
THE DIVORCE MEDIATOR

CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC.

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

DIVORCE CONNECTICUT STYLE

Wally and Mary Marcus have conducted the first statistically significant study of financial outcomes in Connecticut divorces. They compared results of both mediated and adversarial cases across judicial districts.

No differences were found in percentage of family income women received, in percentage of liabilities women received, in the likelihood of receiving alimony or in the amount of alimony obtained in mediated versus adversarial divorces. Similar percentages of couples, 62% in both formats, selected joint legal/wife physical as the most popular choice of custody arrangement and identical numbers of days per month were spent by children with father, 9.5, and mother, 20.5.

Surprisingly, the significant differences that emerged between the formats favored mediation. Women who mediated received a larger percentage of family assets than women who went the adversarial route. They also received alimony for more years, and more child support. Couples who selected mediation were more likely to provide for their children's college education.

Mediated divorces took less time than adversarial divorces and were significantly less likely to result in post-judgment modification, thus sparing couples and families added emotional and financial costs.

The Marcuses presented their research results at the March Regional Bar Association Family Law meeting and at the April Connecticut Bar Association Family Law meeting. They will be discussing the study at the Connecticut Psychological Association meeting in October and in November at the Connecticut Council for Divorce Mediation Conference. An article about the study appeared in the *New York Times* in May and complete results will be published in

COUNCIL HONORS MARCUSES

Wally and Mary Marcus received awards from the Connecticut Council for Divorce Mediation. Mr. Marcus was given an award for his outstanding contribution to the Connecticut Council for Divorce Mediation and Dr. Marcus was given an award for her work in having the Connecticut General Assembly adopt legislation mandating confidentiality in mediation. Both were also recently elected to the Board of Directors of the Connecticut Council for Divorce Mediation.

NEW CHILD SUPPORT GUIDELINES

Connecticut is required to update its Child Support Guidelines every four years. After a lengthy process the new guidelines were adopted and will take effect on August 1, 1999. The guidelines are still based on the Income Shares Model which reflects the average cost of raising children in households across a wide range of incomes and family sizes. The model is predicated on the concept that a child should receive the same proportion of parental income as he or she would have received if the parents lived together. The cost of raising children is determined by comparing the expenditures of equally well-off families with children to those of families without children.

Some of the changes to the guidelines include raising the cap of the guideline's chart from a combined family net of \$91,000 or about \$130,000 gross to a family net of \$130,000 or about \$190,000 gross. (continued on page 2)

(new Guidelines continued
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The actual amount of basic child support for each income category has actually decreased. For example, the old guidelines recommended a total child support of \$480 for a family of two children and a combined weekly net income of \$1,750. The new guidelines for the same family would be \$445. The basis for the reduction is that the old guidelines included the cost of day care for children within the guidelines and the new guidelines calculate child support and the cost of unreimbursed medical costs separately. This means that families that use day care will have the same or more child support and families who do not use day care will have less child support. There are now three components to child support. Under the new guidelines, the first component of basic child support is calculated based on each parent's percentage of the family's combined net income. Next each parent's combined net income is adjusted by adding the amount of child support one parent receives and subtracting the amount of child support the other parent pays to determine a new adjusted percentage for each parent of new income. The adjusted percentage is each parent's share of the other two components of child support, work related daycare and unreimbursed medical expenses.

The guidelines do not directly deal with the issue of shared custody. Earlier drafts of the guidelines allowed child support to be reduced if the non-custodial parent parented the child for more than 20% of the overnights

per year. As this amount is more than is the case in most parenting arrangements and could encourage a parent to seek more visitations only to pay less child support, it was rejected. The new guidelines allow a deviation from the amount of child support required by the guidelines, if the amount of visitation by the non custodial parent is more than normal visitation which is defined as two overnights on alternate weekends, alternate holidays, some vacation time and other visits of short duration, which may occasion an over stay during the week.

We will monitor the new guidelines to see what other issues develop. If you have any questions about the new guidelines, please contact us.

CENTER PRODUCES VIDEO

Most divorce clients are anxious about going to court for the hearing granting their divorce. So that they may have a better understanding of what their uncontested divorce hearing will be like and thereby to reduce their anxiety, we have produced a video that simulates the couple's uncontested divorce hearing. Although no two hearings are the same, the video shows a very typical hearing. We have three versions of the video, no attorney, one party represented by an attorney and each party represented by an attorney. The couples who have seen the video report that the video helped prepare them for the actual hearing and that they were less frightened by the procedure.

THE DIVORCE MEDIATORS

Wally Marcus is an attorney who has practiced Family Law for 27 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 19 years. Dr. Marcus is a Practitioner Member of the Academy of Family Mediators, a member of the American Psychological Association and the Board of Directors of the Connecticut Council for Divorce Mediation, Connecticut Psychological Association.

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