

## **FAQs About Mediation to Stay Married**

### **What is Mediation to Stay Married?**

Mediation to Stay Married (also known as Marital Mediation) is a method of helping couples who are experiencing marital problems and who would prefer to stay together rather than get divorced.

### **What is the difference between Mediation to Stay Married and Marital Mediation**

Marital Mediation is a term used by many mediators to mean mediation with a married couple that is trying to stay married, but it means divorce mediation to some people. Sometimes people enter Marital Mediation who are not sure whether or not they will be divorcing, so the term is quite neutral. Mediation to Stay Married is mediation with an intent or aim to try to work out problems in the marriage that the couple is suffering over.

### **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 the couple (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 problems. The couple sees a trained mediator, who uses short-term dispute resolution techniques to provide help in breaking impasses and in improving the couple's interpersonal communication skills. Sometimes using a "new horse" gives a couple the extra push it needs to get over a difficult period and to move forward to the next step in their marriage.

### **What is the difference between Mediation to Stay Married and marital counseling?**

Marital counseling is performed by a mental health professional and involves therapeutic analysis and insights. While very useful to many couples at times during their marriage, often a couple finds that marital counseling does not produce results, despite the skill of the marriage counselor or the integrity of the process. Mediation to Stay Married is a practical method that relies on dispute resolution techniques. The benefit of Mediation to Stay Married is that can sometimes help people move forward to the next step in their marriage.

### **Why see Marital Mediator rather than a Divorce Mediator?**

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. Mediation to Stay Married (also known as "Marital Mediation") helps a couple envision a positive future and possible result for them if they staying together and have a (potentially) happy marriage, rather than going to a divorce. It's a matter of "envisioning" the possibility. 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.

### **Does Mediation to Stay Married always result in a written agreement?**

Sometimes yes, and sometimes no: some couples would like a written memorialization (i.e., Postnuptial Agreement or a 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.

### **What types of issues can be dealt with in Mediation to Stay Married?**

Many marriages (especially more lengthy marriages) fail due to financial problems and concerns. Issues of contribution (monetary and otherwise) have a huge impact on the viability and happiness of marriages. A job loss or a bankruptcy can make a couple distrustful of each other, to the point at which the marriage is at risk. Or, an inheritance can be imminent at a time when a marriage is experiencing problems. Mediation to Stay Married can also be used to heal a marriage in the case of infidelity and problems with children.

### **What other kinds of problems lend themselves to Mediation to Stay Married?**

A couple may have gotten married without entering into a Prenuptial Agreement in a case where that type of agreement might have been very useful, such as a marriage where one or both of the parties have children from a previous marriage. A couple may have different spending habits and styles which are making them very angry at each other. Or one of the spouses may be an entrepreneurial risk-taker, while the other may be more financially conservative. A couple may be driven apart by a renovation or job losses. Couples with these and other financially based fact patterns can sometimes be greatly helped by Mediation to Stay Married.

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

Yes. Often people are completely unrealistic about divorce and what life after a divorce will be like. There are two areas of confusion – one is that a divorce will solve their problems. The other misconception is what the financial result of a divorce will be. Most divorcing couples have a highly unrealistic view on what life will be post divorce based on totally false facts. A reality check can be very helpful before a couple makes irrevocable steps to divorce.

### **What does contribution have to do with marriage?**

Contribution (financial or otherwise) has everything to do with marriage, and also everything to do with divorce. If one party feels he or she is carrying the weight of responsibilities, the marriage will be detrimentally affected. Mediation to Stay Married can work on these perceptions and sometimes help resolve these issues.

### **Why see a mediator rather than a mental health professional?**

Utilizing Mediation to Stay Married is not a choice of one method over another. A troubled couple should use all the resources they can. If one or both of the parties suffers from depression, addiction, or other problems, individual counseling is clearly indicated. 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. Sometimes a few little kernels of knowledge gained by the couple's efforts in all directions will provide the help they need to overcome a problem that is causing their marriage to break down.

**Is marriage always difficult?**

Yes, marriage is always difficult at times. But, if everyone left their marriage at tough times, there would be no lifetime marriages in existence.

**Are lifetime marriages worth it?**

Successful lifetime marriages have a great depth and beauty. Unlike the divorce attorney ads that are now appearing (“Life is Short, Get Divorced”), most people find that if they divorce, they just repeat their old patterns with the next spouse. Many divorced people have said to me, “If I knew then what I know now about marriage, I would have made my first marriage successful.” Having a lifetime of memories to draw upon with a partner (of the good times and the bad times) is an incalculable and very precious gift.

*Source: Laurie Israel is a lawyer/mediator practicing in Brookline, MA. She helps people resolve their disputes with dignity, integrity and creativity.*