

# THE DIVORCE MEDIATOR

CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC.

THE TROLLEY BARN • 10 WALL STREET, • NORWALK, CONNECTICUT 06851 • (203) 854-9394

## NEW PARENTAL EDUCATION LAW

On January 1, 1994, Public Act 93-319 required the courts to establish parenting education programs for people involved in divorce cases. A primary goal of this law is to make sure parents are aware of the many issues and problems children face when their parents divorce. The program is designed to educate parents about how to help children handle changes in their family. The program includes information about helping children adjust to parent separation, how to provide cooperative parenting, parental dispute resolution and conflict management, guidelines for visitation, stress reduction for children, and how issues change with a child's age.

The law requires judges to order any parent in a divorce to attend the program if a minor child is involved in the case.

The cost is \$100 per person and is paid directly to the agency running the program. If a person cannot afford to pay the fee, the person can ask the judge for permission to waive the fee. The program will include six hours of instruction. A list of service providers and an application form is available in the Superior Court Judicial District Clerk's Office.

## DIVORCE MEDIATION A CIVILIZED ALTERNATIVE

Divorce Mediation is a problem solving process using impartial mediators to assist a divorcing couple reach an agreement on the issues dividing them.

The process begins with an orientation session during which the mediators explain Divorce Mediation in detail, help the couple identify the issues, and establish a schedule of sessions. Issues usually include, but are not limited to, division of assets, liabilities, spousal support and if children are involved, parenting responsibilities including child support.

Next, the couple gathers the necessary financial information which will later allow them to reach decisions on financial issues. At the next session the couple is ready to begin to review and resolve the issues important to them. With the help of the mediators, as well as the guidance, when necessary, of experts such as real estate appraisers, tax accountants, business appraisers, etc., the couple develops and chooses options which are right for them.

After the couple has reached agreement on the issues, the mediators provide them with a written agreement detailing their decisions which each spouse takes to an attorney for independent review. The attorneys' comments are examined by the couple and after further discussion and agreement, incorporated into the written divorce agreement. When the agreement is completely acceptable to the couple, the mediated divorce is scheduled for court approval.

May 1994

Dear Colleagues:

The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. is pleased to send you this first issue of THE DIVORCE MEDIATOR.

The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. has developed this newsletter to share information and ideas related to divorce mediation. We want to share what we know as well as invite your questions, thoughts and comments. This exchange of ideas will allow us to continue to grow and learn from each other and better serve couples who have made the difficult decision to end their marriage.

Wally Marcus and Mary Marcus

# COMPARISON OF ADVERSARIAL AND MEDIATION PROCESS

## Adversarial

### Decision to Divorce

Couples have usually made the final decision to divorce before visiting a lawyer. Couples almost never change their minds. The acrimonious process causes couples to "burn their bridges" and makes reconciliation improbable.

### Contested Hearings

Contested court hearings are held if negotiations fail, and may be used by attorneys to coerce a better settlement. Contested hearings are often harsh and expensive.

### Time to Complete

In a contested case, the divorce process is long and often takes a least one year.

### Compliance with Decree

Statistics show high levels of nonpayment of child and spousal support and frequent contempt hearings on issues of custody and visitation. These are costly emotionally and financially.

The adversarial system is often criticized because of its increasingly high cost.

All too often the children are placed in the middle of the struggle between parents, thereby making them pawns in that fight. The battle does not end with the end of the divorce. It often continues for years after it is concluded, to the lasting detriment of the children who are caught in the struggle.

## Mediation Process

The decision to divorce need not be a firm decision, and the couple may use the mediation process without filing papers. In fact, we have seen marriages saved by mediation.

Most couples attempting settlement through the mediation process are able to avoid the cost, stress, and delay of acrimonious, contested proceedings.

In most cases the mediation process can be concluded in four months, as mediators generally meet with the couple frequently and there is no communication lag.

Research has shown high rates of compliance with mediated agreements. Couples are more likely to abide by an order that they helped create.

### Cost

Divorce Mediation is less costly than an adversarial divorce and a small fraction of the cost of a divorce that goes to trial.

### Children

It is not the divorce that will do lasting damage to the children, but rather how that divorce is accomplished and what relationship the parents have with their children after the divorce. Mediation helps children by maintaining a loving relationship between parents and children.

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## THE DIVORCE MEDIATORS

Walter Marcus is an attorney who has practiced Family Law for 20 years. He is a Practitioner Member of the Academy of Family Mediators, Co-Chair of the Stamford Norwalk Regional Bar Association Family Law Committee and Chair of the Connecticut Bar Association Divorce Mediation Committee. When co-mediation is requested by couples, Walter Marcus co-mediate with Mary G. Marcus, Ph.D. She is a Clinical Psychologist who has had a private practice of individual, couples and family therapy for 15 years. Dr. Marcus is a member of the Academy of Family Mediators, the American Psychological Association, the Connecticut Psychological Association, and is Chief of Psychology at Norwalk Hospital.

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Free one half hour consultation

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