



Which Path is Best for Your Divorce?

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The word is spreading over coffee cups and in the carpool lane: if you can handle your divorce through a mediator, you'll avoid a great deal of drama, almost certainly end up with a fair and equitable settlement, and pay a fraction of the cost.

But in my practice as a certified divorce mediator, I've seen at least six situations that tell me my would-be clients won't be settling with me. I advise these couples that it's time to give up the dream of negotiating a simple, low-cost divorce; instead they need lawyers.

1. **Domestic violence**. I don't work with couples when one is physically abusing the other. Mediation requires both participants to sit down together and be clear about what they

think is fair. If honesty in my office is going to result in physical retribution at home, then both parties need the protection of lawyers, and possibly a protective order.

2. Child abuse. Divorce mediators in most (if not all) states are “mandated reporters”. That means that even an unprovable allegation of child abuse must be reported to the authorities. If I hear that a child might be in an abuse situation, my neutrality ends. Once that happens, I cannot effectively mediate a divorce case. It’s best to go straight to the divorce lawyers in those situations.

3. Belief that a spouse is hiding money. When one partner has always had control of the finances, the other can be left wondering what they don’t know. However, being uncertain is not the same as a strong suspicion that one spouse is hiding funds. If you’re simply not sure of the finances, you can certainly benefit from divorce mediation. If you think you’re going to need a forensic CPA to comb through your records in a quest to uncover hidden money, you’ll be better off with a divorce lawyer.

4. Refusal to get divorced. Sometimes I come across couples in which one person simply refuses to participate in any conversations related to divorce. This can be for religious reasons or simply an inability to face a painful reality. However, when one person is simply stalled by the fear of an uncertain future, that is fairly common and divorce mediation can be a great benefit in helping that spouse overcome his or her fears.

5. Unwilling to even consider compromise. When divorce is particularly painful, one spouse may react by making the divorce as challenging as possible for the other. That makes the reasoned and thoughtful discussions I have with my clients very difficult. Often the spouse in pain seeks out the most shark-like divorce lawyer (regardless of the thousands of dollars that will drain from any possible settlement) in order to exact retribution. Mediation works best when fairness and thoughtful decision-making are the goal.

6. Inability to tell the truth. Lies and half-truths are common between divorcing couples. It's not usually a case of compulsive lying; rather, most lies are rooted in the impossible desire to lessen the pain of divorce. It never works; lies simply make a divorce more painful – but we are all only human. Still, if one partner is incapable (for whatever reason) of telling the truth, then mediation – which requires honesty – will not be successful.

Many clients are surprised by the conditions that are not automatically disqualifiers. I regularly work with clients who have mental illness, personality disorders, substance abuse problems, porn addiction, and repeated infidelities. In fact, people with these problems account for a large percentage of my successful divorce mediations. This makes sense considering it is these very issues which are often the cause of the divorce in the first place.

All I need for a successful mediated divorce settlement is a couple who can sit at my conference table, for two or three visits, with a willingness to listen, compromise and with the desire to get through the pain and move on to a happier, better adjusted future.



Ask a Divorce Mediator: How Can You Avoid Divorce?

Robin Graine, JD, CDFA®
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The societal shame at the thought of divorce has lifted. Today, unhappy marriages can have an expiration date; just a few decades ago, they would have lasted for year after unhappy year.

As a divorce mediator, I'm seeing couples in my practice who simply chose the wrong partner; they married in good faith and it didn't work out...

...but far more often, I see marriages ending for reasons that could have been averted with a little attention from both spouses. If your marriage isn't healthy for you, by all means seek the benefit of divorce—but if you hope to work through a bad patch and avoid a visit to my office, here are some common modern-day situations that are leading to divorce.

1. **Mom ditches the stay-at-home Dad** who stays home even after the kids are in school. It may not be fair or equitable, but it's happening: women are leaving the husbands they

perceive as coasting on a full-time parenting gig after the kids are in school. Resentments build up. Avoid this by: Getting a job. Men need to work, or their wives will find a man who does.

2. Fathers leave mothers who are hyper focused on their children. Dad can get to feeling like a neglected bystander. Someone else might be willing to give him more attention. Avoid this by: Remembering that he's your friend and companion. Let him know the kids' needs are no more important than his.

3. Wives dump husbands with an internet porn addiction. The signs are there; he's no longer interested in the real world of flesh and blood humanity, and he spends hours alone at the computer. Avoid this by: Watching to see what he's doing online and helping him reign in a porn problem... or fasten your seatbelt for a very weird marriage.

4. Someone re-discovers an old love on Facebook. Cheating almost always has to do with sheer boredom. The job is unfulfilling, the household chores are never-ending, there's rarely any excitement in the bedroom anymore. Isn't there anything to look forward to? Then an old flame appears on Facebook and the faithful-but-bored spouse takes some giant steps backward. Avoid this by: Shoving aside some of your responsibilities to make time for fun. There are no chores more worth doing than keeping your marriage and your life filled with light and joy.

5. Spouses don't fulfill all possible roles. We're all too busy these days to have the friend networks we used to have—so we look to our partners to fulfill hugely varied roles. Best friend, lover, co-parent, joint hobby enthusiast, social partner, business consultant, life financial partner, life planner—no one person should be expected to fill all these positions. Yet we expect our partners to be everything to us. It's unrealistic. Avoid this by: getting involved in your life. Reach out to others. Form secondary bonds with others that nurture and invigorate your primary bond with your spouse. Then bring your more fulfilled and interesting self home to your spouse and cherish the results!



Minimizing the High Emotional Cost of Divorce

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October 8, 2018



I am a divorced mom, a former divorce lawyer and family court hearing officer, a Certified Divorce Mediator and a Certified Divorce Financial Analyst. I've seen a lot when it comes to divorce. My hope here is that this article acts a roadmap for anyone thinking about a divorce, going through one currently, or has gone through a divorce and is still figuring out their new situation.

Perhaps one of the only things more painful than enduring a divorce is living through a broken marriage. Divorce is a time of transition—an emotionally shattering process that is the only path to a happier, more hopeful future.

Can you minimize the psychic wallop you're feeling? If you understand the source of the hurt, you can make simple changes that can ease the agony. How many of these pain triggers do you have—how many does your spouse have?

1. Fear of Abandonment. If you don't have strong ties to friends or family, you can feel like a divorce will leave you utterly alone in the world. For those of you who have had a hard time forming relationships, divorce will almost certainly feel like being abandoned. The reaction is often overwhelming anger, especially when those fears have been shared with the spouse, but the divorce proceeds anyway. This often leads to the classic "ugly" divorce in which the only people who profit are the lawyers.

The Fix: Shore up your confidence. You won't always be alone; there's someone out there for everyone. If your marriage isn't working, then this wasn't the right person for you, and you can't get to the real winner until you move past this relationship.

Remember that trying to keep more of the family assets will do nothing to ease your loneliness. Trying to punish your spouse for wounding your spirit will probably end up being the most expensive and unsatisfying experience of your life.

2. Fear of Responsibility. If you and your spouse shared life responsibilities, then having to take on 100% of the tasks is frightening. As odd as it might sound, this is most common among wealthy couples. Fear of poverty seems irrational when there are generous assets to be distributed, but for the spouse who never had to worry about money before the divorce, the required change in mentality is sometimes undigestible. Foot-dragging and stall tactics slow the process of divorce as a result, even when the fearful person was the one who initiated the divorce.

The Fix: Financial planning can be easier through divorce mediation (as opposed to using lawyers) because the mediator is committed to a fair distribution of assets and not on just "the win." Equip yourself with knowledge on income projections, budgeting, how you

compare to others in your geographic area, life planning, a re-evaluation of how much money you'll be spending on adult children, stepping up your earning, selling your house, etc.

Own the reality: You cannot expect to be in the same financial situation after your divorce as you were in your marriage—even if the divorce was not your idea.

3. Fear of “Untethering.” Some divorcing parents are afraid they'll lose touch with their children and will never again feel like part of a family. Even if you won't admit to this fear, untethering from the family is so painful that you might put up roadblocks to the divorce—like settlement offers, bargaining tactics, punishments disguised as offers, and unending reasons why the case cannot be settled. The fear of untethering is self-inflicted, and generally reflects that parent's lack of involvement with the family prior to the divorce.

The Fix: Get more involved in your children's lives. Create a new type of family as a single parent. Often, the less involved parent discovers the capacity to be a wonderful father or mother once the other spouse is no longer in the picture. It's never too late to show your children how much you love and care about them. Go out and have a fun day with them, enjoy a pleasant meal, get to know their friends. Your kids will benefit from some happy, unstructured time with you.

When your love and trust is shattered, it's hard not to want to put the other person through hell, too. That's just human nature. But you can ease your pain during the divorce by understanding the fears that may be motivating you.

It wouldn't hurt so much if you hadn't loved so deeply. Your agony is a testament to how strongly you *can and did* feel. There will be happiness in your future. Try not to make your present into a battlefield... and be kind to yourself.