

When “Marriage Counseling” Turns into “Divorce Counseling”

By Marta J. Papa

It's no secret that not all couples undergoing marriage counseling are successful. Sometimes divorce is inevitable. However, when a mental health professional sees that “marriage counseling” is turning into “divorce counseling,” they do not have to end their relationship with the couple and send them off to divorce attorneys. The counselor is a wonderful resource who can provide continuity of treatment while the couple goes through the legal process of divorce. This concept is called “Team Mediation,” and professionals in the St. Louis area have begun using this process with great success.

Team Mediation can begin in the mental health professional's office. Once the mental health expert has identified that divorce is indeed unavoidable, he or she can recommend that the couple hire a “team” to help them through the divorce process. This team consists of a mental health professional, an attorney/mediator and a certified financial planner.

The couple meets with the attorney/mediator to devise a plan for living apart and to draft the required legal documents. The attorney, in the role of mediator, uses mediation skills to help the couple settle their divorce issues in a cooperative manner. The desired result is to reach an agreement without having to go to court.

Obviously, the certified financial planner is extremely important in helping the couple obtain a clear picture of their financial situation, which in turn, sets up parameters for discussion about maintenance, child support and the future cash flow needs of the parties. The certified financial planner can also undertake the difficult job of valuing retirement accounts and pensions along with determining the true value of the parties' assets. Additionally, this expert can calculate the tax consequences of the parties' decisions and help ensure that the division of property and debt is still equitable after paying the required taxes.

The mental health professional who has already developed a trusting and honest relationship with the couple is the best professional to help them deal with the stages of grief which often accompany divorce. Moreover, a seasoned mental health professional can help clients create a specific plan for the future without letting the couple fall back into old marital issues which might interfere with healthy, future-focused decision-making. If children are involved, this professional's knowledge regarding the developmental needs of children can be extremely valuable in devising appropriate custody and visitation schedules. Anytime the couple hits a stumbling block during the negotiations, they can return to the mental health professional for additional counseling and problem-solving techniques.

The “Team Mediation” approach ensures that the couple is able to negotiate a divorce settlement which is not only fair and reasonable, but which also takes into account the emotional, legal and financial realities for each of them. Working together, the mental health professional, the attorney/mediator and the certified financial planner ensure that the couple is guided through the divorce process with as much information and support as possible. Traveling through the divorce process in a cooperative manner negates the need for two attorneys to battle it out in court, thereby reducing the costs of divorce considerably. Couples undergoing marriage counseling who have decided that it is time to divorce would benefit greatly from using the “Team Mediation” approach.