

## **FAMILY MEDIATION SKILLS ROLE PLAY**

Linda and Jerry:

Linda and Jerry lived in St. Paul and had been married for five years when Kenny was born. They separated when he was fourteen months old and tried marriage counseling, but then Jerry began seeing Alice and moved out of the family home to live with her. Kenny is now twenty-four months old, and Jerry says he has parenting time "when he can make it work with his schedule." Although both parties realized that the marriage was over when Jerry moved out, neither had enough money to hire an attorney and file for divorce.

Even before the separation, Linda had almost complete responsibility for Kenny. Jerry's job with the railroad took him out of town at least three (3) nights per week and the schedule was constantly changing. When Jerry was in town, he tended to spend time with his friends rather than with Linda and Kenny. After the separation, Jerry saw Kenny in a sporadic fashion until Jerry transferred to Bemidji. Soon after his move, Jerry's employer downsized and Jerry was laid off. Jerry did not have the money to visit Kenny or call long-distance and fell behind in his child support payments during this time.

Recently, Jerry found new employment working at a machine shop. He no longer travels for work, but he does work third shift and puts in substantial overtime to make ends meet. Although Jerry's employer now withholds the child support from his paychecks, there is still an amount of approximately \$2,000 that Jerry owes for Kenny's support in back pay.

Alice has moved to Bemidji with Jerry and they have plans to marry. It is now important to Jerry that matters are cleared up with Linda so he can move on with his life. Linda sent Kenny back with Jerry once to visit, but Kenny was so distraught when he came back that Linda refuses to let him go again.

Now that Jerry is settled in his job and will be married, he wants to make up for time missed with Kenny. Jerry just informed Linda that he consulted with an attorney who tells him that he is entitled to have Kenny for one half the time. His attorney advises Jerry that under Minnesota law, Jerry will not have to pay child support if he and Linda have joint legal and joint physical custody of Kenny. Jerry is adamant about spending time with his son and has threatened to file for sole physical custody if Linda doesn't allow Kenny to visit him for a month at a time each year and alternate weekends.

Linda strenuously objects to Jerry's proposed schedule. She does not think it is good for Kenny to be in two homes so far apart. Linda notices that Kenny is clingy and irritable when she leaves him with anyone and she doesn't trust Jerry or Alice to put Kenny's needs first. Also, with Jerry's work schedule, Kenny would spend most of his time with Alice anyway. Linda thinks that Jerry is just trying to get out of paying his support.

Linda and Jerry have tried to discuss the situation, but their conversations mostly end in arguments and Jerry telling her "I'll see you in court." Jerry and Linda have agreed to try mediation to talk about custody and the parenting schedule that would be best for Kenny.