

What is Marital Mediation or Mediation to Stay Married?

By Angela I. Green, Esq

What is Mediation to Stay Married?

Mediation to Stay Married (also known as Marital Mediation) is a mediation process for couples who are experiencing marital problems or difficulties and who would prefer to stay together, work through their issues in a constructive way, who are willing to learn to resolve conflict and who wish to avoid divorce. Mediation to Stay Married is a practical, solution oriented approach to conflict resolution in which the couple identifies, brainstorms, negotiate and problem solve their own solutions to conflict.

How does Mediation to Stay Married work?

Mediation to Stay Married does not seek to delve deeply into the past or interpersonal, psychological issues of couples (or its individual members.) Through Mediation to Stay Married, the couple can develop concrete plans or modes of action that can be helpful to address their marital conflict and issues. The couple works with a trained mediator, who uses dispute resolution techniques to help define the issues and gain understanding, discover hidden interests and creates options for breaking impasses and improving the couple's conflict resolution and interpersonal communication skills. The mediator facilitates communication among the parties wherefore the parties can independently sets goals and objectives together for mutual implementation.

What is the difference between Mediation to Stay Married and Marital Counseling?

Couples are encouraged to continue marital counseling and/ or independent counseling. Marital Mediation is not and can not take the place of counseling obtained from a license mental health provider. Counseling is performed by a mental health professional and involves therapeutic analysis and insights. Mediation to Stay Married is a more practical approach to solving conflict that relies on dispute resolution techniques. The process or mediation is guided by a trained mediator however is created by the couple. The superior benefit of Mediation to Stay Married is that it teaches conflict resolution, constructive communication and a deeper understanding of their own issues and conflicts. The mediation process helps them realize their own solutions to conflict.

Why see a Family Attorney Mediator vs. a Divorce Attorney?

An attorney/mediator can help you understand what happens if you divorce. A divorce attorney can paint the "worse case scenario" picture so you can make decisions in the best interest of your future and the future of your children. An attorney mediator, by way of experience, professional and otherwise, understands what happens to couples who divorce. They understand what happens in litigated cases or when mediation or collaborative divorce process is involved. Many times, however, couples say, " we don't know how we got here". A world wind of emotions, anger and miscommunications set couples (and attorneys) on a certain path to financial and emotional chaos.

People often "jump the gun" when they are having marital problems. Their minds immediately go to the idea of divorce, because they see and know of no other option. Marital Mediation helps a couple understand the source of conflict and helps them envision a positive future. What people often don't know is that marriage skills can be taught and learned. The difference between a marriage that lasts and one that breaks down is generally the success of this learning process and willingness to devote time to learn and read about the skill of conflict resolution and communication.

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Many marital problems (especially in more "mature" marriages) flow from financial disputes and insecurities. Mediators who are practicing attorneys are often in a good position to analyze finances, understand legal options, and assist the couple in finding concrete solutions to financial problems. On occasion, it may be helpful to use an independent skilled financial professional to identify the source of conflict and offer neutral independent advice.

Is it helpful to see a mediator for Mediation to Stay Married who is a mental health professional?

Yes. Mediators who are psychotherapists and counselors can be extremely helpful in assisting couples in distress. For Mediation to Save and Stay Married, it is preferable that the mediator be experienced in divorce mediation. Often a couple will see a mediator at the same time they are seeing a couples' counselor or are seeing a therapist individually. It is good to use as many techniques as are effective. Some attorney mediators work very closely to mental health professionals in their practice of mediation, collaborative divorce or litigated cases. This collaboration between professions offers couples opportunity for healing, teaching coping and conflict resolution skills .

Why see a mediator rather than a mental health professional?

Utilizing Mediation to Stay Married is not a choice of one method over another. Often, knowledge is gained by the couple's efforts to understand the source of conflict while in marital therapy. A troubled couple should use all the resources available to overcome the conflict and keep a family together. If one or both of the parties suffers from depression, addiction, or other problems, individual counseling is a must. Couples can also get great help from marital counselors, and if they have not been helped by a series of marital counseling sessions at one point in their marriage, they may be helped the second (or third) time they try it. A marital mediator on the other hand, offers a practical approach to conflict resolution. The parties identify the current issues and in a guided mediation brainstorm options for resolution, closure and ultimate agreement. Mediation to stay married teaches couples long term conflict resolution skills applicable for any conflict, in any situation, at any point in time.

Will the mediation process teach us new ways to relate to each other?

Yes. Many couples in divorce mediation have said that if they had known what they learned about conflict resolution in their divorce mediation while they were married, they would not have needed to get divorced. As the process of Mediation to Save and Stay Married progresses, the couple learns to use new techniques to identify and address conflict in their own marriage and brain storm options for resolving them. The couple will create options for dealing with conflict not only in their own marriage, also in their day to day life.

Does Mediation to Stay Married result in a written agreement?

It is your choice if you wish to put your agreement in writing. Some couples would like a written understanding (Memorandum of Understanding) of what they have agreed to in Mediation to Stay Married. This can be a template for them while going forward in their marriage. Some couples feel that the verbal understanding is enough and that a written agreement would be too intrusive. There is also the option of a full-blown agreement, like a prenuptial agreement, reviewed by separate attorneys for each spouse.

What types of issues can be dealt with in Mediation to Save and Stay Married?

Many marriages (especially more lengthy marriages) fail due to financial issues and disputes on how moneys are being spent or utilized. Issues of contribution (monetary and otherwise) have a huge impact on the viability and happiness of marriages. A job loss, bankruptcy, inheritance, expenditure patterns can make a couple

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distrustful of each other, placing the marriage is at risk. Mediation to Stay Married can also be used to heal a marriage in the case of infidelity and problems with children. Communication patterns, moods, emotions, Intimacy are all issues which are discussed and can be resolved in mediation.

Is it sometimes helpful for a married couple in trouble to get information about divorce?

Think positive. The grass is not greener somewhere else. It may just be a different shade of green. To the extent that some people are completely unrealistic about divorce and what life after a divorce is like, yes, it may be beneficial to become educated about what divorce entails and what life is like after the divorce. I will be first to admit that some marriages must end and they are not worth saving. Where there is physical or emotional abuse in the home divorce is frequently warranted. Drug, alcohol abuse and gambling additions may make divorce (unfortunately) unavoidable.

The Key points on divorce: Divorce is expensive. Most people's standard of living is negatively affected when they divorce. Divorce is very difficult emotionally. Most parents can't resist the temptation of bad-mouthing the other parent, or putting their children in the middle during and after a divorce. Your friends and family will not automatically take "your side" when you get divorced. Many people will have access to all your financial information and spending habits when you divorce. The grass will not be greener with another spouse. You will still have to work on your new marriage.

Unhappy marriage vs. happy kids? Why make the choice?

Keep in mind that people can change. You are not the same you were 10 years ago. In majority of cases, it is nearly always better for everyone in the family if parents can fix their marital problems and stay together. On average, children of married parents are physically and mentally healthier, better educated and enjoy more career and marital success. Divorce causes a child's standard of living to be reduced because children of divorce do not have the time, attention, social and financial resources of two parents and most often and unfortunate, two sets of grandparents. Father/Child (and sometimes Mother/ Child) relationships frequently diminish over time where the father (or mother) does not share custody. Children in step families and single parent families are more likely to experiment with cigarettes, alcohol and drugs. Children of divorce are nearly twice as likely to engage in sex at an early age.

According to a poll conducted by marriage researcher Linda Waite, 86% of couples who reported their marriage as "unhappy", later reported an improvement in their marriages with three fifths reporting five years later that their marriages were "quite happy" or "very happy". She reports that permanent marital unhappiness is surprisingly rare among the couples who stick it out.

Iris Krasnow wrote a book called Surrendering to Marriage: Husbands, Wife's and Other Perfections. After dozens of interviews of divorced and remarried couples, the author concludes that although life is different in second marriages, the challenges of stepchildren, the ghosts of ex-spouses do not necessarily mean life is better. The author's conclusion: "You might as well love the one you're with. What you often get with someone you believe to be smarter and sexier are even bigger problems than the ones you left behind. This is from dealing with step children, exp-spouses, new girl friends, boyfriends or new marriages and their new step children, and the realization that the same issues are surfacing again and again, because you took your own imperfect self with you, and from that there is no escape."

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