

Helpful Article #5: “Divorce Mediation: Better Late Than Never”

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Mark, age 37, and Judy, 35, have known each other since attending the same high school in Suffolk County, New York. They were married for 15 years when Judy retained an attorney in order to end the marriage. Mark did not see it coming and was very hurt and angered by the entire process. In response, he hired a lawyer to defend him. They were a financially successful couple with each of them contributing significantly to that success. Judy graduated magna cum laude from college and shortly thereafter she began teaching at the state college level. She obtained her master’s degree and was currently enrolled in a part-time doctoral program. Judy was vested with 14 years in her TIAA-CREF pension plan. Mark owned and operated his own small business throughout the course of the marriage and was in the process of expanding that business.

Upon the advice of their attorneys, both Judy and Mark continued to reside in the marital residence with their only child, a 9 year old son. Despite the repeated efforts of their respective attorneys, Judy and Mark were not able after 13 months to agree on any of the substantive areas of their divorce. The issues of contention included the custody of their son, the disposition of the marital residence, Judy’s advanced degrees, her pension, Mark’s small business, his 401-k and numerous other lesser issues.

The emotional stress and strain that permeated the household weighed heavily upon Judy and Mark and had begun to take its toll on their son who was now doing poorly in school and complaining of physical ailments. It was the latter circumstances that caused Judy and Mark to realize that they had to find a better way to divorce. The adversarial process simply was not working for them. With their son’s well-being as a source of motivation, they each investigated alternatives and subsequently chose mediation.

The couple’s work in mediation initially focused upon the drafting of a parenting plan which reflected how both parents would be involved in making critical decisions regarding their son and how each would continue to play an active role in their son’s life. Each party was coached in listening to the future goals of the other and options were explored to show how their financial agreements around their assets and liabilities could go a long way for each of them in achieving those goals. Mediation provided Judy and Mark with a neutral setting in which neither felt they were ceding power and control to the other. The parties managed to overcome strong negative feelings toward one another which had emerged during the first year of their adversarial divorce proceedings. They reported at the end of the mediation that their son appeared to be free of physical complaints and that his grades in school were improving. The mediation process proved to be a win-win experience for the entire family.

It’s never too late to try mediation when faced with marital separation and divorce. The mediators at New York Divorce Mediation are ready to assist you.