation.

The above section has the effect that Family Dispute Resolution Practitioners (FDRPs) have an obligation during Intake or Premediation to assess and explore how each client considers their separation process, either as the 'leaver' or the 'left' or if the decision is mutual.³⁶

Historically, FDRPs have reported that some couples decide they do want to stay together as a result of having had meaningful discussions between them during the FDR mediation session(s). Referral to relationship mediation (RM) would most likely have been highly beneficial for these clients. The opposite can also occur; it may be that parents or partners in RM decide, after one or two sessions, to separate and a referral goes to FDR.

Genograms are relevant when they help to create positive changes in all family mediations and in particular in RM. Mapping the family can assist the couples to understand how they may be supported and or hindered by their parents in their decision making or how some grandparents are taking over the upbringing of the children and in that process criticizing the one or both parents and/or demeaning both of them in their role, profession, or the way they run their finances and household.

Since a family chart can illustrate where transition difficulties may have arisen as a result of preserving or preventing some relationship patterns it can also assist partners to acknowledge and transform their ability to learn different communication patterns between partners that create a more balanced and functional relationship.³⁷

Legal practitioners' obligations

Section 12E of the *Family Law Act 1975* (Cth) outlines the obligations of legal practitioners in proceedings under that Act:

Obligations on legal practitioners

(1) A legal practitioner who is consulted by a person considering instituting proceedings under this Act must give the person documents containing the information prescribed under section 12B (about non-court based family services and court's processes and services).

³⁶ Brandon and Fisher (n 1) 95–102 see information about how the 'leaver' and the 'left' experience the process of the separation.

³⁷ See François Bogacz, Thierry Pun and Olga M Klimecki, 'Improved Conflict Resolution in Romantic Couples in Mediation compared to Negotiation' (2020) 7 *Humanities and Social Sciences Communications* [132] <<https://www.nature.com/articles/s41599-020-00622-8>>; see also Darlene Lancer, 'Power, Control & Codependency' (Web Page, 2016) <<https://psychcentral.com/lib/power-control-codependency#1>>.

(2) A legal practitioner who is consulted by, or who is representing, a married person who is a party to:

(a) proceedings for a divorce order in relation to the marriage; or

(b) financial or Part VII proceedings in relation to the marriage;

must give the person documents containing the information prescribed under section 12C (about reconciliation).

(3) A legal practitioner representing a party in proceedings under Part VII must give the party documents containing the information prescribed under section 12D (about Part VII proceedings).

Note: For other obligations of legal practitioners in relation to Part VII matters, see sections 60D and 63DA.

(4) A legal practitioner does not have to comply with subsection (1), (2) or (3) if the practitioner has reasonable grounds to believe that the person has already been given documents containing the prescribed information mentioned in that subsection.

(5) A legal practitioner does not have to comply with subsection (2) if the practitioner considers that there is no reasonable possibility of reconciliation between the parties to the marriage.

The obligation is to provide information to clients. The obligation requires an assessment of whether there is reasonable possibility of a reconciliation.

The provision above means that legal practitioners' have similar obligations as FDRPs and are required, where appropriate, to make an assessment and provide information (s 12E(5)). Referral to counselling or relationship mediation or any other helping agency can assist clients to reconsider and where appropriate work on reconciliation rather than immediately separate or seek a divorce. Legal professionals in their work with clients may also be assisted by using a family chart or genogram as described above in other family mediation types of dispute. The next section describes how legal professionals, FDRPs and other family practitioners and/or supervisor can use a family chart or genogram. The following section outlines twenty key points explaining when and how genograms can be used strategically in these processes.

The strategic use of genograms: The when and the how

In pre-mediation or first consultation

Figure 8 below illustrates a family chart based on an interview with one person. Note the 'you', indicated by a double circle, which is here an imaginary person who first requests FDR.³⁸

³⁸ See Singapore Association of Social Workers, 'Blast from the Past: The Increasing Interest in the Systemic Approach to Family Work' (Web Page, 2011) <<https://www.social-dimension.com/2011/07/blast-from-the-past-the-increasing-interest-in-the-systemic-approach-to-family-work/comments/>>.

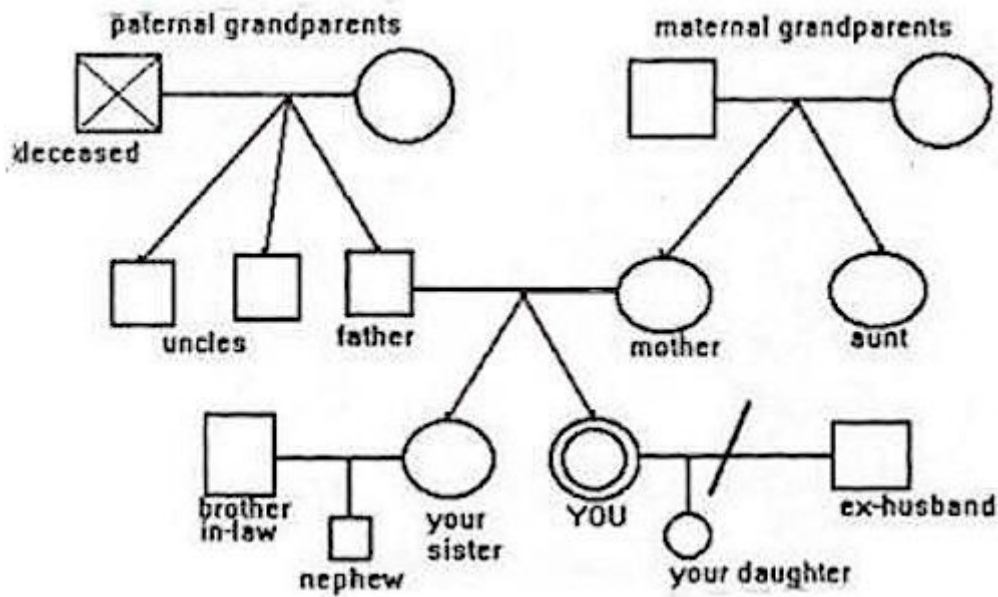


Figure 8: Example of family chart from an interviewee's perspective

1. The first strategy is to ask permission to depict, in confidence, a family chart as soon as client A talks about their dispute within a family environment. The benefit for practitioner is that they immediately have a picture on their file of this client's perspective or interpretation of the dispute with one or more others. Subsequent information from other clients involved in the dispute can, in confidence, be added to the original person's map.

Such a family map is for the practitioner's private file only; it cannot be shared as it was made in confidence with each person separately.

When client B subsequently talks about their dispute with client A (in a joint session, for example), they may have a similar and/or different perspective of the same dispute. If appropriate a joint family map can be created between them as homework and/or in a mediation.

2. When a genogram has been made by the disputants separately the benefit for practitioners is that they immediately get an inkling of the level of complexity from both clients A and B. This can assist practitioners to establish that mediation may or may not be helpful based

on an assessment of physical and emotional safety and/or capacity to participate in a facilitative mediation process.³⁹

3. When practitioners establish mediation is appropriate they might first refer a couple to relationship mediation (for eg to see if a separation is really what partners are seeking or that they want to try to enrich their relationship so that the separation may not be in their best interest).

If a dispute resolution process is assessed as most suitable by legal practitioners, they could decide to refer to other relevant professionals, provide information, suggest resources and other information and/or take on a client.

Family dispute practitioners can refer for legal advice, provision of information, access to resources, family counselling, parenting courses and other educational opportunities. They may also offer a view on which process may be most helpful (eg a zoom or phone mediation, a solo or co-mediation or a shuttle process online).

4. It is important that when practitioners form hypotheses at a pre-mediation stage about the clients' issues (ie before they come to mediation) they do not try to fit all later information in to them.⁴⁰

In joint mediation sessions

Figure 9 shows an example of completed genogram created in a joint session, with a side list of symbols and their meaning in this instance.

³⁹ Relationships Australia, 'Introduction of Family Law DOORS Best Practice Universal Risk-Screening' (Web Page) <<https://www.relationships.org.au/news/stories/introduction-of-family-law-doors-best-practice-universal-risk-screening/>>; see also Mark Dickinson, 'Assessment of Suitability for Family Dispute Resolution' (Blog Post, 14 January 2020) <<https://adrresearch.net/2020/01/14/assessment-of-suitability-for-family-dispute-resolution/>>.

⁴⁰ Brandon and Fisher (n 1) 386-387.

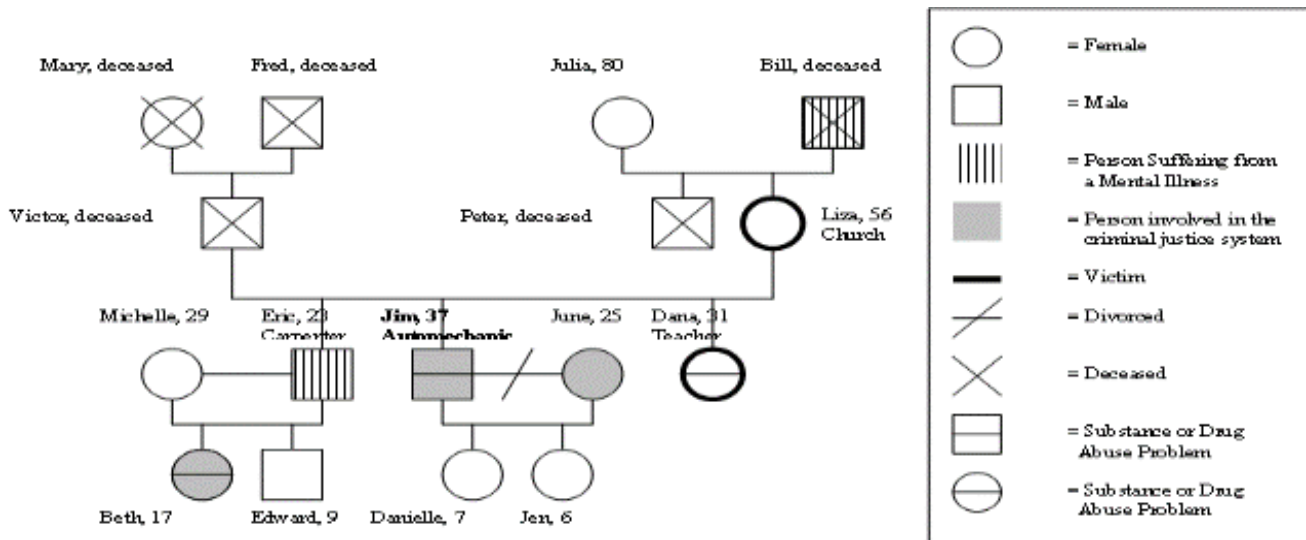


Figure 9: Example of completed genogram

- Using a genogram strategically in the beginning of a mediation session might trigger a discussion on how everyone fits into the family, and how each relates to the other. This may help a participant (or some or all participants) to open up and provide more information about the family situation. For example, in parent/adolescent mediation, adolescents are often much more willing to describe their family situation with the assistance of drawing a family chart, rather than simply talking about themselves.

Using the board to draw the family chart, either in the beginning or as a result of an impasse in the middle of a session, encourages the participants to reflect upon and share their detailed perspectives of their family.

- Strategically the genogram can help to ‘separate the people from the problem’⁴¹ as the activity focuses on the family’s ‘problems’ rather than each other.
- A family chart can also illustrate what the issues for each person; this can help to inform a mutual agenda for the exploration stage of the mediation process.
- A map of a family can strategically be suggested at any stage of a mediation session to try to find ‘common ground’.⁴²

⁴¹ William Fisher and Roger Ury (with Bruce Patton), *Getting to Yes: Negotiating Agreement Without Giving In* (Penguin Books, 2nd ed, 1991) 11.

⁴² See Lesley Allport, ‘Exploring the Common Ground in Mediation’ (PhD Thesis, University of Birmingham, 2015) <<https://etheses.bham.ac.uk/id/eprint/6746/1/Allport16PhD.pdf>>.

The benefits of using such family maps far outweighs the time it takes to fulfil this as a strategic intervention as genograms can be used for two people or a large group of family members.

In private sessions

Checking how the mediation is going for each participant provides feedback for the practitioner, which may minimise negative views later on.⁴³

- Referring back to the genogram helps the person to focus on what is possible in the circumstances (ie as practitioners work on how the individual can change in order to progress their ideas and possibilities and work towards a mutual satisfying outcome in a joint session).

Always introduce the purpose of the genogram and be transparent about the benefits for you as a practitioner, and explain how it can help the clients to see the context in which they are struggling, with whom in particular and why. This may help to lessen the emotional upheaval and find ways to gain understanding of the others, their needs, fears, hope and goals for the future as well as ways to change behaviours.

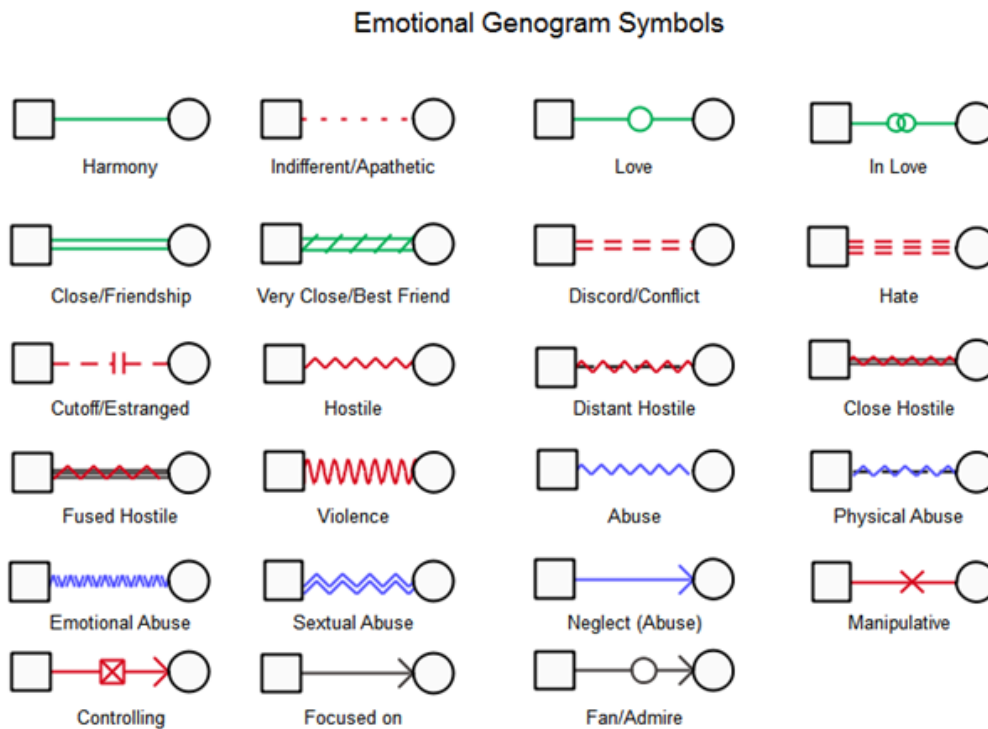


Figure 10: Emotional genogram symbols⁴⁴

⁴³ See Mieke Brandon, 'Self-determination in Australian Facilitative Mediation: How to Avoid Complaints' (2015) 26 *Australasian Dispute Resolution Journal* 44.

⁴⁴ See 'How to Make a Genogram Online' (Web Page) <<https://www.edrawmax.com/genogram/how-to-make-a-genogram/>>.

Figure 10 above shows how additional symbols can add information to assist in understanding the relationship(s) between partners and/or the whole family. It is vitally important if manipulation, physical and/or mental abuse and coercive controlling behaviours, for example, are taking place. These behaviours may not have been divulged in premeditation and/or could become exacerbated behind the scenes as a result of mediation. This is particularly important for practitioners to remember as a check point in private sessions as these may need to be managed according to ethical codes of conduct of the profession.⁴⁵

Negotiation stage in joint session

10. Referring back to the genogram helps all participants to focus on what is possible focus on what is possible in the circumstances (ie as practitioners work on how each individual can change and contribute their ideas and possibilities as the parties work towards a mutual satisfying outcome in a joint session).
11. Practitioners also encourage participants to put their ideas forward and reality test how this would work in practice; the response of another family member (for eg a child or children), including their enthusiasm for the suggestions, can then be drawn out to identify areas of mutual interest.
12. Practitioners summarise proposals that may satisfy the interests of participants in the mediation. They could also check the genogram as to who else in the family may be a stakeholder, or beneficiary of the result of the planned outcome, and/or could later object to the suggested outcome.

Negotiations based on underlying interests create ‘a broader array of possible outcomes that are likely to be more appropriate to their situation’.⁴⁶

Agreement writing

13. When writing a parenting plan or any agreement, remember that no agreements can be made on behalf of people who are not in the mediation.

⁴⁵ Ethical Considerations are discussed further below.

⁴⁶ Carole J Brown, ‘Facilitative Mediation: The Classic Approach Retains its Appeal’ (Web Page, December 2002) <<https://www.mediate.com/articles/brownc.cfm>>.

14. Since mediation is a confidential process discussion needs to take place about how and when significant others such as grandparents, children and others are being informed of the outcome of the mediation settlement (which could have an impact on extended family).
15. Remember the ‘Satisfaction Triangle’;⁴⁷ substantial, procedural and relational agreements must reflect mutuality⁴⁸ and address future interactions within the family.
16. Include review periods when appropriate and/or refer to legal advice if participants need to have their agreements made legally binding.

In debriefing or reflection

17. When practitioners use a mentor, supervisor or someone to debrief with (or do this by themselves) the family chart gives them the information about strategies they may have used, and to reflect on how these worked (or not) and why.
18. It can also assist practitioners to discuss this in detail with their mentor or supervisor (especially if some time has passed since they saw these clients). A family chart may bring back memories of what went well and what could have been done differently. This may also be a good reminder before follow up sessions, indicating what to avoid and what techniques to use next.
19. When another practitioner is due to take the matter over from the first practitioner (as a result of a complaint or any other reason), a family chart and debriefing notes are always helpful for the person picking up the case. From time to time clients may want to review their agreements and a different practitioner can see the family system from the map and note things that have changed. This is particularly beneficial for parenting plans (especially as children develop and get older, and their needs and interest may change). In such cases the developmental needs of the children and the parental family environment may have changed significantly as can be seen in Figure 7.

⁴⁷ The Triangle of Satisfaction is a model created by Christopher Moore; see Moore, *The Mediation Process: Practical Strategies for Resolving Conflict* (Jossey-Bass, 4th ed, 2014); see also Viaconflict, ‘Triangle of Satisfaction’ (Web Page, 31 March 2013) <<https://viaconflict.wordpress.com/2013/03/31/triangle-of-satisfaction/>>.

⁴⁸ See Mieke Brandon and Tom Stodulka, ‘The Exploration Phase in Facilitative Mediation: from Dispute to Mutuality’ (2015) 63 *the arbitrator & mediator* 78.

Ethical considerations

When focusing on current and past facts and information, such as when people married or divorced or came to the country they now reside in, practitioners need to be sensitive as some clients may be particularly vulnerable recalling these events. Discussions need to be pre-empted with information about how confidentiality will be managed and participants' level of discretion considered.⁴⁹ Further, practitioners should always be vigilant about their 'duty of care' regarding family violence which could take many forms.⁵⁰

It is vital that while constructing a family chart that practitioners observe and listen to any influences on the construction as participants can subtly influence each other through verbal (tonal, inflection, word emphasis, phrasing of questions, description of issues or use of metaphor) as well as non-verbal (venue, room layout, body language, positioning, greetings, eye contact and gestures) communication.⁵¹ Clients may be hesitant to participate as information may have been destroyed by war or because of genocide, slavery or being part of the stolen generation or other such circumstances.

Not all participants in family dispute resolution warm towards the idea of fulfilling a self-administrated task to draft a genogram and may even consider this private and/or a 'waste of time'.⁵² The participants' attitudes need to be constantly monitored by the practitioner so the purpose at all times is transparent so the completion of any information about the past and current situation is 'collaborative partnership'⁵³ between practitioners and clients.

Practitioners need to remain sensitive about how information is discussed in pre-mediation, in joint sessions and/or in private mediation sessions and beyond. Since different processes have different contractual obligations (such as differences in 'agreements to mediate', for example), notice must be taken about of what part in dispute resolution approaches is confidential and what is not,

Brandon and Fisher suggest that all practitioners working with families do well to learn from their own visual representation and relationships symbols in their own situation by doing a genogram.⁵⁴ This is important for all practitioners to avoid projecting their own experiences onto those of their clients to

⁴⁹ Brandon (n 11) 50.

⁵⁰ Ibid.

⁵¹ Ellen F Wachtel, 'The Family Psyche over Three Generations: The Genogram Revisited' (1982) 8 *Journal of Marital and Family Therapy* 335.

⁵² Bruce P Kuehl, 'The Solution-oriented Genogram: A Collaborative Approach' (1995) (21) *Journal of Marital and Family Therapy* 239.

⁵³ See Alan Carr, *Family Therapy: Concept, Process and Practice*, (Wiley & Sons, 2nd ed, 2006) 231.

⁵⁴ Brandon and Fisher (n 1) Appendix 1.

avoid bias, remain impartial, and even-handed with their clients. According to Alan Watts: ‘We know the world by a process of constantly transforming it into ourselves.’⁵⁵

Conclusion

A simple genogram establishes a pictorial map of: factual data of the current generations of a family; line symbols to describe individuals and their relationship with each other; and words added to express differences of perceptions and impressions. A traditional diagram may not be enough to demonstrate cultural sensitivity (eg for cultural groups and/or for extended families); genograms may need expansion; and colours may be used to represent cultural groups, people adopting a new culture and/or a culture they identify with. Ideally multigenerational genograms are used to provide the context of a larger family system.

The use of genograms strategically is a valuable additional systems thinking tool in the dispute resolution toolbox. Family mediators and family legal practitioners all assist family members in managing change. Practitioners’ use various dispute resolution processes and a range of skills, techniques and strategies to facilitate the re-building of relationships in its many forms. In facilitative family mediation the participants self-determine this at a level that they see as appropriate for now and into their future to be able to manage disputes in a different way.

All dispute resolution practitioners need to stay tuned into what works best for what couple or group of disputants rather than using the same recipe for every matter or everyone. Through mentoring, supervision and reflective practice all family practitioners need to look for change within themselves too, remaining open to new ideas, professional development, and the development of their thinking, deep listening and rapport building as well as their technical, creative, and strategic practice.

⁵⁵ John David Hoag, ‘The Map Is Not the Territory’ (Article) <<http://www.nlpls.com/articles/mapTerritory.php>>.