

Divorce Mediation and Your Kids

Divorce mediation can help separating or divorcing parents to work together to plan for their children's well-being.

By Alan L. Frankel, CSW

Divorce mediation is a new alternative on the cutting edge of a changing trend in our society. There are many advantages to this approach, but perhaps chief among them is how it can benefit divorcing couples with children. Divorce mediation can help separating or divorcing parents to work together to plan for their children's well being. Issues involving parenting responsibilities -- such as custody arrangements, child support, visitation schedules e.g. weekends, holidays, vacations, birthdays, etc. -- are worked out directly by the parents themselves, *not* by their attorneys. This is very important, because as a result of the couple taking more direct responsibility in designing their agreement, it helps them both to feel like they really "own it," which usually leads to greater compliance down the road.

As divorce mediators, my colleagues and I help couples to consider their new and changing roles, and emphasize that although their spousal role is ending, their parental role will be continuing, and fulfilling this parental role will require a lot of ongoing cooperation. Although this point may seem obvious, it all too often gets forgotten or dismissed in the adversarial system, unfortunately.

More and more studies are finding that ongoing parental conflict, strife, fighting, and acrimonious divorces have a very deleterious effect on children. This will affect them not only in the present, but also in the future. It can lead to subsequent emotional problems, relationship difficulties, and can even be a predictor of health problems in their adult lives.(1)

With that in mind, it seems that divorce mediation may indeed be a very constructive alternative to adversarial divorce. Mediation isn't magic, of course, and there will still be hurt, angry, and bitter feelings between the couple. What mediation *can* do, however, is help the couple try to get beyond these feelings to work toward their common goal of helping their children by planning together for their children's future. It helps couples to focus on the issues they need to work out and can prevent them from "going to war," which is so destructive to everyone involved.

Mediators are professionals who are committed to helping people get through the pain of divorce with less stress. Some are attorneys who were formerly matrimonial lawyers, many of whom say they became sickened by the destructiveness of what they saw happening under the adversarial system of divorce. Others are mental health professionals who see mediation as a wonderful means of preventing emotional problems from developing -- not only for the couple, but especially for their children.

The role of the mediator is to remain neutral, to provide information, and to help the communication process so that couples can reach a fair agreement. To further safeguard the fairness of the process of divorce mediation, we strongly encourage

couples, after reaching agreement, to each seek review of the agreement by independent counsel.

Overall, divorce mediation seeks to provide the couple with a fair agreement; one in which they have taken direct responsibility to work out the terms. Divorce mediation is usually much faster and less expensive than a traditional adversarial divorce. Although divorce is never easy, divorce mediation can greatly help people to obtain a divorce in a more productive manner -- one that reduces stress rather than exacerbating differences.

Obviously, divorce mediation may not be appropriate for every couple seeking divorce, and if one party refuses, then both will have no choice but to turn to the adversarial system. However, for many people seeking divorce, even very bitter and angry couples, mediation has been "workable." When an agreement has been reached, divorcing parents will have worked out a parenting plan for their children they can all live with. The couple is freer to get on with their lives, instead of getting on with their litigation. Instead of entering an often costly and lengthy win-lose battle, they seek a "win-win" solution that benefits everyone.

Finding a mediator

Before you settle on a mediator, be prepared to ask questions such as:

1. Do you belong to any professional organizations for mediators
2. What kind of training have you had in mediation?
3. How long have you been a mediator?
4. What kinds of mediation do you handle?
5. How much will it cost?
6. How long will it take?

(1) "Psychosocial and Behavioral Predictors of Longevity". Friedman, Howard et al. American Psychologist. February 1995, Volume 50, No. 2, p. 71.

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