

Systemic Family Mediation in the Post-Marital Family, and its Impact on Children

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ABSTRACT: Currently, it can be observed how the types of families have diversified, as have their separations, whether the parents are married or not. It is necessary to attend to the emotional part in a systemic way for all family members, including the children, since the parents will cease to be a couple and part of parenthood will be indefinite. It is necessary to address this problem, which causes irreversible damage to children, in a multidisciplinary manner. Therefore, systemic family mediation approaches it empathetically by understanding the narratives of each family member, with the intention of implementing Sara Cobb's circular narrative model, which is recommended for the validation of emotions.

Keywords - Care of children, Protection of emotions, Post-Marriage Family, Systemic Family Mediation.

I. INTRODUCTION

Currently, the diversity in family structures and the increase in the separation rate have necessitated the development of strategies to manage conflicts and minimize the emotional impact on all family members, especially the children. In divorce processes, even when the parents were not married, custody and visitation processes become complex when parents do not undergo family mediation processes and instead choose contentious litigation. Unfortunately, the sentences issued by family judges are often unfavorable for the real contexts of the families.

Systemic family mediation has become a fundamental mechanism for conflict resolution in the context of the post-marital family. Following a separation or divorce, family relationships often go through a phase of reconfiguration where it is crucial to establish new communication and coexistence dynamics. From the systemic perspective, the family is conceived as an interdependent system in which each member influences and, in turn, is influenced by the others (Bertalanffy, [1]). In this sense, family mediation not only facilitates agreements between the conflicting parties but also promotes the emotional stability and well-being of those involved by providing a space where emotions are validated and narratives are reconstructed to facilitate a more harmonious transition. From this perspective, mediation does not only seek to resolve specific conflicts but comprehensively addresses family relationships by understanding individual and collective narratives.

Through Sara Cobb's circular narrative model, empathetic communication is promoted between the former spouses, which allows for the restructuring of parental roles and the protection of the children's emotional well-being. This document aims to explore the impact of systemic family mediation on the post-marital family and highlight its benefits, the challenges it faces, and the conditions under which its application is most effective. It analyzes its impact on the children's emotional stability, the reconfiguration of parenthood, and how it contributes to the construction of sustainable and respectful agreements. To this end, key concepts of the systemic approach are reviewed, as well as studies and academic references that support its effectiveness in managing family conflicts.

II. SYSTEMIC FAMILY MEDIATION

Systemic family mediation has achieved consolidation as an integral approach that allows for the management of conflicts in post-marital families in a harmonious and functional manner. Systemic family mediation represents an integral and innovative approach that addresses the challenges arising after the dissolution of the marital bond. This model seeks to transcend the resolution of immediate conflicts and is

oriented more toward the reconstruction and transformation of family dynamics within a new relational environment.

This model is based on the general system theory (Bertalanffy, [1]) as well as the systemic family therapy approach (Minuchin, [2]), proposing an intervention that considers the family as an interconnected system where a change in one part will affect the whole. From a systemic perspective, the post-marital family must be understood as a system in constant transformation after the couple's separation or divorce. In this context, family mediation not only seeks to resolve immediate conflicts but must also foster effective and healthy communication patterns (Serrano, [3]).

Systemic family mediation is thus based on a holistic vision as a dynamic and interconnected system. It recognizes that changes in the family structure involve not only the legal separation but a marked reorganization of the emotional, communicational, and functional ties of the new family (Salazar and Vinet, [4]).

Medina [5] suggests that family mediation allows for the restructuring of roles and boundaries, and according to Minuchin, a clear and well-defined family structure is indispensable for the well-being of all its members. It also allows for the promotion of parental co-responsibility, as dialogue between the couple is fostered, leading to sustainable agreements over time (Kelly, [6]). Emery [7] also considers that it allows for the reduction of parental conflicts, since a high number of post-divorce conflicts tends to negatively affect children, making it necessary to apply mediation strategies that prevent or mitigate their presence.

The application of systemic family mediation generates various benefits, notably:

- Improved communication between the former spouses by allowing them to establish neutral spaces for dialogue, which promotes non-imposed agreements (Roberts, [8]).
- A better emotional well-being for the children in families where systemic mediation is implemented, as they experience lower levels of stress and anxiety (Amato, [9]).
- Agreements achieved through mediation tend to be more sustainable and long-lasting over time than those reached through the judicial route (McIntosh et al., [10]).
- Systemic mediation favors the transformation of conflicts by facilitating the transition from conflict-based communication to constructive and collaborative communication (Montoya and Puerta, [11]). The process allows for the deconstruction of dysfunctional relational patterns, the generation of new meanings and family narratives, and the promotion of parental co-responsibility beyond the rupture of the marital bond.

Navarro [12] indicates that a fundamental aspect of systemic mediation is its focus on the protection of the family system, especially the children, by allowing for the minimization of the emotional impact of the separation, preventing triangulation processes or divided loyalties, and finally, the construction of a collaborative and respectful co-parental model. Negrin [13] shows that systemic family mediation manages the transition of separation integrally, comprehensively addressing multiple aspects of family reorganization across different dimensions such as legal and patrimonial, emotional and relational, communicational, and shared child-rearing.

Torres [14] recognizes that the early use of systemic mediation prevents the appearance of relational pathologies by reducing the risk of conflict chronification, prevents the judicialization of family disputes, and decreases emotional and economic wear and tear processes. Systemic family mediation is an essential tool for the positive transformation of post-marital families. Its value lies in the capacity to generate new relational frameworks based on respect, collaboration, and the integral well-being of all members. To achieve this, it is necessary for the mediator to adopt a neutral perspective, promote a collaborative approach, and foster circular and reflective communication (Rodríguez-Bustamante [15]).

III.I Sara Cobb's Circular Narrative Model

Sara Cobb [16] developed the circular narrative model, which represents a primary contribution to the area of mediation and conflict resolution by offering a revolutionary perspective on how narratives are constructed and transformed within a scenario of interpersonal conflict. The circular narrative model is an approach that understands conflict as a process of meaning construction, where narratives are constantly intertwined, transformed, and reconstructed through communicative interaction. It is based on the epistemological framework of social constructionism, systemic theory, hermeneutic perspectives, and communicational approaches. The circular narrative model contemplates that narratives are dynamic social constructions, that conflict is a communicational process, and that meanings are co-constructed in the interaction.

Narratives are not simple stories; they are rather structures of meaning that organize experience and guide action, as they structure the perception of reality, configure the interpretations of events, and orient the behaviors and decisions of individuals. The circular narrative model emphasizes the circular nature of meaning construction, as narratives are not linear but circular, where each new interpretation reconfigures the previous ones, deconstructing dominant narratives, allowing for the generation of new perspectives, and broadening interpretive frameworks (Cobb [17]).

In the circular narrative model, the role of the mediator is not a passive neutral party but a constructor of meanings who seeks to facilitate the emergence of new narratives, promote reflexivity, and foster spaces for transformative dialogue. They use intervention strategies such as narrative listening, circular questions, re-narration of experiences, and deconstruction of crystallized stories. Sara Cobb's circular narrative model represents an innovative perspective that transcends traditional conflict resolution approaches by offering a dynamic and relational understanding of meaning construction, which allows for comprehending the complexity of conflicts, overcoming reductionist visions, and promoting relational transformations (Winslade and Monk [18]).

II.II The Child's Right to be Heard

It is generally understood that children are objects of care and protection and are often considered the victims of divorce. Currently, a change in mentality is occurring, recognizing that they also have rights, in addition to needs. If they are thought of as subjects of rights and not just as recipients of attention and protection, decisions about children are likely to be addressed differently, and more mediation will occur on how to listen and consult them without burdening them with the responsibility for the decisions.

Article 12 of the United Nations Convention on the Rights of the Child (UNCROC), adopted by the UN General Assembly in 1989, enshrines the right of children to have their wishes and feelings taken into account. This article establishes that in any matter or procedure affecting children, their opinions will be given due weight, in accordance with the child's age and maturity. In the United Kingdom, the child's wishes and feelings are factors that the court must take into account, where applicable, in making decisions regarding the child. In Scotland, the Children (Scotland) Act 1995 requires those with parental responsibility to consider the views of the child concerned as much as possible, and a child over twelve years old is presumed to have sufficient age and maturity to form an opinion.

Although they have been granted the right to be consulted on matters that affect them, all indications show that this provision is rarely met in practice. But, do children really want to be consulted? Recent studies conducted in the United Kingdom have shown that the majority wanted to have their own voice in matters that affect them. Even the youngest could understand and talk about the notion of having rights and being heard. Some wanted to participate in decision-making, while others only wanted to be consulted, without being given any responsibility for the decisions. The majority of children believe they should be given the opportunity to talk about their feelings and be heard, without having to decide (Parkinson [19]).

II.III Direct Participation of Children in Mediation

Many mediators consider themselves facilitators of negotiations between adults whose mission is to empower parents to make their own decisions. They are opposed to involving children because they believe this would undermine the parents' authority and decision-making power. On the other hand, numerous mediators also believe that the intervention of children in mediation can be beneficial, provided the modality and objectives are carefully planned with both parents. This requires parental consensus, clarity on the family mediator's role, confidentiality regarding what the child says, and the child's informed consent. Mediators must have supplementary training, special skills, and experience in communicating with children. Whether parents disagree on finding out their children's opinions or both are absolutely favorable, it is important for them to discuss the potential advantages and disadvantages of the child's direct participation from the child's point of view.

Possible Reasons for Not Involving Children in Mediation

- Children are not responsible for their parents' conflict and should not be dragged into it.
- Their participation increases their pain and confusion.
- It will disturb them to become more aware of the parental conflict.
- Children should not be involved in what are essentially negotiations between adults.
- Power imbalances between parents and children fall outside the limits of mediation.
- By revaluing the child, there is a risk of devaluing one or both parents.
- If the mediator acts as an expert, the parents' authority in decision-making is undermined.
- The mediator's role can be confused with the role of the counselor or the child's lawyer.
- The intervention of children creates expectations for the improvement of their situation.
- Children may feel pressured to express their opinions or feelings.
- They may fear being forced to choose.
- Children cannot reliably judge what their own long-term interests will be.
- Risk of the mediator being triangulated between parents and children.
- If the child confides secrets or opinions to the mediator that they do not want to share with their parents, it would place the mediator in an untenable position.
- The children's conflicts of loyalty can intensify.
- Incapacity or difficulty of parents to handle their pain in front of the children.

- It is possible that the parents pressure the child and instruct them on what to say to the mediator.
- Parents will get angry with their children when they find out what the child said.
- Seeing their parents talking amicably may lead the youngest to think they will get back together, fueling their hopes for reconciliation (Parkinson [19]).

Given the above, the participation of children in family mediations is considered relevant, but with the necessary experience of the mediator, the intervention of the children will favor an agreement that is more emotionally protective for the parents, but above all for their children.

II.IV Potential Benefits of Their Participation

- The majority of children who have taken part in mediation say it helped them a lot.
- Explanations can be given, and they can be reassured.
- It is easier for them to adapt to the new situation if they understand their parents' decisions more clearly.
- It shows them that what they think and feel is important and that they are treated with respect.
- Listening to children is a way to show them love.
- It is a way to facilitate both parents paying attention to what their children tell them.
- Parents can choose to explain their decisions and agreements to their children in a family meeting (some parents need the mediator's support to be able to do so).
- Dispelling misunderstandings; for example, that a minor does not want to see their father or mother, when in reality they do.
- Facilitating children asking questions, making comments, and contributing with their ideas.
- Allowing them to express a concern or interest, such as where the family pets will live.
- Making communication more fluid and reducing tensions in parent-child relationships.
- Having the opportunity to meet alone with the mediator and talk about their feelings and concerns, without feeling anxious that their parents are overhearing them.
- Helping them prepare the messages they want to transmit to their parents (or other interested persons) and feel capable of doing so.
- Facilitating them receiving a message from the mother or father when, for some reason, the parent cannot communicate it directly.
- With the child's consent, transmitting the content of the interview with the mediator to the parents to help them understand their concerns and feelings, so they can take them into account in their decisions.

It is necessary to weigh the reasons in favor of involving children and their potential risks and disadvantages. Once the parents agree that their children should have some type of participation and that it will help them, it is important to plan that intervention (Parkinson [19]).

II.V Interviews with Children

Undoubtedly, parental divorce has effects on children. Also, the rights of children, which have been incorporated into Mexican legislation with constitutional value, including the right to be heard, are known by all mediators. However, interviews with children in mediation processes are scarce, both in Mexico and in other countries, for example, in the United States and Austria (McIntosh [20]). One exception to this general rule has been found in the novel family mediation program incorporated in mid-1998 by Doctor Fernando Pérez Lasala [21] and his team in Mendoza, Argentina, and also in the program of the Family Mediation Center in Quebec, Canada, where the mediator Aldo Morrone works. In the latter, children are not only interviewed, but there is a special program for them to attend group meetings with other minors going through similar situations (Linares [22]).

II.VI Reasons for the Inclusion of Children

A fundamental legal reason: The Convention on the Rights of the Child, ratified by Congress through Law 23,849 and incorporated into Article 75 of the Constitution of the Nation of Argentina in August 1994, which establishes the child's right to form their own judgment, to express themselves freely, and to be taken into account.

But not only for legal reasons. Those who work with families know that many times even the most careful and concerned parents do not receive some messages that their children send, perhaps unclearly (Suarez, [23]). In moments of the divorce crisis, parents are deeply engrossed in their problems. Often, they do not have a sharp listening sense for their children's concerns. The children, not understanding the situation, imagine things that distress them and often have no relation to what is happening or do not dare to bring them up because they fear complicating the situation further. If parents could understand them, they could make the relevant clarifications and produce great relief in the children.

Children should not be involved to accuse the parents, to serve as witnesses, nor to make the decisions. The decisions are absolutely the responsibility of the adults, but it is the function of the mediators to help them make those decisions based on information, that is, to be informed decisions (Suarez [23]).

II.VII The Roles and Strategies of Children in Their Parents' Conflicts

Sometimes children are passive spectators who remain outside their parents' quarrels. But the greater the disagreement between the parents, the more likely children and adolescents are to be involved in them. Children can become trapped in an emotional triangle where the parents' unresolved conflicts are channeled through a triangulation with the child. Children, distressed by the separation, may show reactions that seem manipulative or attention-seeking. Describing these behaviors as child strategies suggests they are conscious and premeditated, but they often constitute only an intuitive response to a combination of personal needs and parental pressures. Children try to fix things in their own way, according to their own demands and capacity for understanding, or they try to protect their parents, as well as themselves. In these circumstances, children resort to various types of behavior that may be the only means at their disposal to express what they cannot translate into words (Parkinson [19]).

Table 1. The roles children may assume when trying to resolve the conflict between their parents.

No.	The Child's Role	The Mediator's Role
1	Intermediary Messenger	Helps parents speak directly to each other, instead of doing so through the children.
2	Reconciler (Tries to reunite the parents)	Facilitates parents agreeing on what needs to be explained; helps them discuss how to reassure the minor.
3	Peacemaker (Tells each parent what he or she wants to hear)	Assists parents in resolving conflicts.
4	Ally recruited by a parent for support	Helps parents reach agreements and resolve their conflicts to free the child.
5	Decision-maker Subject	Helps parents assume responsibility for difficult decisions
6	Scapegoat (Fears being abandoned by both parents)	Helps parents give them certainty and agree on necessary boundaries, define rules, etc.
7	Confidant	Assists parents in reflecting on how to avoid burdening the child.
8	Substitute Partner (Replaces the spouse who has left)	Helps parents feel more secure so they depend less on the child.
9	Substitute Parent or Caregiver (Caring for a parent or younger siblings)	As in the previous point, it contributes to reinforcing the parents' security and helps to understand the child's needs.
10	Judge (Instigated to blame a parent)	Discusses with parents how to help the children understand, without condemning any parent.
11	Fugitive (Runs away from home, delinquency)	Talks to parents about risks and concerns. Seeks greater parental involvement.
12	Mourning the lost family. Shows the pain the parents are suppressing	Helps parents recognize and share sadness in addition to anger.

Source: Self-elaboration, based on Parkinson, L. [19].

At Public Mediation Center #156, families are offered a session with their children so they can communicate the decision to divorce, with the help of the psychology area.

III. RESULTS

III.I Benefits of Systemic Family Therapy in Divorce Processes

In the professional practice carried out at Public Mediation Center #156 of the University of Guadalajara, specialized in divorce processes, a multidisciplinary approach has been employed. This involves strengthening both parents and children through specialized techniques of family mediation and psychological processes, resulting in more peaceful and, above all, more emotionally protective agreements.

III.II A Therapy Focused on Reorganization

Although the adjustment level of a separated family largely reflects its history prior to the separation, what is most important in the long run is its capacity to negotiate the numerous and radical changes required by the divorce and to reorganize the way it safeguards the development of its members. Part of the family's work is to mourn the losses caused by the divorce; however, from a global point of view, efforts to cope with the fundamental changes will determine the outcome. Emphasis is placed on problem-solving (between parents and

between parents and children) so that family members struggle with each other, face to face, during the reorganization process of the unit. The immediate family (mother, father, and children) is taken as the unit of direct intervention, and the conceptualization of the problem includes the effects caused by a wider social network, involving grandparents, friends, and lawyers.

When working with families in the process of separating and divorcing, one aspect of therapy is often overlooked: the evident need for both parents to participate. In most cases, one parent—usually the one entrusted with custody—is concerned about the children and consults a therapist. It may then happen that this parent does not want the other parent's participation or that it is not considered pertinent. For example, the mother who has been separated for one or two years and calls a therapist, complaining that her son is misbehaving at school, may be unaware that the divorce process occupies the center of the child's life. The therapist may well make the same mistake if the mother does not explicitly point out the relationship between the divorce and her complaint. From the beginning—often from the first contact—the therapist must begin to model the facts in such a way that the parent not in custody of the children (almost always the father) is eventually included in the therapeutic process. In all the case studies presented here, the therapy included both the mother and the father; even so, at least half of the mothers were initially reluctant to include their ex-partners in the treatment. The way the father is first involved in therapy varies from family to family: he may come alone, with his children, or even with his wife, if it is the first session the family attends. It has been discovered that the task was much more difficult when it was not possible to work with both parents (Isaacs, et al. [24]). Within systemic family therapy processes, it is a priority to attend to all members of the family, and especially in divorce processes, involving the presence of both children and parents is important for the reconstruction of the parent-child relationships that will exist forever.

III.III Priority of the Children

When adults in the process of separating undergo individual therapy, there is a possibility that their children's needs are overlooked. It is not uncommon for the therapist to adhere to the material presented by the adult patient, who may focus attention on their own needs without specifically, or sufficiently, finding out how the children are doing.

At Public Mediation Center #156, however, priority is given to the children. This does not mean that the parents' demands are neglected; on the contrary, it has been noted that those parents who perform well with their children achieve a better adjustment after separation. Efforts are made to help the parent preserve and recover competence. Furthermore, effort is made to amplify specific feedback processes from children and parents, in an effort to improve the parents' awareness of the aspects of the separation that are especially difficult for their children. This approach is not only a tactical imperative. Experiences teach that the probabilities of reacting and recovering after the stress caused by separation may be lower in children than in their parents. It is believed that the family is not a community of equals and that, within the family hierarchy, children are truly more vulnerable than adults.

Thus, the primordial objective of the treatment is for both parents to continue to take responsibility for their children, despite the cataclysm they experience in their lives. To this end, the couple is helped to improve their parental relationship, contrasting it with their conjugal relationship. It is not easy to preserve the former while dissolving the marriage. Those who succeed demonstrate a capacity for mastery in their disagreement, which is possible to work on. Even when divorcing, these couples can calculate to what extent they will use their expertise in the art of demanding, tolerating, and forgiving in their reciprocal dealings, while maintaining their continuity in joint problem-solving (Isaacs, et al., [24]).

III.IV Helping Parents Develop a Parental Plan in Mediation

Family mediation provides parents with a forum to discuss their children's feelings and needs in a constructive way, and thus agree on adequate solutions. Family mediators can help parents in the following ways:

- Helping them focus individually on each child.
- Increasing their cooperation and reducing their respective conflict for their children.
- Encouraging them to accept the continuity of the role that both play in their children's lives.
- Allowing them to individuate the different areas of parental responsibility and to what extent they will share them or entrust them to one of the parents.
- Facilitating the elaboration of agreements that free the children from conflicts of loyalty or other pressures.
- Helping them calculate their children's economic needs and committing to satisfying them.
- Discussing with them how they plan to talk to the children and explain new agreements.
- Contributing to parents becoming more aware of what their children may be experiencing.

- Considering with them whether the direct participation of children and adolescents in mediation is appropriate so that their views and feelings can be taken into account, without burdening them with the responsibility of deciding.

Parents often agree on the basic filial needs, such as love and security, even when they may disagree on the concrete solutions to adopt. Mediators seek basic principles of agreement so that differences can then be contemplated from a more positive perspective. Many parents agree that their children need:

- To feel loved.
- To be cared for both physically and emotionally.
- To be reassured that their parents will continue to care for them, even if they no longer live together.
- To be able to enjoy good relationships with both parents, without experiencing conflicts of loyalty.
- To maintain relationships with other family members and with important people in their lives.
- To enjoy as much stability as possible.
- To have parents who can make decisions and provide secure boundaries, even when the rules in each house do not coincide.
- To have actively involved and interested parents.
- To have opportunities to expand their ideas and develop new interests.
- To grow as individuals, without being burdened with worries about their parents.

Mediators can help design parental plans that define how joint responsibilities will be shared and how they will be exercised in practice. If both parents are favorable to a shared parenthood criterion, in any of its forms, there is already a basis for agreeing on the functions to be developed after the separation. These plans would normally cover:

- Health care: Organizing medical and dental check-ups, and attention in case of illness.
- Education: Choice of school, subjects, homework, meetings with teachers, and school events.
- Religious education.
- Vacations, celebrations, and birthdays: Gifts, parties, excursions.
- Sport and leisure activities.
- Communication: How to transmit information about the children, and review and change the adopted agreements when necessary.
- Contact with other relatives.
- Discipline: The rules and boundaries, respecting those imposed by the other parent, and agreement on the eventual responsibility of other people in this matter.
- Responsibility for the child's safety and development: Sexual education, drugs, etc.
- Emergencies: How to notify the other parent.

Parents have not always taken all these aspects into account, so in many cases, they will be grateful for the mediator to provide them with a list and encourage reflection through questions such as: Have you thought about, or What happens when? The mediator can also help clarify boundaries in a literal sense. For example, when a parent goes to pick up or drop off the children, will they leave them at the door or enter the house for a few minutes to facilitate the transition? If parents have discussed how they will help the children move between them, they will be able to provide the necessary emotional support and avoid scenes of anger in front of the children (Parkinson, 2005).

IV. CONCLUSION

Analyzing the results of the Forum held called: Construction of Emotions in Children: Mediation as Protection of Children's Emotions, it was confirmed that the benefits of family mediation are infinite. Firstly, the involved parties feel listened to, valued, and recognized, becoming aware of the need to contemplate the children's feelings in divorce processes. In these processes, the parents, in their struggle for power, revenge, and to win over the other, affect the children's emotional part. It is concluded that systemic family therapy offers an integral therapy for the benefit of the family.

It is elementary to take into account the emotions of the entire family in divorce processes, as each member experiences the grief of said process differently. It was also concluded that school facilities channel children who are going through a painful process, which they manifest with different behaviors that affect the minor's psychosocial development, to specialized places. It is important to create support ties with specialists. When parents reach peaceful and collaborative agreements regarding their children, this is reflected in the emotional protection of their children.

It is transcendental to consider the Action Protocol for those who impart justice in cases affecting girls,

boys, and adolescents, emphasizing that minors must be observed from a cognitive, emotional, and moral development perspective. The general principles of that Protocol are: a) The best interests of the child or adolescent. b) Non-discrimination. c) Treatment with respect and sensitivity. d) Non-revictimization. e) Limitation of interference in private life. f) Protection of intimacy. g) Non-publicity. h) Right to Participate.

In Mediation, there are no culprits; there is a problem to solve, and the goal is to strengthen, the family.

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