

Divorce Mediation: A Tool for Empowerment

Why do individuals choose to mediate their separation, divorce, or post-divorce issues? For twenty-eight years, we have been tracking the responses of our clients. Here's a sampling of what they tell us:

- To avoid bitter conflict: "I've watched friends engage in ugly feuds that ended in their becoming real enemies, unable to even talk together about their children."

"For longer than I can remember, my brother and his wife kept returning to court. I can't even remember why they kept fighting, even after they were divorced."

- To save time and money:

"I know four couples who spent hundreds of thousands of dollars on their divorce. It's crazy the waste of money and time; yes, time, it seemed to be a divorce without end."

"I do not intend to send a lawyer's children to college. Mediation is faster and cheaper and it makes sense."

- To focus on their children:

"I know and she knows that we need to be there for our kids. Mediation just seems to be a way to carve out a relationship that will allow us to parent in the future."

"We agree that the kids come first. We know we have years ahead of us as parents."

- To maintain dignity:

"Our marriage has not been good for a long time; yet I don't hate her and I don't think she hates me. Mediation gives us a process that is thoughtful and dignified."

"I need to do this divorce right. My adult children are already furious at me about the divorce. At least they won't see us sink to name calling and one upmanship."

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While the words of these clients accurately relate real and important reasons for selecting divorce mediation as the vehicle for structuring their separation or divorce agreements or for resolving post-divorce issues, they do not address the more subtle benefits that can be a byproduct of the mediation process, benefits that, in and of themselves, present the most persuasive rationale for mediation. All of the reasons cited above focus on goals:

- To avoid conflict.
- To save time and money.
- To focus of the children.
- To maintain dignity.

What they do not tell us is that mediation can, in actuality, be a mechanism for personal change and growth. However, to achieve this end, the mediator must create the environment and provide the tools for individual empowerment.

Consider the following example: Vera and Donald were married for fifteen years and the parents of one child, age ten. Vera was a skillful pediatric nurse, known for her ability to relate

to children and adults, to calm even the most frightened of patients. Donald was the president of a payroll company, a former accountant who helped build a new business into a successful enterprise with 120 employees. When the couple entered mediation, Vera had never balanced a checkbook, or for that matter, ever written a check. She considered herself a people-person and relied on Donald to handle the family's finances. There was no conflict with this differentiation of roles. Yet conflict or not, when Vera entered mediation and was asked to produce budgets and financial statements, she turned to Donald. Although he had no problem undertaking these chores, a natural assignment for him, both professionally and personally, the mediator knew that Vera would have to acquire new skills. She would have to handle her own finances in the future, even if she employed professional help for taxes and investments. Perhaps more importantly, she needed to understand the "numbers", all the numbers, in the settlement and their present and future impact on her. The mediator helped Vera accept the importance of acquiring new skills, not so much because of their intrinsic value, but particularly to ensure that Vera could evaluate different options and understand their financial, as well as personal, impact.

And, to Vera's astonishment, learn she did, albeit painfully and with resistance at first but, in the end, with pride at her accomplishments. By the completion of the mediation process, Vera refused her husband's well-meaning offer to help her refinance the marital house in her name. To the mediator and her husband, she proclaimed, "Yesterday I balanced my checkbook and today I remortgaged my house. Who would have thought this possible?"

Vera provides just one example of how the mediation process helped to empower one client. Nonetheless, it is necessary to understand that mediation, in and of itself, will not lead naturally to the empowerment of clients. The mediator must act as a catalyst, accepting no less than the active participation of each spouse. It is not okay for a husband or a wife to refuse to be active participants, or to accept a deal without understanding its parts and its implications. The mediator needs to facilitate personal growth through education and to help each person to question the whys and wherefores of the settlement. "The devil is in the details", details to be analyzed, dissected, and understood.

Personal empowerment is not to be confused with aggression or the development of confrontational skills. Rather, it fosters personal growth and confidence of each spouse that, in the final analysis, benefits both parties. In our story above, Donald was relieved and pleased that Vera could handle her own finances and, most of all, that she had become a full participant in the decision-making related to their divorce settlement.

In other families, the acquisition of new skills occurs in different areas. Parents who were not actively involved in daily parenting emerge as more nurturing and engaged participants. Others, who were hesitant to seek employment after years of being homemakers, find creative and new employment ventures.

Empowerment, although the most dramatic and noteworthy of the mediation side benefits, does not stand alone. In a skillful mediation, couples will emerge as better communicators.

Armed with a new skill set and freed from the tension and fears stirred by the separation process, husband and wife are frequently surprised to learn that they can hear, really hear, what each other is saying and respond appropriately and thoughtfully.

It should not surprise anyone to learn that agreements reached with the help of a skilled and experienced mediator are more likely to last. Why not? They are, after all, agreements "of the people, by the people, and for the people."

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