

Mediation in Civil Case

FAMILY MAINTENANCE DISPUTE BETWEEN MOTHER AND DAUGHTER

Ms Ivonne is 95 years old lady living in a private house with very modest, even poor conditions. Ms Ivonne has 3 children – Anne (72), Christen (70) and Robert (65).

15 years ago when Ms Ivonne was 80 years old, she decided to conclude a specific agreement with her daughter Anne, according to which Ms Ivonne re-registers her house to the name of Anne, and Anne promises to support her mother financially all her life. This is so called Maintenance Agreement.

Ms Ivonne does not have any other property – only the house where she lives in. After she signs the Maintenance agreement with the daughter, she does not have any other property. For Christen this is fine and she does not raise any objections, because Anne anyway always have taken care of the mother. Moreover, Christen has her own property and good relations with the mother and her sister Anne. For Robert this is shocking, because Ms Ivonne has very bad relationship with her son, especially after he got married (at the age of 32), because Ms Ivonne hates the wife of Robert.

So after the Maintenance agreement is concluded, Anne regularly brings her mother money, so the Mom can buy food, clothes and pay for doctor services. Anne frequently visits her mother and helps her around the garden – to water plants, to pick out weeds, to harvest fruits and berries. 10 years ago Anne has moved to live in Canada, but she visits her mom at least twice a year, every time staying at least 4 weeks. And every time she pays to her mom EUR 5000 – 7000, which maintains good living standard for Ms Ivonne.

One bad day 2 months ago Ms Ivonne falls at home and hits badly her head and legs. She calls Anne, who can't immediately arrive from Canada. Anne calls her sister and brother, and Robert is the first one who arrives to house of the mother, and calls emergency doctors. After this event, the attitude of Ms Ivonne completely changes. Now Robert has become her favourite child. She communicates only with Robert, and does not pick up phone calls neither from Anne nor from Christen. Even when Anne arrives to her mother, Ms Ivonne screams and orders the daughter to leave her house immediately. Ms Ivonne does not accept any money or help from Anne, and says that only Robert loves her and takes care of her. Ms Ivonne also fires the housekeeper, who was provided by Anne. So in these circumstances Anne can't help her mother anymore, although she would love to.

PARTNERS:



1 month ago Ms Ivonne raises a claim in the court and asks the judge to annul the Maintenance agreement, claiming that Anne is not fulfilling this agreement. Ms Ivonne claims that Anne has never paid her any money, never helped at home or with doctor services.

Anne is shocked and she can't prove the opposite, because all the money has been given to mother in cash and there is no evidence about payments. The mother does not have a bank account and there is even no chance to transfer her any money. Also the mother re-registers all communal supply agreements (electricity, heating, gas, TV, water) from Ms Ivonne to her son Robert, so Anne can't pay for these services and help her mother anymore.

Anne is not happy about litigation, because this is indeed humiliating to litigate with her own mother. Moreover Anne feels a pity, because her mother has either forgotten and neglects all the help which Anne provided to her mother all previous 15 years until that bad accident. With the money with which she helped to her mother all previous year she could have even bought a similar house, and Anne hoped that one day she will move to this house after her mom passes away.

Ms Ivonne is not happy either about litigation. But she truly feels that Robert has saved her life after that bad accident. Ms Ivonne is so happy that she had renewed good relationship with Robert and found a common language with his wife (Ms Ivonne's daughter-in-law). Now she does not know any other way how to give a share from her property as to litigate with Anne, and by the help of judgment to annul the Maintenance agreement, which she later plans to register to Robert's name. Ms Ivonne thinks that Anne is wealthy enough, and she regrets that she registered the house to Anne's name. Ms Ivonne is strongly supported in court by her son Robert and his wife. Anne is supported by her sister Christen.

The judge sends both parties – Ms Ivonne and Anne to the mediator.

Organize mediation session in a civil case with the following persons:

1. One or Two co-mediators
2. Ms Ivonne – 95 years old mother (may be supported by her son Robert)
3. Anne – 72 years old daughter (may be supported by her sister Christen)

PARTNERS:

