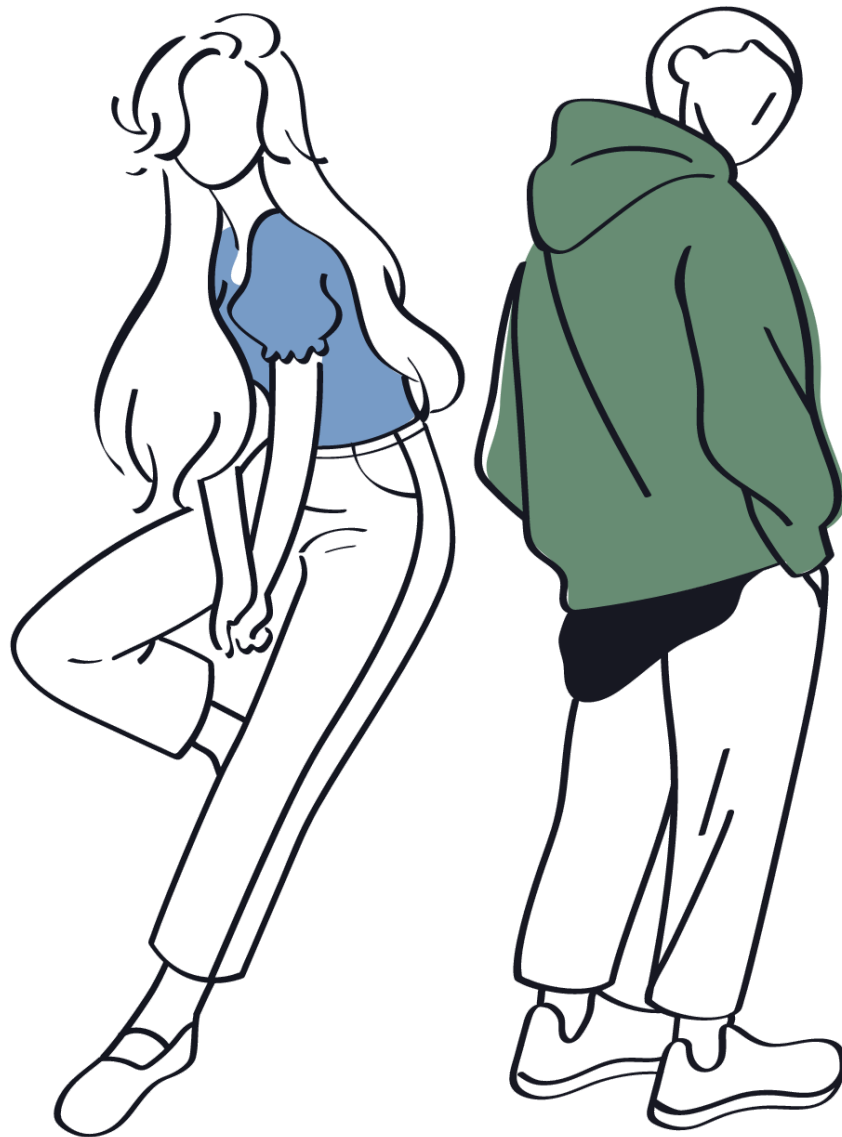


# MINIMIZING FAMILY DAMAGE IN DIVORCE

*a better plan for your family*



**Virginia L Colin, Ph.D.**

[www.ColinFamilyMediationGroup.com](http://www.ColinFamilyMediationGroup.com)

# Minimizing Family Damage in Divorce

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## **Minimizing Family Damage in Divorce.. -- 1st ed.**

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The ebook was designed by Stewart Andrew Alexander, Digital Publishing Consultant, and published by MediaGroup15 TM\*. It is based on an interview conducted by Stewart Andrew Alexander, host of Impact Makers Radio.

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## Introduction

This ebook was created from a live interview, so it reads like a conversation. We hope you will feel like I am talking with you, like a close friend or relative would, and we felt that presenting the material this way would make it easier to read.

Although the information in this interview may be valuable to you, this small ebook may not contain good answers to all of your questions. There is no single correct answer for everyone.

Furthermore, even though your questions may be similar to those I've heard before, your situation remains unique. So, if you have any questions or concerns that I have not addressed within this ebook, I'm here to help.



Virginia L Colin, Ph.D.

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## **How do you help your clients?**

Colin Family Mediation Group has five professional family mediators based in Fairfax, Virginia, and provides services to clients throughout Virginia. All five mediators are certified by the Supreme Court of Virginia to mediate family cases.

Many of our clients come to us for help with divorce decisions. To help them we provide mediation services on weekdays, evenings, and weekends. Some of our mediators are even willing to make house calls.

We also provide services to long-distance clients via phone calls, email, and Zoom video meetings.

## **Why should I even consider family mediation?**

There are many benefits of using family mediation. One is that it's private.

You're not going to go to court, filing a bunch of paperwork (some of which may become public), and airing your family's dirty laundry. It's private and confidential. Instead, you work it out with the mediator, so the only court filings are the agreed-upon settlement terms.

Family mediation is a constructive process. If you go through the court, generally, you're hiring two lawyers trained to help you fight with each other. The best lawyers also know how to help you negotiate constructively, but a lawyer's job is to vigorously advocate for his client's interests.



Suppose you start fighting about what mom and dad want. In that case, you usually do enormous damage to mom, dad, and the kids. It becomes costly, so we prefer a more constructive process as mediators.

Mediation is a better approach. You have one mediator trying to help you and your spouse solve a problem instead of having two lawyers helping you to fight with each other.

A further benefit of the family mediation process is that it is faster than litigation.

You can make your decisions as quickly as you are ready. My job as a mediator is to help you make voluntary, well-informed decisions and not rush or give in to pressure to get it all settled and done.

Once you have gotten through the emotional process of grieving over the loss of a partner or a marriage, you are ready to make big decisions. Some people do that before they separate. They meet with a mediator, figure everything out, and write the entire terms of their divorce before moving out of the marital home.

You are unaware of so many steps in the court process. You have a hearing about this and another hearing about that, and then somebody files a motion about something else. It can often take two years from when you file for divorce to the actual date of divorce.

In contrast to litigation, divorce via mediation can sometimes be over in a week or two. Depending on who is involved and how fast you're ready to go, it can also take longer; however, it doesn't have to be a dragged-out process.

Mediation focuses on helping you and your spouse listen to each other and express yourself clearly. We assist people in becoming better communicators, which helps you build solid foundations for cooperating as parents post-divorce.

In court, people tend to tear each other apart or talk about blame, which does enormous emotional damage to you as parents and to your children.

Research suggests that if you have parents in a high-conflict divorce going through a prolonged custody battle, the effect on the children is effectively the same as being emotionally or physically abused. It's damaging, so we try to protect you and your family from that.

In addition, because mediation is constructive and efficient, you avoid the financial damage that often comes with divorce.

For example, here in Virginia, if you get divorced through lawyers and the court system, each of you will typically spend \$30,000 to \$50,000.

In contrast, in mediation, many cases fall under \$3,000 for the entire divorce settlement agreement. It's mind-boggling the financial damage you can avoid.

Mediation is a creative process.



Given the personalities and the histories, it allows you to develop a solution that will work for the specific needs of the various family members, and you can do things in mediation that a judge couldn't even do if you asked the court to.

A cute example is "What are we going to do about the family dog?"

A judge would not consider your relationship with your dog. It's a piece of property. One of you gets it, and the other doesn't. But if you're meditating, you'll have the opportunity to talk about the expenses incurred to take care of your pet.

You'd have room to mention how your partner brought the pet into the family home, how the kids adore him and work out the best ways to help with the vet, food, and dog walker expenses.

You can talk about how you both love the pet, how neither one of you wants to give it up and look for ways to share custody of the dog like it's an animal and not a piece of property like a living room sofa.

You often find that people in mediation (where it's going to be helpful) make very detailed agreements that they're not likely to get if they ask a court to rule on a question.

A court will say liberal, flexible visitation; however, the mediation process allows you to agree upon a schedule that fits your current job situation and the children's school.



**One example is deciding to meet every June to plan for the next school year.**

I once worked with an unmarried couple. This one was not a divorce case but a case of two immigrants in the United States who had a child a little over one year old.

The dad was in a situation where he could not afford to leave the United States because he was on a path to citizenship which did not allow him to do that at that point. The mom had to leave because her work visa had expired and she couldn't legally stay in the United States.

There was a lot of fear and anger between them. Still, they both loved that baby and worked out a fantastic plan that protected the child and gave the father lots of visitation time until the mom had to go back to Europe.

Their mediated plan protected the dad's right to have more time with the child as the years went by, including transportation for visits, even though they were visits between continents.

### **Why isn't the mediation process more popular?**

That is a question that I have thought about a lot.

And it's partly, I think, the failure of professional mediators to actively educate the public, but it's also the result of suppression and opposition from groups of lawyers.



If the public, in general, knew about family mediation, many family law attorneys would be making less money because mediators do take some cases away from lawyers.

Our clients can confer with lawyers as much as they want to. However, if they do their own negotiating with each other and some professional support from a mediator, they wouldn't need to pay lawyers for anywhere near as many billable hours.

There's a financial incentive for lawyers to discourage clients from learning about mediation, and some do that. On the one hand, some lawyers support mediation when it's helpful for their clients.

In contrast, other lawyers try to keep it a secret and influence legislation in their states so that it will be hard for anyone who's not a lawyer to be allowed to mediate and help their clients.

## **Do divorce mediators know enough about family law?**

One of the biggest myths about family mediation is that mediators who are not lawyers don't know enough about family law. That is a false idea that many lawyers would be happy to have everyone believe, so it stays out there.

In some cases, it's an area where lawyers themselves are not well educated.

They learned how to be lawyers, and somehow, in their law school, they were not taught about mediation, resulting in a naive expectation that lawyers must be the right kinds of experts for all divorce-related matters.

Even though lawyers don't know everything there is to know about child-rearing, family finances, legal decisions, incomes, debts and assets, and everything else that comes into play when negotiating a divorce, they still believe that they're the experts, when they're not.

### **Do retired judges make good divorce mediators?**

I often run into a misconception that retired judges make the best mediators. I have lost count of the number of lawyers I've asked if they refer some of their clients to mediation. They invariably answer, "Yes, we always call this group of retired judges to be our mediators."

The sad part about that is that I know how they operate. Those judges don't do mediation the way I understand mediation, where I help people sit down, face to face, talk things over, and figure out a good way to handle things and create their solutions together.

The retired judges put the husband in one room, the wife in a different room, and the judge goes back and forth between the two rooms, carrying information, proposals, and responses. It's like a high-pressure settlement conference and nothing like mediation where the couple negotiates their solution.

Or it's like a neutral case evaluation where the lawyers help the clients be ready in case they have to go to trial. You call in the retired judge at the last minute.

You work with the judge all through the morning and afternoon, maybe long into the evening, if that's what it takes, and if they can avoid it, they don't let you go until you've reached a settlement.

It's almost coercive – more like arguing in court than like the process of a constructive, facilitative mediation. Unfortunately, many lawyers think that's what mediation is. They think it's what these retired judges do, and it's just so wrong.

### **What fears come up when thinking about divorce mediation?**

Once I describe to people who were hesitant to begin mediation how we will work with them, they're not afraid of it. However, there are exceptions.



If there's a history of domestic violence, one person may be intimidated by the other person. They're afraid that they will give in under pressure even though that is not in their best interest in the long run.

Mediators know how to provide support; we can have another person in the room if necessary or take the process slowly or have one person participating by Skype rather than being physically present in the room, to decrease the threat level.

We can use strategies in that situation, but the fear is real. If somebody doesn't put the brake on them, then people who were abusive in their marriages tend to act the same during the divorce process, so that's a realistic fear.

There are more fundamental fears associated with divorce than the mediation process alone. People are afraid they'll lose their kids, not have enough money after their divorce or never be able to retire, and generally, not have control over what happens in their divorce.

Another factor is that participating in mediation doesn't mean giving up access to help from an attorney.

Many people will hire an attorney as a consultant to give them advice and look over the proposed divorce settlement before signing it. It's important to know that you can do your own negotiating in mediation, but you can still have an advocate advising you.

### **What can people do to get past those fears?**

Using mediation to resolve as many questions as possible certainly helps with financial fears. If you're not giving \$50,000 to a couple of attorneys, you have a lot more money for yourselves as you step forward into the next phase of your life.

As for the kids, we focus on building a foundation for cooperative co-parenting. We help parents think seriously about what will be best for their children, which might not be the same as what the parent wants to see.

You tend to think that what's best for you is best for your children. Sometimes you have to go a little deeper to see whether you're advocating that position because that's what you want, that's what will be convenient or gratifying for you, or whether you're advocating that position because you genuinely believe it will be better for your child.

## I need a lawyer to fight every step of my case, right?



One of the biggest mistakes is thinking that once you've decided that you're going to get divorced, the first thing you should do is rush out and find a lawyer who will fight for what you want.

While it's perfectly understandable to feel and react that way, it would be better to calm down and give yourself a little time to deal with the emotions before dealing with

any legal decisions.

Divorce is a life change. It's not just a legal problem to be resolved.

If there's a crisis, you do need to get a lawyer to protect you right away from some awful thing that might happen, like your spouse taking all the money and moving to the Cayman Islands. If it's an emergency, get a lawyer to protect yourself.

But if it's not an emergency, take some time, educate yourself, and work with a therapist if that's something you need. Do some reading, and find a support group if that's something you need.

Some people do meditation or yoga as the first step to calm down and prepare themselves to deal with the situation. There's plenty of time for finding a lawyer to give you good advice when you're ready.

## **How do I make the best out of a high-conflict situation?**

Sadly, high-conflict situations are not uncommon.

It may not be the divorce that proves to be damaging for children caught up in such situations. On the contrary, if children are exposed to violence, hostility, and even bloodshed, there's a high risk of long-term psychological damage.

In extreme situations like that, I believe the most important thing is safety. If it's not safe to live with your spouse, you need to look for organizations or people who will help you get your children out of an unsafe situation.

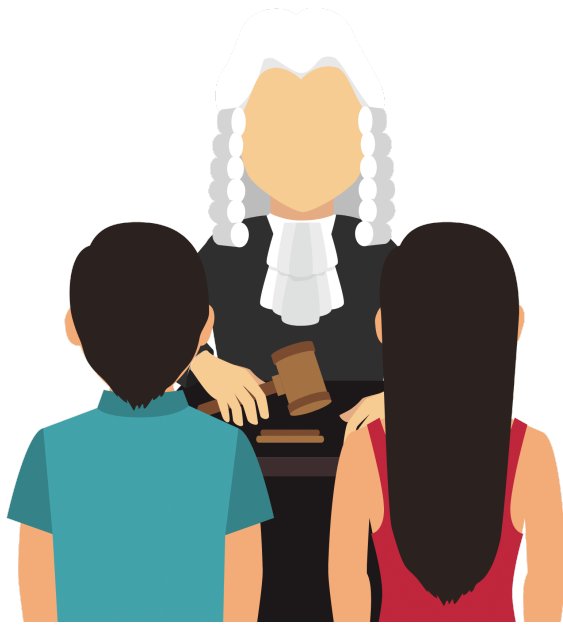
In the best-case scenario, once you've separated from your spouse and have received some external support, the two of you may be able to recognize the need to change the way you communicate with each other, especially in front of your children.

You need to make a plan that will make it possible for your kids to feel safe and well-loved by both parents. If it's possible to do that, that's what you should do.

Even though you have a horrible history of conflict, if you can find some way to cooperate as parents so your kids can have good lives, you should work on that.

And that's a place where a mediator and/or a good therapist may be very helpful.

## What led you to where you are today?



A background factor is that I was divorced early in the 1990s. The process I went through was horrible.

It took a long time.

Neither my husband nor I understood the process or what our lawyers were doing. Eventually, we represented ourselves. I did better than my lawyer, but it was long and horrible.

So that's the background to what led to where I am today. I simply thought there should be a better way. People shouldn't have to go through this.

However, what really changed my career path was my experience in the late 1990s. A friend and his ex-wife were in a custody battle for a year and a half.

He had spent somewhere between \$40,000 and \$45,000 defending the idea that his kids were better off living with him while she kept finding another reason to file another motion to say, no, the kids should be with me. And nothing was resolved.

They had a court hearing, and the judge told them to do what the child's guardian ad litem had recommended. A guardian ad litem is a lawyer who is supposed to represent what's best for the kids, not necessarily what the kids want, but what's best for them.



Neither parent thought it was a good idea.

So, these people with a year and a half history of fighting about custody were heading for being back in court again, so I said to my friend, "Look, being a Quaker, I have learned some conflict resolution skills. Would you like to try a different approach?"

They said yes, which is very unusual, but I mediated that case.

It wasn't an easy case as they were angry, didn't trust each other, and couldn't be in the same room or formulate a constructive conversation.

I did this by a process called shuttle mediation.

But the short answer is they worked it out.

After a few months of discussions back and forth, they came up with a custody and visitation plan that they could both live with.

The ex-wife wrote it up as a consent order. The judge, probably breathing a deep sigh of relief, signed off on it, and those kids didn't have to live in a war zone anymore.

I thought, wow, this was horrible, very stressful, and awful; there can't be many people who want to put themselves in the middle of this kind of conflict and try to make it better.

But I put myself there, and it worked, and it made life better for those kids and their parents. So maybe this is the kind of work that I should be doing.

When mediation is successful, it's wonderful.

I know that I have helped people make good plans so their family members can move forward with their lives. I've helped them avoid tremendous emotional damage, which is gratifying to know.

On the other hand, mediation is not always that wonderfully successful.

Sometimes I can help people reduce the damage, sometimes not. It's similar to teachers, therapists, or the good lawyers in the world. If you help people, it just makes you feel good. For the best family mediators, generally, this is a calling.

## **What should I look for in a family mediator?**



It's important to consider whether you and your spouse can trust the mediator you will be working with. A mediator needs to have compassion, good training, and experience.

After taking the first training program, you don't become a skilled family mediator right away. It takes a while to develop. What's important is that both parties trust the mediator to do the best they can do to help them create the best plan they can make.

It can be hard to tell who is the best mediator. Nationally there are no current standards for licensing or certifying family mediators or other mediators.

As far as I know, it's not illegal for anyone in any of the fifty U.S. states to hang out a shingle and say, I'm a mediator; pay me, and I will mediate for you. So it's challenging to figure out who's good.

Do a little research, look at what they say about themselves on their websites, look for online reviews, and look for referrals or recommendations from people you know. You want to find somebody who has a good heart and somebody who is well trained.

If you check, people can tell you where they were trained, how much training they've had, and whether they're still receiving more training every year. You can get a feel for how much experience they have and get a feel for how they approach things.

Some mediators help you make the decisions you need to make to get the legal documents together so that you can be divorced, which is the service that some people want.

Other mediators will go deeper than that with you and help you think things through, work on the communication, and learn more about your kids. They'll help you think about what's coming next, weigh the pros and cons of your financial plan, divide things up, and develop a complete plan so that your family members all have safe, financially secure, well-loved lives.

And one more thing just for history.

I'm the past president of the Academy of Professional Family Mediators, which I neglected to mention earlier. That's an excellent way to find a good family mediator.

The people who bothered to join the Academy of Professional Family Mediators are the ones who are passionate about providing high-quality, ethical family mediation services.

## **How can I get in touch with you?**

To learn more about what we do, visit  
<https://ColinFamilyMediationGroup.com>

During our first phone call, my goal is to help you figure out what you feel comfortable handling on your own, what you can educate yourself about, and what questions you need to ask a lawyer.

I will share how mediation is a service available to you and give you some things to think about that will enable you to decide whether mediation is right for you.

## **Business Hours**

Professional family mediators are available by appointment from 9 AM to 9 PM almost every day of the year.

## **Contact Info**

Colin Family Mediation Group  
P O Box 2481, Springfield, VA 22152  
mediatorQ@gmail.com  
Call: (703) 864-2101



**Virginia L Colin, Ph.D.**

Formerly a research psychologist, Virginia Colin has provided family mediation services since 1999. She specializes in helping couples, and ex-couples develop parenting plans and financial agreements that support their children’s security, healthy development, and adult well-being. Focusing solely on family mediation, she is a founding member of the Academy of Professional Family Mediators and, in 2018, became the President of that organization. Dr. Colin is also a certified mentor mediator. She is the co-author of *The Guide to Low-Cost Divorce in Virginia* and the solo author of *Human Attachment*, “Divorce in Virginia”, “Infant Attachment: What We Know Now”, and various other print and Internet publications. She was also the host of Family Matters, an Internet talk radio show. She has experienced parenthood in many ways — as a single parent, foster parent, married parent, divorced parent, and remarried stepparent. More of Dr. Colin’s story is in “Why I Became a Family Mediator” on the group’s website. She enjoys reading, gardening, walking in the woods, and playing Eurogames.



**Renee Kostick Reynolds, J.D.**

As a licensed attorney in DC since 1993, Renee has specialized in family law cases. She became interested in family mediation as a civil, more practical alternative for clients going through a divorce. In 2011, Renee served as the Family Intake Specialist at Northern Virginia Mediation Service. There she became well-versed in the legal trends in Virginia as they relate to divorce, child custody, child support, alimony, equitable distribution of assets and debt, tax issues upon divorce, and the standards and norms upon which the courts rely when deciding what would be in the best interests of children. In addition to helping private mediation clients, Renee accepts court-referred cases in Fairfax, Arlington, Alexandria, and Manassas. Renee enjoys biking, hiking, reading, and finding new adventures with her husband and four children.



**Rick Schapira, P.E., J.D.**

As a licensed attorney in Virginia, Florida, and the District of Columbia and a registered Professional Engineer in Virginia, Rick has specialized in family and workplace mediation as a productive and efficient alternative to litigation. A retired senior executive, he was Deputy General Counsel of the Defense Nuclear Facilities Safety Board. He is a certified District Court and Circuit Court mediator for civil and family cases and is a certified mentor mediator. He is well-versed in Virginia law as it relates to divorce, co-parenting, equitable distribution of assets and debts, tax issues upon divorce, and the standards and norms upon which the courts rely when deciding what would be in the best interests of children.

He is also well-versed in federal law as it relates to workplace disputes. As a mediator, he strives to assist his clients in reaching creative solutions to their specific situations. Rick enjoys scuba diving, kayaking, and spending time with his dogs.



### **Dorothy Douglas Taft**

Dorothy brings to the mediation table her keen listening skills and decades of experience working in the US Congress, the Commission on Security and Cooperation in Europe, and the US Agency for International Development in positions involving negotiation, diplomacy, mediation, and real-life solutions to complicated problems. Her advocacy and policy work on internationally recognized political and human rights issues has taken Dorothy to more than 60 countries, requiring extensive cross-cultural communications. Having served since 2007 within her religious community as a counselor for those navigating life's challenges, she has a deep understanding of interpersonal dynamics, working through loss, and identifying new pathways for moving forward. Showing respect to all parties, Dorothy manages to bring resolution to tense policy negotiations and difficult family conversations. Dorothy enjoys cycling, playing her violin or bagpipes, and the culinary arts when time permits.





**Lucy Nichols, J.D.**

Lucy has worked with families in conflict for more than thirty years. As a lawyer, she devoted her career to the practice of family law with an emphasis on high conflict child custody cases. Early in her career, she also served as a guardian ad litem for children. About seven years ago Lucy chose mediating instead of practicing as a lawyer because when family disputes play out in an adversarial system there are often devastating and long-lasting consequences that harm the entire family, especially the children. Lucy now helps families to have difficult conversations, move beyond the conflict, and create agreements that put their children's interests at the forefront. In addition to helping private mediation clients, Lucy accepts court-referred cases in Fairfax and, as a certified Mentor Mediator, helps to train new mediators. She also works as a Christian conciliator and an Ambassador for a local Christian non-profit organization. She enjoys swimming and spending time with her teenage daughter.

## What Our Clients Say

◆ *Dr. Colin truly is a consummate professional with the diligence and perseverance to take the most challenging disagreements and turn them into a solution that suits all parties well. My highest recommendations for anyone contemplating the court system. Dr. Colin possesses extraordinary interpersonal skills coupled with deep wisdom in domestic issues that have far reaching positive impacts on those most affected- our children's well-being. – Oscar Marin, APO*

◆ *Ms. Colin, excellent work on our case, and I hope other families as us can have the same opportunity to have you as a mediator before reaching the court. My best wishes and my gratitude to you.... Thank you so much.. – Nelida Rojas, Arlington, VA*

◆ *Virginia, I just wanted to take a moment to say thank you for your support, guidance, and assistance. I spoke to my daughter about the outcome and she is extremely relieved. Although it is sad in a way, my daughter can finally be the happy 9-year-old she deserves to be and not have the extra stress and sadness that was being imposed upon her these last 5 years. You have helped me make a huge difference in her life. – Krystal Thomas, Alexandria, VA*

◆ *I enjoyed the small amount of time I had working with you. I thank you for your efforts and in fact being a mediator as far as keeping the order as peaceful as possible. I appreciated you giving me advice on my relationship and my son's relationship with his father. – Dana Gray, Alexandria, VA*

◆ *My name is Nigel and I called them with the intent of just getting a time slot. Instead, I was blessed with more than I could have ever hoped for in that one conversation. Although I was and am still going down that same deep dark path with my wife, just that one call aided me more than the wonder woman on the other side of the phone will ever know. That's just a phone call. I could imagine what a session could do. THANK YOU TRULY – Nigel W., Ashburn VA*

## Minimizing Family Damage in Divorce

◆ *The work Dr. Colin did for my wife and me was great. With our separation and property settlement plan all worked out and written down, getting our divorce was easy. – Chris Carpenter, Burke, VA*

◆ *She (Dorothy Douglas Taft) took her time to hear what we had to say. She made us see eye to eye and what's best for our child. — Anonymous*

◆ *My wife and I were extremely pleased with our experience. Rick was great! – Steve, March, 2016*

◆ *Virginia was one of the mediation instructors at Woody Mosten's intensive 40-hour divorce mediation course last month and it was my absolute pleasure to meet her there. Virginia is a wonderful teacher who knows how to lead by example, moving her students forward by modeling effective mediation techniques. Virginia's understated and compassionate affect encourages her students to ask questions and to express themselves freely and openly. I was also impressed with Virginia's solid research background and understanding of the psychological underpinnings of attachment in families. – Anat Sideman-Schneider, J.D., MA.*

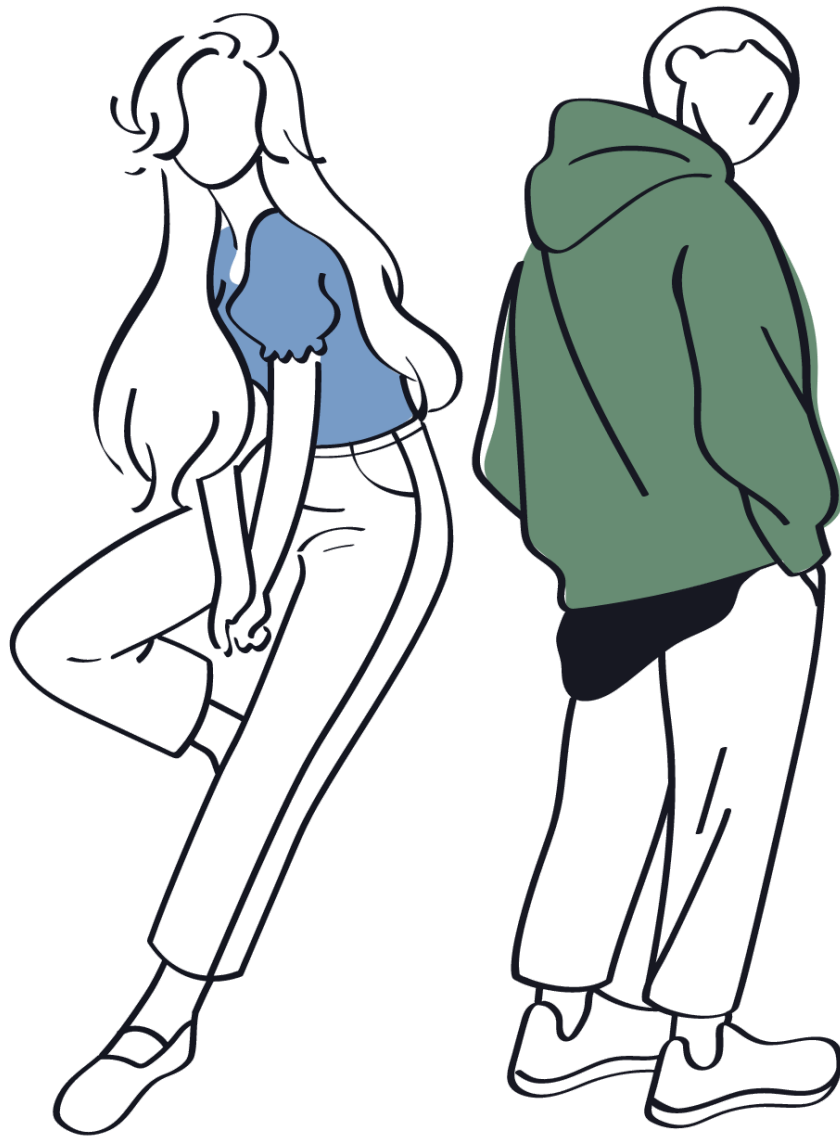
◆ *I am pleased with the agreement and its contents. I thank you so much for all your patience and kindness through this process. — Alexis De Leon, Woodbridge, VA*

◆ *I have been beyond impressed by the professionalism of our mediators. They are fair, listen to both parties, and are flexible regarding meeting times. – Beth O.*

◆ *Dorothy was terrific! She produced very relevant preparatory questions for the four of us [adult siblings] in advance of the session, and during our 3.5 hours, she was balanced, thoughtful, insightful, and appropriately assertive when she needed to be! We do not believe there was anything she could have done better! Dorothy's professionalism and calm were a true asset, especially in light of the fact that two of the four of us were quite ambivalent about the role of a mediator! – Carli, February 2015*

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