

# Welcome to Mediating the Mind:

*“Understanding How Mental Health  
Affects Mediation”*

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**Mindway International, LLC**  
Home of *True Life Counseling*

## Presentation Objectives:

- ❖ Identify the need for Mental Health training in Mediation
- ❖ Identify mental and emotional behaviors that may derail, obstruct or hinder successful mediation.

## Presentation Objectives:

- ❖ Understanding the psychological factors that can effect and hinder the mediation process
- ❖ Identify and explore therapeutic approaches that can aid in the mediation process

**Mediating the Mind:**  
*“Understanding How Mental Health  
Affects Mediation”*

What does it mean to

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***Mediate the Mind ?***

# **Mediating the Mind:**

## ***“Understanding How Mental Health Affects Mediation”***

- The process of identifying, recognizing, and classifying the ways in which the mind can be affected during mediation disputes...
- Understanding mental and emotional disparities that may originate when mental health issues are present during mediation...

# Mediating the Mind: *“Understanding How Mental Health Affects Mediation”*

When your emotions  
drive your disputes ...

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mental health issues are  
in the back seat...



# Mediating the Mind: *“Understanding How Mental Health Affects Mediation”*

## Taking The Mask Off...

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### *Unmasking Mental Health in Mediation*



# Taking The Mask Off... Unmasking Mental Health in Meditation

According to  
the National Institute of  
Mental Health:

➤ Approximately 1 in 5 adults in the U.S. (46.6 million) experiences mental illness in a given year.

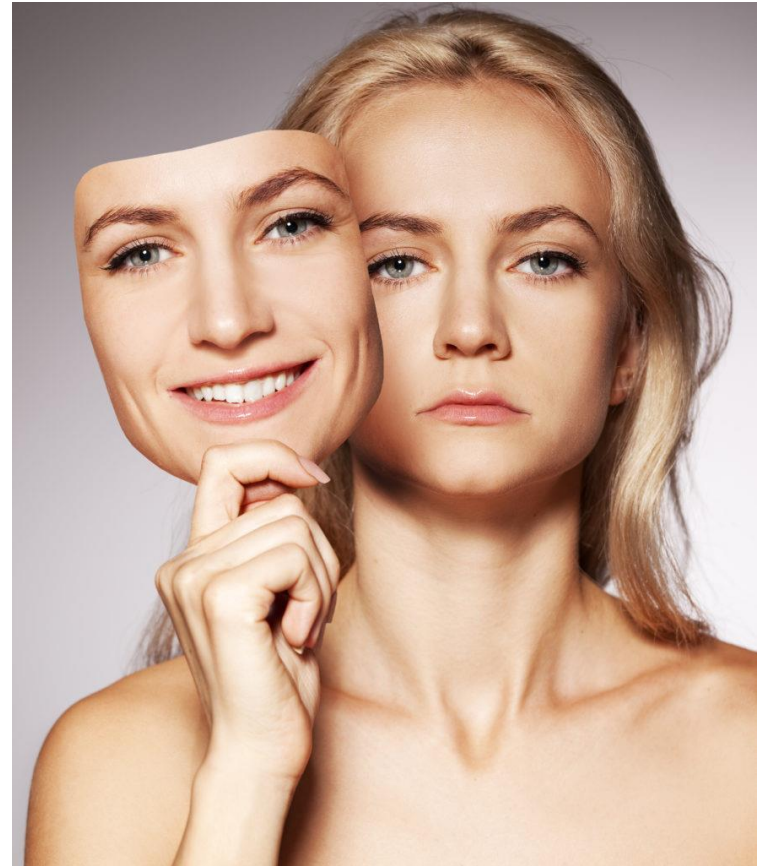




# Taking The Mask Off... Unmasking Mental Health in Mediation

According to  
the National Institute of  
Mental Health:

➤ Approximately 1 in 25 adults in the U.S. (11.2 million) experiences a serious mental illness in a given year that substantially *interferes with or limits one or more major life activities.*



# Taking The Mask Off...

## Unmasking Mental Health in Mediation

**According to  
the National Institute of  
Mental Health:**

➤ Approximately 1 in 5 youth aged 13–18 (21.4%) experiences a severe mental disorder at some point during their life. For children aged 8–15, the estimate is 13%.



# Taking The Mask Off... Unmasking Mental Health in Mediation

## According to the National Alliance on Mental Illness

➤ 2 million people with mental illness are booked into jails each year. Nearly 15% of men and 30% of women booked into jails have a serious mental health condition



# **Taking The Mask Off... Unmasking Mental Health in Mediation**

**According to  
American Academy of  
Child and Adolescent  
Psychiatry...**

➤ Mental illnesses in parents represent a risk for children in the family. These children have a higher risk for developing mental illnesses than other children.



# Taking The Mask Off...

## *“Unmasking Mental Health in Mediation”*

**According to**

**American Academy of  
Child and Adolescent  
Psychiatry...**

➤ The risk is particularly strong when a parent has one or more of the following: *bipolar disorder*, *anxiety disorder*, *ADHD*, *schizophrenia*, *personality disorders*, *depression*, *alcoholism* or *other drug abuse related behaviors*.





# Taking The Mask Off...

## Unmasking Mental Health in Mediation

### According to Futures Without Violence

➤ Children who experience *childhood trauma*, including witnessing incidents of domestic violence, are at a greater risk of having serious adult health problems including tobacco use, substance abuse, obesity, cancer, heart disease, depression and a higher risk for unintended pregnancy.



**Mediating the Mind:**  
***“Understanding How Mental Health  
Affects Mediation”***

***What About Mental Health ?***

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***“Lets Talk About It !”***

# Mediating the Mind

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## *Mediation Awareness Training*

Mediation

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Mental Health





# **Mediating the Mind:** **“Mediation Awareness Training”**

## **What is going on Emotionally & Mentally ?**

### ***Mediation in Family Court***

**✓ Divorce cases**

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**✓ Paternity cases**

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**✓ Modification cases**

**☐ *Child support***

**☐ *Parenting plans***

**☐ *Alimony***

# **Mediating the Mind:** **“Mediation Awareness Training”**

**What is going on Emotionally & Mentally ?**

***What's In Family Court***

**Depression**

**Anxiety Disorders**

**Post Traumatic Stress**

**Intermittent Explosive Disorder**

**Sexual Addictions**

**Drug Addictions**

**\*Personality Disorders**

# Mediating the Mind: “Mediation Awareness Training”

## Personality Disorder Types

- ☐ Antisocial
- ☐ Avoidant
- ☐ Borderline  
personality disorder
- ☐ Dependent  
personality disorder:
- ☐ Histrionic  
personality disorder:
- ☐ Narcissistic  
personality disorder:



# Mediating the Mind: “Mediation Awareness Training”

## Personality Disorder Types

- ☐ Obsessive-compulsive personality disorder:
- ☐ Paranoid personality disorder:
- ☐ Schizoid personality disorder:
- ☐ Schizotypal personality disorder:



# What you might see or need to be aware of in mediation ?

## Types of Personality Disorders

- ❑ Antisocial personality disorder: a pattern of disregarding or violating the rights of others. A person with antisocial personality disorder may repeatedly lie or deceive others, or may act impulsively.
- ❑ Borderline personality disorder: a pattern of instability in personal relationships, intense emotions, poor self-image, impulsivity, abandonment avoidance, displays inappropriate intense anger or have ongoing feelings of emptiness, suicide attempts

## What you might see or need to be aware of in mediation ?

❑ Histrionic personality disorder: a pattern of excessive emotion and attention seeking.

Uncomfortable when they are not the center of attention, may use physical appearance to draw attention to themselves or have rapidly shifting or exaggerated emotions.

❑ Narcissistic personality disorder: a pattern of need for admiration and lack of empathy for others.

Grandiose sense of self-importance and entitlement



## Types of Personality Disorders

- ❑ Dependent personality disorder: a pattern of needing to be taken care of and submissive and clingy behavior.
- ❑ Avoidant personality disorder: a pattern of extreme shyness, feelings of inadequacy and extreme sensitivity to criticism.
- ❑ Paranoid personality disorder: a pattern of being suspicious of others and seeing them as mean or spiteful. Assume people will harm or deceive them and don't confide in others or become close to them.

## Types of Personality Disorders

- ❑ Obsessive-compulsive personality disorder: a pattern of preoccupation with orderliness, perfection and control.
- ❑ Schizoid personality disorder: being detached from social relationships and expressing little emotion.
- ❑ Schizotypal personality disorder: a pattern of being very uncomfortable in close relationships, having distorted thinking and eccentric behavior. May have odd beliefs or odd or peculiar behavior or speech or may have excessive social anxiety.



# *What About Mental Health ?*

Florida Rules for Certified & Court-Appointed Mediators

Code of Ethics : Effective March 2018



What is the present trend of mediation?

What do you deem a successful mediation?

What does it take to remain neutral and impartial  
as a mediator?

# *What About Mental Health ?*

Florida Rules for Certified & Court-Appointed Mediators

Code of Ethics : Effective March 2018

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What do you do when you suspect or believe that  
Mental Health Issues are present  
during Mediation ?

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# *What About Mental Health ?*

Florida Rules for Certified & Court-Appointed Mediators

Code of Ethics : Effective March 2018

## **Rule 10.210 Mediation**

Defined Mediation is a process whereby a *neutral and impartial third person acts to encourage and facilitate the resolution of a dispute without prescribing what it should be*. It is an informal and nonadversarial process intended to help disputing parties reach a mutually acceptable agreement.

## **Rule 10.220 Mediator's Role**

The role of the mediator is to *reduce obstacles to communication, assist in the identification of issues and exploration of alternatives, and otherwise facilitate voluntary agreements resolving the dispute*. The ultimate decision-making authority, however, rests solely with the parties.

# ***What About Mental Health ?***

Florida Rules for Certified & Court-Appointed Mediators

Code of Ethics : Effective March 2018

## **Rule 10.230 Mediation Concepts**

Mediation is based on concepts of communication, negotiation, facilitation, and problem-solving that emphasize:

- (a) self determination
- (b) the needs and interests of the parties
- (c) fairness
- (d) procedural flexibility
- (e) confidentiality
- (f) full disclosure

# *What About Mental Health ?*

Florida Rules for Certified & Court-Appointed Mediators

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## **Rule 10.370 Advice, Opinions, or Information**

(a) **Providing Information.** Consistent with standards of impartiality and preserving party self-determination, **a mediator may provide information that the mediator is qualified by training or experience to provide.**

(b) **Independent Legal Advice.** When a mediator believes a party does not understand or appreciate how an agreement may adversely affect legal rights or obligations, the mediator shall advise the party of the right to seek independent legal counsel.

# *What About Mental Health ?*

Florida Rules for Certified & Court-Appointed Mediators

Code of Ethics : Effective March 2018

## **Rule 10.370 Advice, Opinions, or Information**

(c) **Personal or Professional Opinion**. A mediator shall not offer a personal or professional opinion intended to coerce the parties, unduly influence the parties, decide the dispute, or direct a resolution of any issue.

Consistent with standards of impartiality and preserving party self-determination however, **a mediator may point out possible outcomes of the case and discuss the merits of a claim or defense.** A mediator shall not offer a personal or professional opinion as to how the court in which the case has been filed will resolve the dispute.

# Mediating the Mind

➤ Most lawyers and mediators are not trained nor qualified to identify and diagnose the Petitioner or Responder with a mental health disorder...



# Mediating the Mind

➤ The label of mental health does not change the dynamics of the mediation process... *however*, it does cause for an **awareness** of how mental health can affect mediation...





# **Mediating the Mind:**

## **“Mediation Awareness Training”**

### **What is going on Emotionally & Mentally ?**

## ***From a Mental Health Perspective:***

Three (3) Levels of **Mediation Awareness**:

### **Level 1:**

- Annoyance
- Antipathy
- Animosity

# Mediating the Mind:

## “Mediation Awareness Training”

### What is going on Emotionally & Mentally ?

### *From a Mental Health Perspective:*

Three (3) Levels of Mediation Awareness:

#### Level 1:

➤ Annoyance ... *nuisance*

-Irritation

-Impatience

-Frustration

*❖physical behaviors may include swallowing,  
muscle tensing, hand clenching and tightening...*

# Mediating the Mind:

## “Mediation Awareness Training”

### What is going on Emotionally & Mentally ?

## *From a Mental Health Perspective:*

Levels of Mediation Awareness:

### Level 1:

➤ Antipathy...*a deep feeling of dislike or strong disgust*

-Constant staring

-Avoidance of eye contact

❖ *when the eyes speak ...*

**Mediating the Mind:**  
**“Mediation Awareness Training”**  
**What is going on Emotionally & Mentally ?**  
***From a Mental Health Perspective:***

Levels of Mediation Awareness:

**Level 1:**

- Animosity ... *strong hostility*
- unfriendly demeanor
- little to no acknowledgement
- consistent or sporadic belittling
- ❖ *when resentment and regret are staring at each other...*

**Mediating the Mind:**  
**“Mediation Awareness Training”**  
**What is going on Emotionally & Mentally ?**

***From a Mental Health Perspective:***

Levels of Mediation Awareness:

**Level 2:**

➤ Anger ...

➤ Abuse ...

➤ Addiction ...

***Childhood abandonment cases can display level 2***

**Mediating the Mind:**  
**“Mediation Awareness Training”**  
**What is going on Emotionally & Mentally ?**

***From a Mental Health Perspective:***

Levels of Mediation Awareness:

**Level 3:**

➤ Assault...

➤ Adulteration ...

Annihilation ...

***Trauma cases can display level 3 behaviors***

# Mediating the Mind: “Mediation Awareness Training” *Mental Health Perspective*

*Mental Health can A.R.R.E.S.T. the mediation process:*

- ☐ **A**-ctions
- ☐ **R**-eactions
- ☐ **R**-esponses
- ☐ **E**-motions
- ☐ **S**-tatements
- ☐ **T**-houghts

# Mediating the Mind:

## “Mediation Awareness Training”

*Mental Health can A.R.R.E.S.T. the mediation process:*

- Unable to focus on the issues of resolving the dispute
- Unable to focus on any except for the dispute itself or the reason for the dispute.
- Unable or unwilling to resolve the dispute
- Unreasonable need for further information
- Unquenchable need to be heard
- Unable to choose between alternatives.



# Mediating the Mind:

## “Mediation Awareness Training”

*Mental Health can A.R.R.E.S.T. the mediation process:*

- Putting forth settlement objectives that are unattainable to achieve.
- Believing that having the dispute resolved in Court will solve all problems.
- Irrational beliefs that something will happen in the future that will radically change their chances or bring a positive outcome in their favor
- Providing contradictory information and instructions.

# Mediating the Mind: How Mental Health Affects Mediation “Mediation Awareness Training”

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*When the Mind is Mediated...  
“the possibilities are endless”*



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