
THE DIVORCE MEDIATOR

CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC.

THE TROLLEY BARN • 10 WALL STREET • NORWALK, CONNECTICUT 06850 • (203) 854-9394

VISIT OUR WEBSITE!

As a part of the Center for Divorce Mediation's continuing effort to make information about Divorce Mediation more accessible, we have created our own website at www.DivorceMediation.Norwalk.CT.US. The Center's website includes the following topics: What is divorce mediation? How long does divorce mediation take? Why choose divorce mediation? How does divorce mediation work? Co-mediation? Who are the divorce mediators? Comparison of adversarial and mediation process, Mediation video tape, Role of the consulting attorney, Frequently asked questions about divorce mediation, New tax law affects divorce, New court divorce rules, Predictors of mediation success, 8 steps for parents and children during a divorce, Child's Bill of Rights, 10 ways to help children during a divorce, Parenting education programs, Directions to the Center for Divorce Mediation and a link to our e-mail. Please let us know if you have any suggestions for other helpful material.

April 1998

Dear Colleagues:

The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. is pleased to send you this seventh issue of THE DIVORCE MEDIATOR.

The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. has developed this newsletter to share information and ideas related to Divorce Mediation. We want to share what we know as well as invite your questions, thoughts and comments. This exchange of ideas will allow us to continue to grow and learn from each other and better serve couples who have made the difficult decision to end their marriage.

Wally Marcus and Mary Marcus

CONFIDENTIALITY OF MEDIATION BILL BEFORE STATE LEGISLATURE

The State Legislature's Judiciary Committee heard testimony on March 9, 1998 on Raised Bill 580, An Act Concerning Mediation. The bill, sponsored by the Alternative Dispute Resolution Section of the Connecticut Bar Association, provides for confidentiality of all communications during mediation. Mary Marcus, chair of the Connecticut Council for Divorce Mediation's Legislation Committee presented testimony on behalf of CCDM in strong support of the bill.

Currently in Connecticut, communication, both oral and written, offered in the course of private mediation is not privileged as per state law. Most mediators include in their mediation agreements a statement to the effect that parties and mediator agree to keep all material confidential but this does not have the force of law behind it. Thus, without a confidentiality law, if a mediation breaks down and litigation is begun, material that had been introduced in the mediation can be used in the litigation and the mediator can even be subpoenaed. Confidentiality of course, is an essential ingredient of the mediation process and without a guarantee of confidentiality, parties may be reluctant to be fully open in their communication.

Court-sponsored mediations in Connecticut already are subject to confidentiality and it is reasonable to extend this protection to private mediation as well. Our neighboring states of Massachusetts and Rhode Island have Confidentiality of Mediation statutes. This confidentiality applies to the work product of the mediation as well as mandating that a mediator cannot be compelled to disclose in subsequent judicial or administrative hearings, any communication made during the course of mediation. (continued on page 2)

WALLY MARCUS IS AFM APPROVED CONSULTANT

Wally Marcus has been named an Approved Consultant by the Academy of Family Mediators. Approved Consultant is the highest class of membership of the Academy. Approved Consultants train, supervise and mentor divorce mediators. In order to be an approved consultant a mediator must have participated in at least 100 mediations and at least 1000 hours of mediation, be a Practitioner Member of the Academy of Family Mediators, and have participated in a Mediation Consultant Institute. Wally Marcus is one of only five Approved Consultants in the State of Connecticut.

DIVORCE 101 FOR NON-LAWYERS

A six-session seminar was recently conducted by Wally Marcus at the Center for Divorce Mediation on Connecticut divorce law for non-lawyer/mediators. The course included material on the law of marriage, prenuptial agreements, the new court rules, the new tax laws, the details of the court action, financial affidavits, discovery, parenting, alimony, child support, asset distribution, and pensions. The highlight of the course was a field trip to court to actually see an uncontested divorce and to speak with a judge. Judge Harrigan met with the class and answered their questions. The class will be given again. Please contact us if you are interested in attending.

THE DIVORCE MEDIATORS

Wally Marcus is an Attorney who has practiced Family Law for 25 years. He is an Approved Consultant and Practitioner Member of the Academy of Family Mediators, former President of the Connecticut Council for Divorce Mediation, former Chair of the Connecticut Bar Association Divorce Mediation Committee and member of the Executive Committee of the Family Law Section and a member of the Alternative Dispute Section of the Connecticut Bar Association.

Mary G. Marcus, Ph.D. is a Clinical Psychologist who has had a private practice of individual, couples and family therapy for 17 years. Dr. Marcus is a Practitioner Member of the Academy of Family Mediators, a member of the American Psychological Association and the Connecticut Psychological Association, and is Chief of the Section of Psychology at Norwalk Hospital.

DID YOU KNOW?

- ◆ We occasionally have clients whose 401k is their only liquid asset and who also have a high debt level. It is useful to know that a 401k may be transferred to a spouse who may liquidate the 401k and still pay only income taxes and no penalty for early withdrawal. The proceeds may then be used to pay off the debt or for any other purpose.
- ◆ Normally child support ends at the earlier of when a child attains the age of 19 or graduates high school, but after October 1, 1997 the court may make appropriate orders of support for any child with mental retardation, a mental disability or physical disability who resides with a parent and is principally dependent upon a parent for maintenance until such child attains the age of twenty-one. The child support guidelines do not apply to such orders.

CONFIDENTIALITY OF MEDIATION BILL BEFORE STATE LEGISLATURE

(continued from page 1)

Mandatory reporting will be maintained for incidents of child abuse and other actions subject to reporting by professionals in the new Connecticut bill.

No testimony against Bill 580 was presented and it is likely the Judiciary Committee will approve An Act Concerning Mediation.

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***FREE ONE-HALF HOUR CONSULTATION**
