A CONTESTED DIVORCE can take between 6 and 18 months to litigate, costs tens of thousands of dollars per spouse, and ends with no clear winner. Further, approximately 90 percent of all divorces settle prior to trial, but only after both parties have incurred significant legal fees. So what's all the fighting about? It involves the issues. Who will have custody? How much will child support be? Should the family home be sold? Who will pay back Aunt Tilly? These items are especially hard for families with AD/HD to resolve.

> In a "normal" (if such a thing exists), non-AD/HD divorce, one spouse (the "perpetrator") usually succumbs to some vice, such as an affair, drugs, drinking, gambling or the like. Its revelation either shocks the other spouse ("victim"), or acts as the last straw. These divorces seem to follow a pattern:

The perpetrator:

- **I.** Is surprised at the spouse's overreaction.
- **2.** Feels guilty for being out of control.
- 3. Gets angry at the spouse's lack of understanding.
- 4. Experiences exhaustion and backpedaling, and expresses remorse.

The victim:

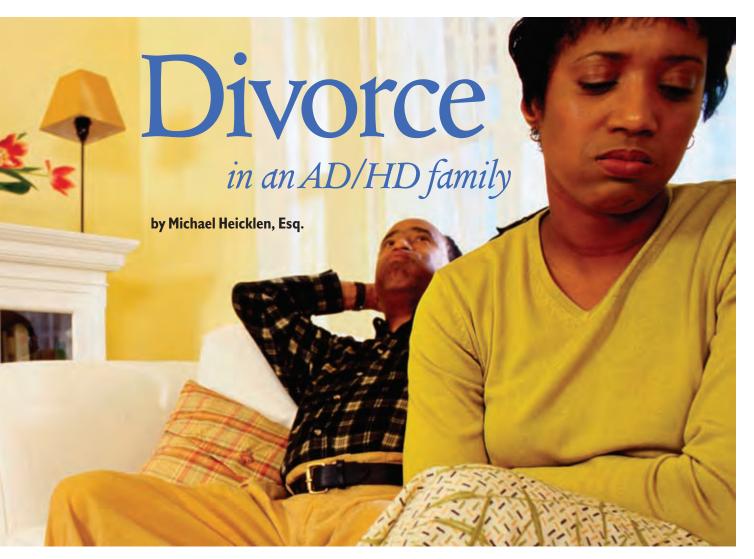
- **I.** Suffers shock at learning about the incident(s).
- **2.** Justifies the spouse's conduct.
- 3. Accepts the betrayal and gets angry about it.
- 4. Experiences exhaustion, and accepts (in whole or in part) the perpetrator's remorse.

When either spouse reaches step 3, the war begins. When the parties collectively reach step 4, they settle, usually for the good of the children, or because there is no money left to pay the lawyers. There can be many months between steps 3 and 4.



By contrast, a divorce in a family where AD/HD is present usually lacks a human perpetrator. Instead, the disorder is the culprit, and both spouses are its victims. Often, there is no defining event that sparks the split. The parties simply walk away after years of drifting apart. The steps commonly look like this:

- The child with AD/HD is constantly disruptive, in trouble and demanding attention.
- The mother tries to guide him with support and understanding. The father uses discipline, high expectations and emotional detachment. Neither work.
- The parents become angry and frustrated and turn on each other. The father accuses the mother of being overbearing and doting. The mother criticizes the father for being unrealistic and callous. Every argument increases their rift. The dialogue repeats itself until, over time, their sex life fails, their marriage disintegrates and they split up.
- Residual anger and finger pointing can drag on for years, both during and after the divorce, because neither parent is remorseful. Both believe, often justifiably, that they have done everything possible to help their child with AD/HD.



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Litigation only exacerbates this problem. Contrary to television portrayals, the purpose of divorce court is to divide the family rights and duties fairly; not to give angry spouses a forum to vent. Unfortunately, the combative nature of the process, and the lawyer's ethical duty to get the best deal for his client at the other party's expense, makes it easy to lose focus. Sometimes, parents with AD/HD become so entrenched in being right (i.e., "I want my day in court—then I'll be vindicated!"), they forget what they're fighting for. They can spend thousands fighting over a \$50 item. White knight syndrome also plays a part. Lawyers provide war-torn clients with a sounding board and battle relief. This security can be hard to give up. Unless a marriage includes sexual, physical, emotional or provable financial abuse, settlement is usually the best choice. Litigation takes too much of an emotional, physical and financial toll on everyone.

So, if the spouses can't talk to each other and

litigation is not helpful, what's left? One option is mediation.

Mediation is really just negotiation managed by an impartial facilitator. It is designed to point out common ground and generate an agreement. It is also the cheapest and fastest way to dissolve a marriage, and is the best forum for protecting the kids. Unlike litigation, mediation never requires the children to testify or take sides against their parents.

AD/HD mediation is different from its generic cousin in several ways. First, the mediator, usually a lawyer or therapist, must understand the disorder, the issues, and how they interrelate. For example, free will and balanced dialogue are prerequisites to a fair outcome. Mediators are taught to recognize and stop behavior meant to intimidate. However, given data supporting a genetic link for AD/HD, at least one spouse or close family member often also has it. That party may name call, yell threats or stomp out of a

Websites on divorce mediation (without a specific AD/HD focus):

www.divorcewithout-war.com www.divorcehq. com/mediatordir.html www.divorcemag.com www.mediate.com

AD/HD and Divorce

room even when negotiating in good faith. The facilitator must be able to distinguish between the disorder and intimidation tactics. He also must be able to control the other spouse's hasty reactions to such acts.

The second major difference is the mediator's role, which is traditionally neutral and passive. Non AD/HD mediators let the perpetrator/victim dynamic do the work and the expression of remorse usually sparks the settlement process. Because a divorce involving AD/HD often lacks contrition, the mediator must be proactive in exploring each party's anger. Negotiation requires emotional stability. It is impossible to compromise when hate, anger and thoughts of vengeance are in the way.

The third, and possibly most significant difference, is the role the future plays. In divorces not involving AD/HD, the future is the dangling carrot. The parties are instructed to foresee a time when their differences are resolved and their lives return to normal. But the same cannot be said for the family with issues stemming from AD/HD. While the parties may resolve their quarrel, the struggles stemming from the AD/HD

will not go away. As such, the mediator spends extra time addressing the family's special needs and parenting philosophies. The failure to reach an agreement on these can stall or even destroy the negotiation process.

In the end, mediation is one effective tool for handling divorce in a family with AD/HD. Those involved in this difficult situation would be wise to consider it.

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For more information on divorce mediation, readers can also call their state bar association for a list of mediators. There are currently no licensing programs for mediators and some are laypersons without professional training. Licensed therapists and attorneys are held to higher professional standards and their understanding of the underlying issues can be extremely helpful in reaching a settlement.