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Untying the knot

By: Diane Landis Hackett , Special Writer



Staff photo by Mark Czajkowski

Elaine Hicks of Montgomery, family therapist and divorce mediator, will be speaking Wednesday at the West Windsor Public Library.

Behind the scenes, divorce mediators can make the best of a painful situation.

Heading toward Trenton along Route 1 is a sign that reads: Going to Court is Hardball. Princeton-based divorce mediator Hannan Isaacs says it doesn't have to be that way.

Mr. Isaacs, who is also a divorce attorney, is one of more than 100 accredited divorce mediators in New Jersey, who practice what they believe is a kinder, gentler approach to divorce.

"In mediation, the parties are truly interested in solving a series of interconnected problems. Skilled facilitators ask the right questions and discourage the negative communication patterns the couple may be used to," says Mr. Isaacs.

After 23 years as a divorce mediator, Mr. Isaacs has seen all manner of arrangements resulting from mediation. He recounted a case where the wife paid the husband alimony. In another case, a couple in their 60s were fine with their divorce but were almost blocked from pursuing it by their grown children. He also recounted a case where he mediated a shared parenting agreement in which the couple kept their main residence and shared child-rearing responsibilities by cycling in and out of the house, so that the children's lives would not be disrupted.

"When people arrive at my office, they are highly worried and fearful. The primary provider is worried they will be taken for their money and that the other person will dominate the children. The other spouse may be worried they will be left on the streets and be dominated by child care and have no life," Mr. Isaacs explains.

By the time they leave the first session they will have written a list of what they want the divorce to look like.

"Inevitably, the husband and wife's lists are the same," says Mr. Isaacs.

According to Mr. Isaacs, people want their children to remain unscathed by the proceedings, and most couples wish to get their lives back quickly and without an inordinate amount of stress.

A typical divorce mediation may take as few as three sessions or as long as two years — if the couple is not ready to work it out, says Mr. Isaacs.

The areas covered in a divorce mediation include custody and parenting; child support; spousal support regarding alimony, and division of property. All of these issues are resolved by the couple with a mediator and, if needed, with specialists such as psychologists or

accountants, in complicated cases. The result of these sessions is a Memorandum of Understanding, which Mr. Isaacs and others recommend be shared with attorneys to ensure that it represents each party as each wishes.

"Even when you get people in here who really don't like each other, you can speak to them about what is in their best interests and move on from there," Mr. Isaacs concludes.

According to couple's counselor and family psychotherapist Elaine Hicks of Skillman, who recently completed training at Rutgers to become a divorce mediator, it is the ability to cooperate, rather than to compete, that makes mediation so much more palatable than a traditional litigated divorce.

According to Ms. Hicks and a number of her colleagues, the reason to choose a mediated divorce is that it is much less expensive (on average, a third of the cost of a traditional divorce) and it allows couples to go through a process that they control.

"For the right kind of couple, mediation is fabulous. They learn to talk to one another and they go away with tools that are helpful," says Ms. Hicks.

Ms. Hicks has practiced marriage counseling for 15 years. She views divorce mediation as a natural outgrowth of her profession. While she never takes on clients with whom she worked as a counselor (confidentiality and ethics issues are involved), she does believe that being a marriage counselor helps her to understand the highly charged emotions and the trust issues that couples bring into the mediation session.

"I understand the dynamics of a couple and can help them creatively solve their own problems," says Ms. Hicks, who will be offering a free lecture titled "How to Effectively Handle Your Children During Divorce" at the West Windsor Library on Wednesday at 7 p.m. The library is located at 333 North Post Road in Princeton Junction.

Douglas Schoenberg of Summit, divorce mediator and teacher, calls himself a reformed litigation attorney. He teaches the 40-hour divorce mediation course that Ms. Hicks completed at Rutgers University's School of Social Work in New Brunswick.

Mr. Schoenberg sees the choice between a litigated and a mediated divorce as "the choice between a formal expensive process that prepares for a trial or a process with a trained neutral professional where the divorcing parties have the control."

He added that only one out of every 200 mediated divorces end in a trial; the rest are settled out of court. In his classes, Mr. Schoenberg says he trains people who come to him from a myriad of fields.

Anjou Jessani, president-elect of the New Jersey Association of Professional Mediators, says her background in finance is particularly helpful when it comes to sticky settlement issues.

She worked at J.P. Morgan before becoming a divorce mediator. Ten years ago, she went through her own divorce with a mediator and was so

impressed with the process that she left her financial work in 1996 to become a divorce mediator.

"Divorce mediators are an extremely diverse group of professionals, but we are a community. We are sole practitioners and we use the mediation community to confer with colleagues on a regular basis," says Ms. Jessani.

Of the 100 accredited divorce mediators in New Jersey, approximately 70 percent are divorce lawyers, 20 percent have psychology/social work degrees, and the remainder have degrees in everything from accounting to engineering and medicine. There are even two rabbis who are divorce mediators in New Jersey, says Ms. Jessani.

The New Jersey Association of Professional Mediators (NJAPM) provides accreditation to trained divorced mediators, which is important to the consumer because, according to New Jersey law, anyone can hang up a shingle and claim they are a mediator.

Professionals must first complete a divorce mediation course, offered by a number of institutions in New Jersey. Then they must gain 100 hours of mediation experience, which typically takes two years, and, finally, they must summarize 15 cases before receiving accreditation through the NJAPM.

"New Jersey accreditation assures the parties that a couple's mediator has the education, experience, skill and ethical standards necessary to address their conflict," Ms. Jessani explains.

When asked what he saw as a successful mediation, Mr. Isaacs says, "Success is when the couples feel safe psychologically and interpersonally and when their goals are met. We help people heal their differences and pain and come out with money and hope and healing."

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