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Starting the Conversation --- about --- Mediation

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MAIN LINE 
FAMILY LAW CENTER

DIVORCE
Essentials

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The information contained in this download was created and published by Main Line Family Law Center and Divorce Essentials, with added contribution from Dr Chris Fariello, Ph.D., Founder and Director of Philadelphia Institute for Individual, Relational and Sex Therapy.

Setting the Tone

Starting the conversation about divorce or divorce mediation is tricky. Here are 4 tips to help things go more smoothly.

1.

Choose the right time and place.

You know your partner best. Is (s)he more receptive at a certain time? Perhaps after work is usually hectic or tired, so the weekend might be better. Even if you are eager to talk, your partner may not be in the right frame of mind. Accept it, ask to speak later and trust that will be better.

2.

Raise the issue in a non-threatening way.

When asking to discuss divorce mediation, avoid terms or language that might push hot buttons. (i.e trial separation vs. divorce) Keep it neutral so you can advance to the discussion itself.

3.

Frame the discussion around your partner's key concerns.

Is your spouse more concerned about finances? Or maybe about how the children will cope? Start there. Listening without judgment will keep things calm. Then use talking points to address these concerns.

**Approach the conversation
thinking win-win.**



Setting the Tone

Each conversation could spark either clarity or controversy. Choose clarity.

4.

Don't negotiate terms at this point. Stay focused on discussing mediation as an option.

The purpose of this conversation is to present mediation as a step toward a healthy divorce for both of you - not to begin resolving how you will divide things up or make decisions about the children. Don't get mired in the details.

The details are important, but not for this discussion. That's why you want to hire a mediator. Your goal is to get to agreement about scheduling a consultation for mediation.

Send your partner a "heads up note."

Writing allows you to choose your words carefully. You can ensure your message is heard without interruption.

On the receiving side, your spouse will have time to process the information without having to respond immediately, keeping things calm.

Let your note be general. If the word "divorce" is scary, say you want to discuss your options for separating for now.

Conversation Starters

Your goal is to attend a consultation together - nothing else. Start with what your spouse cares most about.

Is it finances?

"Look, we are both exhausted and we know this marriage is over. I don't want to hurt you. I am ready to get on with my life and I know you are, too. Divorce can cost a lot of money. Or we can be smart and preserve our finances for the future.

How do you feel about exploring mediation? That way we can save our money for the things we care about?"

"Getting this divorce is difficult and there are going to be things we don't agree on. But the one thing we do both agree upon is that we want what's best for our kids.

Wouldn't you agree that staying out of court and doing this as quickly and calmly as we can is definitely going to be what is best for the kids?

Why don't we learn more about mediation as a possibility?"

Is it the kids?

"Divorce can often take months or years, and that feels like a long time to spend working out the details of how to end the marriage.

Would you be willing to look at mediation with me as a method for working out the details of our divorce?"

Is it overwhelming?

Any form of power, control, or competition will create conflict - and everyone will lose.



Communication No-No's

Be aware of these sabotaging habits before you start the conversation.

"You" vs. "I" Statements

Starting your thought with "you" can be experienced as an attack by your spouse and will immediately put them on the defensive. Use statements that begin with "I" to express how you feel.

For example, you can say, "I feel ignored when it comes to decisions about the kids/finances," instead of "You never listen to me."

Generalizing

Avoid terms like "always" "never" "should" You sound like a parent and it makes your partner feel like a child - and you can't be on equal footing. They only serve to put your spouse in defensive mode and escalate a conflict.

Playing The Blame Game

Take some time to come up with solutions before voicing a complaint. It will move the discussion forward and away from blame. It also takes you out of a victim mentality.

Don't Assume

Find out what really happened before assuming. Give your spouse the benefit of the doubt. Ask questions first.

Resolution is not about who is right or who gets what - it's about moving forward and getting closure.

The Laws of Impeccable Communication

Do's

Be calm, not emotionally reactive.

Avoid defensiveness - it makes you look weak.

Patiently hear people out without interrupting or needing to have the last word.

Empathize with where people are coming from, even if you disagree.

Pick your battles and apologize when necessary.

Don'ts

Be drawn into drama.

React impulsively out of anxiety or anger (you may say something you will regret).

Hold onto resentments or stay attached to being right.

Attempt to manage other people's lives or be the therapist.

Shame people especially in front of others.