



A guide to child inclusive mediation

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When families go through separation or divorce, one of the biggest concerns is making the right decisions for the children. Parents (or their caregivers) often want to do what is best, but may have very different ideas about what that looks like. Unfortunately, and often, in the middle of it all are the children, navigating big emotional changes of their own.

Whilst the breakdown of a relationship is significant for the adults, for the children involved, it can be a lot to understand. They can struggle with grief and grapple with loyalty binds and feelings of uncertainty. Some children (and their parents and caregivers) consider that the child needs a voice when considering arrangements for them. Generally speaking, the older the child, the greater emphasis is placed on their need for a voice.

Child-inclusive mediation is a process that provides a platform for children to have a voice in their arrangements, prior to parents making decisions for them. It gives children an opportunity to be heard, without placing them in the middle of conflict or asking them direct questions from either parent or caregiver, putting them in a position where they need to “pick sides”. When child mediation is undertaken well, it can lead to parenting arrangements that are more effective, longer-lasting, and better tailored to the child’s individual needs.

This guide explains what child-inclusive mediation is, when it may be used, and how family law reforms have shaped its role.

What is child-inclusive mediation?

In standard family mediation, which is often called [Family Dispute Resolution \(FDR\)](#), the process involves only the parents. The mediator helps the parents work through issues like parenting schedules, communication, and sometimes school or health arrangements. The child’s views are represented indirectly, through what each parent says about them.

Child-inclusive mediation works a little differently. In addition to meeting with the parents, a specially trained child consultant meets

with the child or children separately. This meeting gives the child time and space to explore their experience of the family separation. The consultant then provides feedback to the parents, often via the mediator, helping them understand their child's emotional needs and preferences.

It's important to note that children are never asked to make decisions or take on adult responsibilities. Instead, the process creates a safe environment for children to express their feelings in an age-appropriate way, which can then inform the parents' decision-making.

Is it suitable for every family?

While child-inclusive mediation can be incredibly helpful, it's not always suitable in every situation. It typically works best when both parents are willing to listen to the child's experience and open to adjusting plans in light of the feedback.

Child-inclusive mediation may be suitable when there are no current [concerns about safety, family violence, or serious substance misuse](#). Generally, children should be at least 5 years old. This is to ensure that they are developmentally mature enough to participate. The process tends to work best when both parents are open to hearing their child's perspective and are willing to collaborate on future arrangements.

However, it may not be appropriate in situations where there is ongoing conflict, [allegations of coercive control](#), allegations of "alienation" or coaching children to be a particular way, or where a child may feel unsafe or uncomfortable taking part. In these cases, other support-based or legal pathways may be more suitable.

Why involve the child?

Decisions made after separation can affect a child's daily life for years to come. Things like where they live, how they spend time with each parent, and how the parents will manage school or extracurricular activities.

By including a child's voice in mediation, parents are able to:

Better understand how the separation is affecting their child emotionally;

Make parenting decisions that reflect the child's lived experience;

Create care arrangements that are more suited to the needs of the child;

Focus more on [the best interests of the child](#), rather than on past grievances or adult conflict.

Research shows that children do better after separation when they feel heard and when their routines remain as stable and

predictable as possible. Involving children directly, through trained professionals, can help parents make choices that better support those outcomes.

The impact of the 2024 and 2025 family law reforms

The Family Law Amendment Act 2023 (Cth) introduced changes in May 2024 that placed stronger emphasis on the best interests of the child and child-focused processes.

This was followed by June 2025 changes, which further supported non-adversarial resolutions and access to safe, trauma-informed FDR services, especially in cases where children are significantly affected by parental conflict.

These reforms promote:

greater participation of children in decisions about their care (where appropriate);

stronger requirements for practitioners to ensure children's voices are heard safely;

more widespread use of child-inclusive practices in mediation and court processes.

While, currently, there's no legal requirement to include children directly in mediation, the Family Law Act strongly promotes arrangements that prioritise children's safety, development and happiness. Family Dispute Resolution Practitioners are also guided by Australian regulations and professional practice standards designed to safeguard the welfare of children in all family law matters.

How child-inclusive mediation works

Child-inclusive mediation is conducted by trained professionals and follows an intentional, structured process. It is important to consult with your FDRP or mediator about their organisation's child-inclusive process, as every organisation is unique. However, families can typically expect:

Initial intake (parents)

Each parent meets individually with the mediator. In this meeting, the mediator will assess many factors - such as family dynamics, the level of conflict, any history of family violence, and readiness to hear feedback. If it's considered appropriate, child-inclusive mediation will be offered.

Agreement and participation

Both parents must agree to take part in a child-inclusive process. It is voluntary, and consent can be withdrawn at any stage. The mediator or the child consultant themselves should fully explain the child consultant's role, how the child's views are shared, and what boundaries are in place to keep the process safe and child-focused.

Child session

A trained child consultant will meet with your child in a neutral, safe setting. Through play, drawing, storytelling, or guided conversation (depending on age and developmental stage), the consultant listens to and helps the child explore how they are coping with the separation and what matters to them.

The session usually takes about an hour and is confidential in nature—but not secret. If the child agrees, a summary of their views and feelings will be passed on to parents.

Mediator feedback session

At the next mediation session, with everyone's consent, the child consultant or mediator brings the child's views into the room. It's important that this is not seen as the child "telling the parents what to do". Instead, it's offering insight into the child's experience and emotional needs.

Joint mediation session

After considering the child's perspective, parents may be in a better position to discuss parenting arrangements and reach an agreement. These agreements can be written into [a parenting plan or formalised through consent orders](#).

Role of the child consultant

Child consultants are usually a psychologist, social worker or counsellor with additional specialist training. Their job isn't to pressure the child to "report" on either parent, but rather to gently explore how they are feeling about life with each parent and the separation more generally.

Child consultants aren't decision makers. Their aim is to amplify the child's voice within a protected and supportive environment.

Legal support and mediation

While child-inclusive mediation is designed to be a non-adversarial process, it often works best alongside experienced legal advice and support.

A family lawyer can:

help you understand your rights and responsibilities;

review or draft parenting plans based on mediation outcomes;

formalise agreements through the court, into consent orders (if needed).

If an agreement cannot be reached through mediation, court may be the next step. However, family law reforms continue to emphasise non-litigious pathways wherever possible, and many families who initiate family law proceedings end up back at mediation at some point.

Who pays for child-inclusive mediation?

There are three options for services providing child-inclusive mediation. The eligibility and costs for each differ depending on your specific circumstances.

Government-funded family relationship centre (FRC)

This service is generally free or low-cost.

There may be a small fee for child-inclusive mediation.

Fees are usually based on income and can be waived in cases of financial hardship.

Funded by the Australian Government, FRCs aim to keep costs minimal to encourage participation.

Private mediator or family dispute resolution practitioner

Costs are shared between the parents, unless agreed otherwise.

Child-inclusive mediation is typically more expensive than standard mediation because it involves an additional professional

(the child consultant).

Total cost varies based on:

number of sessions;

professional fees of the service provider;

complexity of the issues.

Legal Aid or community legal centres

May cover the cost of child-inclusive mediation for eligible clients.

Availability and eligibility criteria differ between states and territories.

Check with your local Legal Aid office or community legal service.

Get help from a family lawyer

Child-inclusive mediation brings children's voices into the process with care, structure and sensitivity. Encouraging parents to deeply consider their child's perspective helps build parenting plans and routines that reflect the child's real needs. Not just adult assumptions or legal formulas.

If you're preparing for mediation or wondering whether this approach is right for your family, it is important to speak to a family lawyer.

We're here to support you. Our team of family lawyers can help you prepare for and engage in a child-inclusive mediation. Contact us today to learn more about this process and whether it's the right pathway for your family.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.