
MEDIATOR NEUTRALITY IN FAMILY DISPUTES: CAN THE MEDIATOR REMAIN NEUTRAL WHEN THE WELL-BEING OF THE CHILD IS AT STAKE?

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ABSTRACT

Family mediation is a well facilitated, confidential process in which separated or separating family members attempt to resolve disputes by agreement rather than adjudication. It is attractive in family disputes because it is consensual, flexible and private, and because it may preserve an ongoing parental relationship that litigation can further damage. Mediation can also enable arrangements to be adapted to the practical and emotional circumstances of a particular family rather than imposed through a standard judicial order. Its central normative commitments, however, include both party self-determination and mediator neutrality.

The presence of children makes those commitments more complex. Parenting disputes may formally be between two adults, but their consequences extend directly to children who may not participate in the process. The mediator must therefore negotiate a tension between two principles, that is, neutrality and impartiality towards the parents, on one hand, and protection of the child's welfare or best interests, on the other. The problem can be stated through a simple hypothetical question, both parents agree to a settlement concerning residence, contact, education or relocation. The arrangement is convenient and acceptable to them. Is it nevertheless a successful settlement if it is substantially contrary to the child's welfare?

This article mainly questions whether a mediator remain neutral while ensuring that the child's interests are adequately protected. It argues that the answer is yes, but only if neutrality is understood with precision. Neutrality should mean neutrality between the parents, not indifference towards the child's welfare. The mediator must not become the child's advocate, legal representative or substitute judge. Yet complete passivity is equally objectionable because silence may permit coercion, misinformation or an arrangement that disregards serious welfare concerns. The appropriate model is therefore child-sensitive neutrality: an impartial process between the parents in which the mediator actively ensures that the child's interests are considered, without imposing a substantive outcome.

Neutrality and impartiality are often treated as interchangeable, but they describe different dimensions of mediation.¹ Neutrality ordinarily concerns the outcome, i.e., the mediator does not impose a decision, determine who is right, or announce what settlement must be accepted.² Impartiality concerns the relationship between the participants: the mediator does not favour Parent A over Parent B and affords each a fair opportunity to participate.³ In family mediation, the mediator is expected to be neutral regarding outcome and impartial regarding process, although the interaction commonly includes discussion of the needs of children who are absent from the mediation room.

The distinction matters because a mediator can be neutral as to outcome while intervening substantially in the process.⁴ Typical functions include facilitating communication, translating hostile or accusatory statements into negotiable issues, identifying interests, reality-testing proposed arrangements, and asking parties to examine practical consequences. The mediator may identify an unresolved question, such as how a child will travel between homes, whether a proposed schedule is compatible with schooling, or how parental communication will occur, without deciding the legal or moral merits of the dispute.

Thus, neutrality cannot plausibly mean silence. Mediation is not merely a room in which two parties speak while the mediator records their preferences. Questions necessarily influence the agenda and the quality of deliberation.⁵ A mediator who asks, “How will this arrangement affect the child’s daily routine?” has introduced a welfare consideration, but has not necessarily favoured either parent. The question may expose an assumption, reveal an omission, or invite the parties themselves to revise their proposal.

The difficult boundary arises when the mediator raises concerns about the child’s welfare. Is this intervention inconsistent with neutrality, or is it responsible facilitation?⁶ Traditional accounts of mediation have often separated process from substance: the mediator manages communication, while the parties determine the substance and outcome. Critics respond that

¹ I. Gaffney, *Impartiality and Neutrality in Mediation*, 8 J. Mediation & Applied Conflict Analysis 59 (2022)

² C. Hill, *Family Mediator Neutrality and Impartiality in Practice*, 1 J. Applied Linguistics & Prof. Prac. 173 (2013).

³ See id.

⁴ Rachael Field & Jonathan Crowe, *Playing the Language Game of Family Mediation: Implications for Mediator Ethics*, 35 L. Context 1 (2018).

⁵ See id.

⁶ Howard Kaminsky & Rosemarie Cosmano, *Mediating Child Welfare Disputes: How to Focus on the Best Interest of the Child*, 7 Mediation Q. 229 (1990).

the separation is artificial.⁷ Choices about what to ask, what to summarise and what to challenge inevitably affect substantive possibilities. Neutrality may therefore operate on a continuum rather than as an absolute condition, with ethical practice varying according to context, mediation model and mandate.⁸ The concept of “multi-partiality” similarly recognises that supporting meaningful participation may require attention to unequal capacities without converting the mediator into an advocate for one side.

In family mediation, challenging questions can remain neutral when they are directed at the integrity of the decision-making process rather than at securing a preferred result. The mediator may ask both parents to explain the assumptions behind their proposals, test whether each understands the consequences, and invite consideration of the child’s perspective. What the mediator cannot properly do is announce that one parent’s preferred arrangement is objectively best and pressure the other to accept it. Responsible facilitation is therefore not the opposite of neutrality. Properly bounded, it is the means by which neutrality becomes meaningful.

Difference between family mediation and commercial mediation

Commercial mediation generally involves parties negotiating their own economic or institutional interests. Although employees, consumers, shareholders or communities may be affected indirectly, the principal negotiators are ordinarily the persons whose legal and financial interests are being compromised. A settlement therefore derives much of its legitimacy from informed consent by those directly participating in the process.

Family mediation has a different structure.⁹ Parents may negotiate over residence, custody, contact, education, healthcare, relocation and financial maintenance, while the principal consequences are experienced by a child. The child may not be a formal party, may lack legal capacity to contract, and may not be physically present. Nevertheless, the child is not merely an indirect stakeholder. The child’s daily life, security, identity, relationships and development may be reorganised by the agreement.

Family disputes also involve a continuing relationship. The parties are not simply attempting

⁷ Susan Douglas, *Neutrality, Self-Determination, Fairness and Differing Models of Mediation*, 19 JCU L. Rev. 1 (2012).

⁸ Alison Taylor, *Concepts of Neutrality in Family Mediation: Contexts, Ethics, Influence, and Transformative Process*, 14 Mediation Q. 215 (1997).

⁹ Marian Roberts, *Children in Family Mediation*, 5 Amicus Curiae 256 (2024).

to terminate a transaction; they may have to cooperate for years in making decisions and managing transitions. Emotional attachment, grief, anger and anxiety can coexist with practical negotiation. The language of “parental conflict” may also obscure coercion or control within the former intimate relationship.¹⁰ Family mediation is consequently a multi-person interaction in which the needs of “absent others”, especially children, are routinely invoked and negotiated.

Finally, the process may contain serious power imbalances.¹¹ One parent may control money, housing, immigration documents or information about the child. A parent may appear to consent because resisting is costly or unsafe. The apparent agreement of two adults is therefore not conclusive evidence either of genuine voluntariness or of an outcome consistent with the child’s welfare. Family mediation cannot simply import a commercial model in which consent between the negotiating parties exhausts the ethical inquiry. It must account for the third interest: the child whose life is being arranged by others.

The “Best interests of the Child” Principle

The best-interests or welfare principle is a legal standard directing decision-makers to treat the child’s welfare as a primary, and in many contexts paramount, consideration.¹² It is not reducible to parental preference. It ordinarily requires attention to the child’s safety, physical and emotional development, continuity of care, relationships, education, health, identity and, where appropriate, expressed wishes. The standard is deliberately evaluative: what benefits one child may not benefit another, and welfare must be assessed in context rather than through an abstract formula.

At the international level, Article 3(1) of the United Nations Convention on the Rights of the Child (UNCRC) provides that the best interests of the child shall be a primary consideration in actions concerning children undertaken by courts, administrative authorities, legislative bodies and social-welfare institutions. Article 12 adds the child’s right to express views freely in matters affecting the child, with those views given due weight according to age and maturity.¹³ Article 12 does not establish a general right of veto. Nor does Article 3 require every private decision to be transferred to a public authority. Together, however, the provisions reject a

¹⁰ Judy Hughes & Susan Chau, *Children’s Best Interests and Intimate Partner Violence in the Canadian Family Law and Child Protection Systems*, 32 Crit. Soc. Pol’y 677 (2012).

¹¹ Joan B. Kelly, *Power Imbalance in Divorce and Interpersonal Mediation: Assessment and Intervention*, 13 Mediation Q. 85 (1995).

¹² Magdalena Wolińska et al., *The Welfare of the Child in the Mediation Process*, 1 Consilium Iuridicum 1 (2023).

¹³ G. Dennison, *Is Mediation Compatible with Children’s Rights?* 32 J. Soc. Welfare & Fam. L. 169 (2010).

model in which children are treated as objects of adult settlement rather than rights-bearing persons.

Indian law reflects the welfare orientation in both statute and judicial doctrine. The Guardians and Wards Act 1890 directs the court, in appointing or declaring a guardian, to be guided by what appears in the circumstances to be for the welfare of the minor.¹⁴ The Hindu Minority and Guardianship Act 1956 expressly provides that the welfare of the minor is the paramount consideration, notwithstanding personal-law rules concerning natural guardianship.¹⁵ The Family Courts Act 1984 establishes specialised courts intended to promote conciliation and secure the speedy settlement of disputes concerning marriage and family affairs, including matters affecting children.¹⁶

The Supreme Court of India has repeatedly resisted treating custody as a parental entitlement. In *Gaurav Nagpal v. Sumedha Nagpal*, the Court emphasised that the welfare of the child is the controlling consideration and that parental rights cannot displace it.¹⁷ In *Mausami Moitra Ganguli v. Jayant Ganguli*, the Court stressed that custody decisions must be determined by the child's welfare rather than by the legal rights of either parent. In *Vivek Singh v. Romani Singh*, the Court adopted a broader understanding of welfare, recognising the importance of the child's emotional and psychological well-being and of meaningful relationships, while maintaining that the child's interests remain the decisive concern.¹⁸

The principle raises an institutional question. Are "best interests" a legal rule, a guiding principle, or a standard requiring judicial determination? It performs all three functions, but not in the same way. It guides parents and professionals; it structures legal interpretation; and it authorises a court to determine an outcome where agreement is absent or unacceptable. That final function is crucial to mediation theory. A judge may determine, through evidence and legal authority, what arrangement should be ordered. A mediator may assist parents in assessing welfare considerations, but cannot impose the mediator's own determination of the child's best interests. To permit the latter would transform mediation into unconsented adjudication and would undermine party self-determination.

The appropriate conclusion is not that welfare is irrelevant outside court. Rather, its relevance

¹⁴ Guardians and Wards Act, 1890, No. 8, Acts of Parliament, 1890 (India).

¹⁵ Hindu Minority and Guardianship Act, 1956, No. 32, Acts of Parliament, 1956 (India).

¹⁶ The Family Courts Act, 1984, No. 66, Acts of Parliament, 1984 (India).

¹⁷ *Gaurav Nagpal v. Sumedha Nagpal*, 2008 INSC 1324

¹⁸ *Vivek Singh v. Romani Singh*, 2017 INSC 130

must be translated into a process obligation: parents should make informed, voluntary decisions with adequate attention to the child's interests, while the mediator must identify circumstances in which agreement cannot safely substitute for judicial scrutiny.

Core dilemma: What should the Mediator actually do?

- **Parents Agree to Something Potentially Harmful-** Suppose both parents agree that a young child should move repeatedly between distant homes, that contact should occur without adequate safeguards, or that a medical and educational issue should be left wholly unresolved. The mediator might remain silent on the ground that both parents consent and that neutrality prohibits substantive intervention. But that position confuses consent with informed and legitimate decision-making. If the mediator knows that a proposal raises an evident welfare concern, silence may allow the agreement to rest on an unexamined assumption.

The mediator should question the proposal, but in a non-directive manner. Questions may concern the child's routine, safety, developmental needs, practical implementation, and contingency arrangements. The mediator should ask each parent to explain how the proposal responds to those matters and whether independent professional or legal advice is needed. Such inquiry does not require the mediator to declare the proposal harmful. It ensures that consent is informed and that the child is not erased from the negotiation. Responsible neutrality is therefore active rather than silent.

- **One Parent Dominates the Negotiation-** A parent may interrupt, threaten, control documents or finances, invoke superior legal knowledge, or exploit the other parent's dependence. Intervention may appear partial because it gives additional procedural support to the weaker participant. Yet treating unequal bargaining power as irrelevant can produce only the appearance of neutrality. Research on power imbalance has identified mediator interventions designed to empower a disadvantaged party where unequal power threatens the integrity of both process and outcome.¹⁹

The mediator may use separate sessions, structured speaking time, reality-testing directed at both parties, written summaries, interpreters, legal-information referrals, or

¹⁹ Joan B. Kelly, *supra* note 11.

an opportunity to obtain independent advice. The test is not whether both parents receive identical treatment, but whether each can participate freely and understand the consequences of settlement. Procedural protection is not favouritism. It protects the conditions under which neutrality between the parents can exist.

- The child has a different preference- A child may express a wish to live principally with one parent, resist contact, seek a particular school, or prefer a relocation. The child's preference may reflect maturity and considered experience, but it may also reflect fear, loyalty conflict, manipulation or a desire to reduce parental conflict. The mediator must therefore distinguish hearing from obeying.

The child's views may be obtained indirectly through a specialist report, through child-inclusive mediation, through a separately prepared statement, or, where safe and appropriate, in a carefully designed direct consultation. The method should depend on age, maturity, safety, confidentiality and the risk of placing the child in the middle. Hearing the child does not make the mediator the child's representative. The mediator communicates the child's perspective as one relevant consideration and returns responsibility for the decision to the parents, subject to any need for judicial intervention.

- Parents reach a settlement that benefits them but compromises the child- This is the strongest case. Imagine an arrangement that minimises parental inconvenience, reduces financial cost or avoids conflict but imposes instability, exposes the child to harmful conduct, or suppresses the child's relationship with a safe caregiver. Is it genuinely successful merely because both parents agree? The answer must be no. Mediation success cannot be measured solely by settlement rate or parental satisfaction where the agreement externalises its costs onto a non-party child.

The mediator should first clarify the alleged concern and test whether it can be addressed through safeguards, review clauses, gradual transitions, neutral exchange arrangements, or professional support. The mediator should explain the limits of confidentiality and the implications of serious risk according to applicable law and professional rules. If the issue is a disagreement about ordinary parenting judgment, the mediator should not decide it. If it concerns abuse, coercion, imminent danger or a fundamental inability to negotiate freely, mediation may be unsuitable and should be

paused, modified or terminated.

These scenarios show why neutrality is best understood as a discipline against partisan outcome-imposition, not as a prohibition on ethical attention. The mediator's intervention should increase the quality of parental deliberation. It should not replace that deliberation with the mediator's preferred substantive result.

- **Child-inclusive mediation-** Child-inclusive mediation is a form of family dispute resolution in which a suitably trained professional consults the child separately and, with appropriate safeguards concerning confidentiality, communicates relevant themes or concerns to the parents and mediator.²⁰ It differs from simply asking parents what they think the child wants. It can provide information about the child's lived experience, practical concerns and emotional response to parental proposals.

The child's participation is justified both instrumentally and normatively. Instrumentally, children possess information that parents may not know or may discount. Normatively, Article 12 of the UNCRC recognises the child's right to be heard. Yet participation must not make the child responsible for deciding residence or contact. The child should not be required to choose between parents, deliver accusations in a joint meeting, or believe that the continuation of parental conflict depends on the child's preference.

Risks include emotional pressure, coaching, manipulation and the inappropriate disclosure of confidential communications. A child may also express a preference to protect a parent or to end conflict rather than because the proposed arrangement is best for the child. The mediator should therefore explain the purpose and limits of consultation, use age-appropriate methods, assess safety, and avoid promising that the child's wishes will determine the outcome.

Child-inclusive mediation does not inherently destroy neutrality. The mediator remains neutral between the parents while ensuring that the child's perspective enters the decision-making process. Evidence from a prospective Australian study found that child-inclusive interventions produced more durable and workable agreements and that parents were approximately half as likely to commence new parenting litigation during

²⁰ Anne Barlow & Jonathan Ewing, *Children's Voices, Family Disputes and Child-Inclusive Mediation* (2024).

the following year, compared with a child-focused intervention without direct child consultation.²¹ More recent comparative research also indicates that mediators broadly recognise the importance of hearing children, although practice predominantly relies on indirect methods.²² These findings support participation, but not an unqualified or universal requirement of direct involvement.

“Child-Sensitive Neutrality”, the crux of the article

This article proposes child-sensitive neutrality as a mediating principle. Under this model, the mediator remains neutral between Parent A and Parent B and does not favour either parent’s preferred outcome. The mediator also does not determine the child’s best interests, represent the child, or exercise judicial power.

At the same time, child-sensitive neutrality requires more than procedural symmetry. The mediator ensures that the child’s interests are considered; raises relevant questions about safety, stability and consequences; helps each parent understand the practical effects of proposed arrangements; and facilitates the appropriate incorporation of the child’s voice. Serious welfare concerns are not ignored merely because the parents have reached apparent agreement.

The concept reconciles neutrality with responsibility by distinguishing whose interests the mediator must not prefer from what considerations the process must not exclude. The mediator must not become Parent A’s or Parent B’s advocate. But the child’s welfare is not simply another partisan position. It is a legally and ethically relevant dimension of the dispute. Neutrality, in this sense, is not indifference. It is impartiality between the parents combined with active attentiveness to the child affected by their agreement.

Mediation is not suitable in every family dispute. Domestic violence, coercive control, threats, intimidation, severe economic or informational inequality, child abuse concerns, manipulation of the child and international child-abduction or relocation disputes may make ordinary joint negotiation unsafe or substantively unreliable.²³ The question is not merely whether the parties can sit in the same room, but whether each can negotiate freely and whether the process can

²¹ Jennifer E. McIntosh et al., *Child-Focused and Child-Inclusive Family Law Dispute Resolution: One Year Findings from a Prospective Study of Outcomes*, 13 J. Fam. Stud. 8 (2007).

²² Jan Mucha et al., *The Mediator's Approach to Children's Participation in Family Mediation: A Comparative Study in Lithuania, Poland and Ukraine*, 63 Fam. Ct. Rev. 822 (2025).

²³ Geneviève Cresson, *Family Mediation and Domestic Violence*, 2002 Cahiers du Genre 1.

protect the child and the vulnerable parent.

Domestic violence presents the clearest challenge to simplistic neutrality.²⁴ If a mediator treats violence as symmetrical “conflict” between two parents, neutrality may reproduce the abuser’s power rather than correct it. Qualitative research has documented the concealment of violence during custody mediation, including failures by professionals to detect abuse and the subsequent attribution of responsibility to both parents.²⁵ Empirical research has also reported that mediators failed to recognise or report domestic violence in 56.9 per cent of identified cases in one study, while mediation produced inadequate protective outcomes for some survivors.²⁶ These findings do not prove that every case involving violence is incapable of mediation, but they make robust screening indispensable.

Screening itself is not a single questionnaire. It may require private interviews, repeated assessment, inquiry into coercive control, consideration of financial dependence and immigration vulnerability, and consultation with specialist services. Recent comparative analysis warns that inadequate training and screening can undermine both safety and the voluntary nature of family dispute resolution.²⁷ A mediator who fails to screen may preserve the appearance of neutrality while enabling domination.

Where mediation remains possible, safeguards may include shuttle mediation, separate arrival and departure arrangements, support persons, legal advice, technology-assisted participation, carefully limited agendas, and enforceable safety conditions.²⁸ Child-inclusive work should be avoided or specially adapted where it would expose the child to retaliation or make the child responsible for parental decisions. A safety-assessment model has argued that even where a case is unsuitable for dispute resolution, children may still require a safe consultation process and referral to protective services.²⁹

Neutrality should therefore have limits when maintaining it would undermine fairness, safety

²⁴ A. S. Hart, *Child-Inclusive Mediation in Cases of Domestic Violence in Australia*, 27 Conflict Resol. Q. 3 (2009).

²⁵ Manipulation Feresin et al., *Family Mediation in Child Custody Cases and the Concealment of Domestic Violence*, 33 Affilia 509 (2018).

²⁶ See Nancy E. Johnson et al., *Child Custody Mediation in Cases of Domestic Violence*, 11 Violence Against Women 1022 (2005).

²⁷ Alan Sixsmith & Rachel Blakey, *Family Mediation and Domestic Abuse: Lessons from Australia*, 47 J. Soc. Welfare & Fam. L. 213 (2025).

²⁸ See id

²⁹ Theo Petridis & Jacqueline Hannan, *Innovations in Practice: A Safety Assessment Approach to Child-Inclusive Family Dispute Resolution*, 17 J. Fam. Stud. 36 (2011).

or genuine consent. Mediation should be paused, modified or terminated where there is imminent risk, inability to negotiate freely, serious concealment, or a dispute requiring authoritative fact-finding. Ending mediation is not a failure of neutrality. It is recognition that a consensual process cannot legitimately resolve every conflict.

A child-sensitive mediator may ask questions, reality-test proposals, encourage consideration of consequences, ensure that both parents are heard, raise child-related considerations, facilitate communication and recommend independent legal or professional advice. The mediator may help parents formulate safeguards, review mechanisms and practical arrangements that reduce foreseeable conflict.

The mediator may not decide custody or residence, determine the child's best interests as an authoritative conclusion, represent the child, give legal advice as though acting as counsel, force a settlement, or favour one parent. Nor should the mediator imply that a proposal is legally mandatory when it is merely a professional preference. Clear explanation of role and limits is essential to informed participation. The mediator's authority is process authority: to structure, question, clarify and protect the integrity of negotiation, and not to adjudicate.

Indian and International perspectives

The international framework supports a child-sensitive approach. The UNCRC links the best-interests principle in Article 3 with participation under Article 12. In cross-border disputes, the Hague Conference on Private International Law's material on family mediation is particularly relevant. The 2023 Guide to Good Practice on Mediation under the 1980 Hague Child Abduction Convention recognises the value of mediation while emphasising safeguards, informed consent, legal advice and the need to account for domestic violence and the child's welfare. Cross-border settlements must also be considered alongside the HCCH Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, especially where financial arrangements affect the child's material well-being.

India's developing mediation framework raises similar questions. The Mediation Act 2023, court-annexed mediation and the conciliatory orientation of the Family Courts Act 1984 create institutional support for consensual resolution. Yet child-related disputes cannot be treated as ordinary private settlements. Indian family-law doctrine places welfare at the centre of custody decisions, and the statutory framework preserves the court's protective jurisdiction.

The challenge for Indian practice is to develop accreditation, screening and ethical standards specifically for family mediators. General mediation competence does not necessarily equip a mediator to identify coercive control, assess child safety, manage child-inclusive processes or recognise when a settlement requires judicial scrutiny. India's growing mediation infrastructure should therefore distinguish settlement facilitation from child-welfare adjudication and require referral pathways to courts, lawyers, counsellors and protective agencies where appropriate.

Proposed framework focusing on child sensitivity and neutrality

A workable framework to truly ensure neutrality is child-sensitive and neutral may be structured around 5 elements. The first one being, neutrality between parents, wherein the mediator does not favour either parent and does not impose a parenting outcome. Procedural interventions are justified by the need to secure informed and voluntary participation, not by a preference for one parent. The second one being, child-sensitive process, the mediator actively identifies how proposed arrangements affect the child's safety, stability, relationships, education and development. The child's interests form part of the process agenda even when the child is not present. Thirdly, the child's voice where appropriate, may be heard through indirect consultation, a specialist, written material or direct child-inclusive mediation, depending on age, maturity, safety and expressed wishes. Hearing the child does not make the child a decision-maker. Fourthly, safeguards for violence, coercion, intimidation and serious power imbalance require enhanced screening and, where appropriate, separate processes, support persons, legal advice, shuttle mediation or termination. Child participation must never increase risk. And finally, clear limits, the mediator facilitates but does not adjudicate, where legal rights, serious welfare concerns, disputed facts or protective orders require authoritative determination, the court remains the proper institution.

This model preserves the distinctive value of mediation while rejecting the fiction that every parental agreement is automatically legitimate.

Conclusion

To answer the underlying question in this article, can a mediator remain neutral while protecting the best interests of the child? Yes, but neutrality must be understood differently in family mediation. A mediator should remain impartial between the parents and should not

determine custody, represent the child or impose an outcome. Yet the mediator should not be indifferent to the child whose life is being organised by the parents' agreement.

The proper role is neither parental advocacy nor judicial substitution. It is disciplined, child-sensitive facilitation: asking difficult questions, testing assumptions, ensuring meaningful participation, incorporating the child's perspective where appropriate, and refusing to ignore serious welfare or safety concerns. Child-inclusive mediation may improve durability and reduce re-litigation, but it must be carefully designed so that hearing the child does not become making the child responsible.

The future of family mediation therefore lies not in abandoning neutrality, but in refining it. Neutrality should operate between the parents; responsibility should operate towards the integrity of the process and the protection of the child. A mediator can remain neutral while protecting the child's interests only when neutrality is understood as impartiality without passivity. In family mediation, neutrality must not mean standing nowhere. It must mean standing between the parents while ensuring that the child is not left outside the moral and legal frame of the settlement.