

## A New Approach to an Old Mess

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Literally hundreds of thousands of people get married every year - most are happy when they decide to wed, and many are convinced they are going to be happier. The wedding business is HUGE. Thousands are spent to create a much needed (if over-glitzed) rite of passage - and couples vow their commitment to being "us." They stop being individuals and become "a couple." This don't really know what they have committed to, or that it is... irrevocable.

And then, after a while, many not are getting the bliss they thought awaited them. Misunderstandings set in. The person they wake up to is not the person they imagined themselves getting old with. Somehow, this is a surprise. Depending on age bracket, education and income, 40-50% decide to this marriage away and go look w for a new one.

More surprises await them!

Many couples have children in the years between "I do" and "I don't." "Us" is now a family. And yet, when divorce looms, there is no game plan, no budget, no insurance, and no easy solution. Chaos reigns. Misery is the result.

This should be seen as a national problem, but it's not. If this were a disease, the NIH would be putting warnings out everywhere! But because it is so commonplace, it's not seen as an unacceptable situation in desperate need of serious reform. Why does divorce seem to be hovering near the 50% mark? (and why are so many unwed couples with kids also in the legal system?) Maybe because, despite the numbers, most people still expect the dream to come true, and maybe they want kids to love them, and are shocked when it's even harder after the kids come. Who knows? No one seems willing to look beneath the surface to find out.

But we do know and can show that all cross America, hundreds of thousands of dollars are being spent on divorces and (somewhat less so) on paternity cases. Just the simple cases, where the legal battle theoretically ends with Judgment cost many thousands. (Many paternity cases are done by people with no lawyers and these are a hidden problem with significant effect on the children. the costs on these will come due in the future.)

The ugly cases can literally bankrupt one parent, and destroy lives and families. (Few seem to realize that the case actually continues until there are no more minor children. When you have kids, after divorce, you are under a "life sentence"-- a court order-- Big Brother is watching you!)

However, some people keep fighting after the judgment. This is how "case law" is made, sometimes even making news. (Think Barry Bonds.) In each of these cases that make new law (i.e. when grandparents can be denied visitation, when parents can or can't move away, when same sex couples are both parents and when one is not, when child support is enough—the list goes on....) hundreds of thousands of dollars are spent. College tuition amounts are squandered. All of this is the result of disputes about what happens to the family. But what scares me MOST is that this is all based on a delusion—that any judge (with hundreds of cases and tunnel vision) can possibly know what's best for YOUR child!

Economic paradoxes end up with men feeling cheated-- and women in poverty. men pay money to women they no longer have any "quid pro quo" from, and women remain dependent on men they no longer respect-- or may even loath. The irrevocable vows of the marriage are not so easily ended, and such exchanges have a steep psycho-spiritual cost.

Alas, even in cases where income potentials are roughly equal, families are torn apart-- and children are invariably the innocent bystanders. This is clear-- yet the system is blind. The effects on children range from life-long abandonment issues, to "learning" that adult relationships are temporary. And few children ever see conflict resolved in any healthy way.

Many people accept that people going through divorce are angry, hostile, and in a "divorce trance." Lawyers in particular point to the ugliness seen in court cases (and lawyers' offices) as proof. Sadly, the folks who vow to stay far away from that don't get any press, nor do they spread the word about

their quiet successes. (But see "Breaking Apart, a Memoir of Divorce" by Wendy Swallow for an exception.)

NEW FLASH! Divorce does NOT equal all of the above. **There are new options!** The truth is that the ugliness of most divorce cases is caused by a system that presupposes it, then amplifies it and always utterly ignores the family unit. Litigation assumes that truth will emerge from the clash of opposing viewpoints. This may work in assessing past events-- but marriage, and it's ending, are not about past events. They are about the future of the family, an entity that is not ending in most divorces. Is there a solution? Yes!!

The way to stay out of the battle is to use "ADR" - "Appropriate Dispute Resolution." It could be mediation, which is great for couples in full agreement on how they want their family to be after divorce, but who need expert help with the "how." But for many, if not most, couples, who need help with many aspects of the family reorganization-- financial, emotional AND legal. This is only possible in "Collaborative Divorce", or, sometimes, in private judging. (The "Hollywood" model.) Collaborative Law, the newest and most sophisticated "ADR" option has been on the *Today Show* and Los Angeles' *Talk of the City*.

Recently collaboration has begun to receive media attention, thanks to a few brave souls who were willing to "go public". Most Family Law judges are enthusiastic about it, and some courts are sending letters recommending couples seek "ADR" and mentioning Collaborative Practice. (Of course it is usually too late by the time someone has filed in court, so the letters are probably useless-- but they do show a growing realization that court does not fit all.)

What's the bottom line? **Couples need to know that their divorce from each other should not, nor does it have to, mean they divorce their kids, and lose their family.** ADR works for families, and it works for divorce professionals who have watched in horror as the legal system trashed lives and families.

Ask about "Collaborative Divorce." Ask about "private judging." Get all the facts, read books. Research on line.

Don't take no for an answer. Your quality of life depends on it!