

# MISSOURI LAWYERS WEEKLY

Vol. 11, No. 30

## Viewpoint

# Divorce Mediation In St. Louis County

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Since last year all couples who file for divorce in St. Louis County Family Court and have minor children must attend a two-hour class as part of a Mediation and Parent Education Program. The class, which includes a video and group discussion, addresses the needs of children and the role of parents in helping their children adjust to divorce. The counselor who leads the class also encourages divorcing couples to use the court's voluntary mediation process.

### Three Goals

The committee that designed the county's mediation program had three primary goals in mind. First, it wanted to provide divorcing couples a means, other than litigation, to come to an agreement about how to divide their property and debts and to devise a plan for parenting their children after the divorce. Although many couples *want* to settle such issues themselves, the emotion involved in their divorce prevents them from being able to discuss the issues calmly. The couple can hire a neutral mediator to help them reach the decisions necessary to live apart. The mediator is trained to help them explore all the possible

options and stay focused on their future instead of all the grievances of the past. Through mediation, the couple devise their own plan for the division of assets and debts and parenting responsibilities, which is then presented to the judge for approval.

The committee also wanted to reduce the amount of time necessary for a case to move through the court, which is crowded with nearly 5,000 divorces filed each year. Mediation allows the divorcing couple to come to an agreement earlier and thus move through the system more quickly and with fewer pre-trial procedures.

Finally, the committee sought to decrease the number of motions to modify filed. Couples who are dissatisfied with their custody or child support plan often go back to court seeking modification, further crowding the court's docket. If couples could learn to resolve these problems themselves, without having to involve the court, they could save valuable time, effort, and money. Studies show that couples who are involved in designing their own parenting plan are more likely to comply with its terms. Since the actual process of mediation teaches people how to resolve such issues, there is much less likelihood of having to involve the court in future disagreements about parenting.

### A Great Success

Attorneys are being required to advise their clients of the availability of mediation, and many couples are taking this route. Those using mediation have a high rate of success in reaching an agreement as to property division and parenting. Most importantly, these agreements are helping families avoid custody battles that are destructive to the parties and the children.

The implementation of a court-approved list of mediators has likewise been beneficial. The mediators — some counselors, some attorneys — must have a minimum of 40 hours of training approved by the Missouri Supreme Court. The list gives couples information about each mediator, such as how many mediations they have completed, how many hours of training they have had, their educational background, and their hourly fee.

The Parent Education Program is getting good reviews. It is helping parents understand the impact divorce might have on their children and how their behavior contributes, negatively or positively, to that impact. It is also a place where parents can air their fears, get answers to their questions, and find out what community resources are available for their children.