

## CFC Offers Divorce Mediation

By Teresa A. Parsons

A pastoral approach to divorce is how Tom Hanson envisions the divorce mediation service he recently began offering through the Catholic Family Center at 50 Chestnut St.

"Mediation works on the theory that there are areas in which a couple obviously can't agree, and they can't live together any longer because of it," he said. "But it doesn't mean that everything is disagreement."

"Some people are fond of saying it (divorce) is the easy step ... well it is not an easy step, never has been and never is," Hanson continued, drawing on his 12 years of experience as a marriage counselor. "This is a pastoral approach to some very difficult problems people are having, attempting to make a very agonizing time a little less so."

Officials at the Catholic Family Center are enthusiastic about the addition of mediation to the variety of services they already offer.

"We need to recognize the reality that there are families that can't and shouldn't be kept together," said Catherine Wobus, casework director.

"We are pleased to be supportive of this program," added James Maloney, the center's executive director. "The important thing is taking much of the heat and anger out of a divorce that has become inevitable."

Mediation is not guaranteed to work for everyone, nor is it free. The cost is \$600, including three two-hour sessions and the work the mediator must do between sessions. But compared to an average cost of \$1,000 to \$1,800 per person for legal services during a divorce, it's relatively inexpensive.

The end product of mediation is a memorandum of agreement on whatever assets the couple must divide, as well as child support, visitation and any other applicable terms. The memorandum is then checked by a lawyer for legality and fairness. Clients are also encouraged to speak with a lawyer at any point during mediation if questions arise.

"The couple has control of their destiny," Hanson said. "Even the time factor of speaking between attorneys takes much longer to communicate. Nobody knows the

agony that is, that they are just held in limbo. Maybe they even continue living together because one refuses to leave the house.

"Mediation helps them begin to take hold of their lives once again," Hanson added. "A marriage falls apart and all their structures have come unglued ... and their self-confidence, self-esteem, everything, goes down with it."

Hanson describes his strategy as seeking one initial small area of agreement. Usually, he says, parenting is the place to start if the couple has children. "It's very seldom one person will say to the other 'You're a terrible parent and I never want you to see the children again.'"

"Once you have a couple of victories," he said, "you begin to work on other things and you have some momentum going ... then there might come a sticky wicket in the third session, but they don't want to throw out the window what they've gained in the first two sessions, so they begin that process of working through things."

The difference, of course, is that the lawyer becomes involved once the terms are set rather than in the negotiating process. Pointing out that legal training and the whole judicial system are based on someone winning at the expense of someone else — proving guilt vs. innocence — John W. Heister, a mediator and Hanson's mentor, believes the process should discourage destructive anger through direct communication.

Heister added that studies have shown a much higher percentage of relitigation in lawyer-negotiated divorce agreements than in mediated agreements. Heister himself studied under O.J. Coogler, the first man in this country to apply mediation principles to divorce. Since he began in 1981, Heister has been one of a very few people in Rochester to concentrate his practice exclusively on divorce and family mediation.

Heister recalled a couple who had spent \$10,000 on attorneys over two years, but

could not come to an agreement. The wife had custody of their two children, one of whom was handicapped and could not climb stairs. She wanted to sell the house, he recalled, but didn't believe her share of the



Tom Hanson, a Catholic Family Center counselor and Episcopal priest, is also a divorce mediator. He's pictured in his office at 50 Chestnut Street.

proceeds would give her enough equity. Finally the woman asked her husband directly for money to install an elevator in the two-story house for their child who could not climb stairs.

"Why don't you just sell the house and buy a ranch house?" he asked. Only then did she learn that he had long ago conceded the house to her entirely. That point had simply been lost in translation between the two attorneys.

Of course bad mediators are no more or less common than bad lawyers, and the certification process for mediators is still new. It involves three phases: a 40-hour training program; development of an individual plan to submit to state and national certification review boards, while consulting and observing a mentor on cases; and finally continuing "apprenticeship" with a mentor.

Eligibility for mediation training requires an extensive background in related skills. Hanson earned a doctor of ministry degree in

family ministry from Colgate Rochester Divinity School and has graduated from the General Theological Seminary of New York

City and Syracuse University.

An Episcopal priest, he has pastoral experience in Rochester, was community minister at St. Simon's Terrace, and served for 10 years as a school chaplain and teacher. He has been counseling individuals and families through the Catholic Family Center since 1973.

Although Hanson plans to continue his counseling practice, he will avoid crossing over from counseling to mediating for the same couples. How will he determine for whom mediation will work?

"You can't really be certain who's prepared and who's right for mediation," he said, noting that some people will only begin to consider compromise after going through a lot of money and pain.

"But considering the alternatives, why not try it?" he added.

If you would like more information on mediation offered through the Catholic Family Center, call Hanson at (716)546-7220. He also offers a free, no-obligation orientation session upon request.

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