

ended questions, the parties can shift to the brainstorming stage of proposing various

Then start from step nine, and revive the problem-solving stage. Take a time-out, if

move on with your lives, productively, to find new, healthy relationships. ■

Peaceful Divorce

Mediation can help you minimize the financial and emotional costs of divorce – despite the hurt, anger, and lack of trust that usually accompanies the breakdown of a marriage. Here are some of the most important keys to creating a peaceful divorce.

By Mari J. Frank

..... "WE MUST PURSUE PEACEFUL ENDS THROUGH PEACEFUL MEANS."

..... – Martin Luther King Jr.

..... How is it possible to have a peaceful divorce when there is so much hurt, anger, and lack of trust? With the heartache of ending a marriage, how can you avoid the tremendous stress, pain, conflict escalation, and financial devastation of a courtroom battle? The key is to find a mediator whom you both can trust to educate you in the negotiation process, and to facilitate collaboration to resolve the conflict and create a satisfying settlement.

..... **EFFECTIVE MEDIATION PROMOTES PEACE**

..... "It isn't enough to talk about peace. One must believe in it. And it isn't enough to believe in it. One must work at it."

..... – Eleanor Roosevelt

..... For both of you to feel comfortable in divorce mediation, you must have faith that the process will be fair and that your rights will be protected. You need to trust that your mediator has the negotiation skills, legal expertise, conflict management tools, sensitivity, and problem-solving

ability to help you reach a mutually satisfying agreement in a peaceful way.

Here's what to ask when interviewing a mediator:

- Is the mediator an attorney with legal and mediation training? Will he/she educate both of you as to your legal rights and responsibilities before you begin to negotiate the issues so that you will make informed decisions?
- As a neutral third party, your attorney-mediator shouldn't give either of you legal advice, but will he/she explore legal options with both of you?
- Will the attorney-mediator prepare all the court documents and agreements, and give you the opportunity to review and receive advice from independent counsel before you sign?
- If the mediator is not also a lawyer, does he/she recommend that each of you retain a lawyer to inform you of your legal rights and obligations and to review all agreements before final signing of the settlement? Is he/she qualified to prepare the legal documents and agreements? If not, who will do so?
- Will you maintain control, so that you only sign when you are satisfied?
- To build trust, will your mediation sessions always include your spouse? Will you be allowed, however, to have an individual caucus by phone with your mediator if there is a sensitive issue to discuss?
- Will you and your spouse receive summary letters after each session documenting interim agreements?
- Will you be given clear tasks to perform to move forward in a timely manner?
- Will the mediator work at your pace to reduce stress?
- Does the mediator meet with you in a peaceful atmosphere? Is he or she serene and composed?
- How will the mediator make you feel comfortable?
- Will he or she enforce positive ground rules that require respectful behavior (i.e., no interrupting, no accusing, no yelling, etc.) so that both parties feel

safe and secure?

- Does the mediator have you sign a confidentiality agreement to protect your privacy?
- Will the mediator balance the power so that one of you doesn't feel controlled or bullied by the other? What approach will the mediator use to empower you when you are fearful of asking for what you want?
- How will he/she deflect conflict and keep both of you focused on problem-solving instead of arguing?
- How will the mediator help both of you to honor your interim commitments as you move through the process?
- What will the mediator do to make sure that both parties fully disclose all issues and financial documents so that property can be divided fairly and support calculated correctly?
- How will the mediator deal with the intense emotions that are revealed in session? Will he/she listen effectively and help the parties to express their feelings to clear the air so that negotiations are enhanced and forgiveness can take place?
- How will the mediator deal with difficult issues that you don't understand, such as stock options, business evaluations, and retirement issues? Will he/she arrange for you to jointly agree to use neutral experts to assist you in making wise decisions?
- What tools does the mediator use to guide the parties to co-parent effectively?
- How does the mediator resolve emotionally charged child custody issues?
- What processes will the mediator use to help heal the family pain?

Once you have interviewed and chosen a mediator with whom both of you are comfortable, you'll need to do some "peace" work yourself to prepare for the process. A skilled mediator will encourage you to take steps to ensure your serenity and success.

CREATING PEACE WITHIN YOURSELF

"It is understanding that gives us an ability to have peace. When we understand the other fellow's viewpoint, and he understands ours,

then we can sit down and work out our differences."

-- Harry S. Truman

Work on your own serenity. Get help understanding your emotions. Reading self-help books on relationships is helpful; however, the feedback and reflection you receive from a family therapist may be more productive. Your feelings of hurt, loss, and disappointment are legitimate, and how you process those emotions will have a great impact on the peacefulness of your divorce and your life right now.

Empower yourself with information about your legal rights. Reading *Divorce Magazine* and visiting www.DivorceMagazine.com, www.nolo.com, other divorce-related Internet sites, and the legal section of your favorite bookstore or library will give you additional knowledge. Being well-informed enables you to ask good questions and feel more confident. Consider an appointment with a family-law attorney to give you advice as independent counsel - just make sure that this attorney supports the mediation process.

Nurture yourself. Take care of your body, mind, and spirit. Divorce is a stressful transition that can feel overwhelming at times. Get spiritual counseling. Make time for meditation and prayer. Exercise, walk, run, or swim. Use other activities to relieve the stress in your body. Long baths, a massage, nature hikes, and inspirational literature will nourish you. Be kind and gentle with yourself -- you deserve it!

Commit to ending the cycle of blame, guilt, and resentment. Recognize that you and your spouse did the best you could with the tools you had. You both made mistakes and had failed expectations. Each of you was only 50% responsible for the problems in your marriage. Don't focus on what your spouse did or didn't do. Focus on the present, and how you can be fair to yourself, your children, and your spouse. The greatest gift you can give to yourself is peace of mind. Your serenity will also be calming for your children and support your desire for a peaceful divorce.

"Peace does not dwell in outward things, but within the soul."

-- Francis Fenelon