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# THE DIVORCE MEDIATOR

CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC.

10 WALL STREET AND 2 PARK STREET • NORWALK, CONNECTICUT • (203) 854-9394 AND 847-3369

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## PARENTING ARRANGEMENTS LAW ADOPTED

In any divorce after October 1 involving children, parents will need to develop a parental responsibility plan which outlines the rights and responsibilities of both parents and which is in the best interest of the child. The new law outlines 16 criteria that the Court will use in determining the best interests of the child but assigns no weight to any factor, leaving the Court discretion to decide what parenting arrangement is in the best interests of the child.

Each parenting plan must now establish how the parents will consult with each other in making major decisions regarding the child's health, education, and religion as well as provided for a schedule of physical residence. In the past, divorce agreements usually included the former but not necessarily the latter leading many returns to Court to contest interpretations of "flexible" physical residence schedules.

An aspect of the new law of special interest to mental health professionals is the requirement that parents develop a plan to resolving future disputes including when appropriate, consulting with a mental health professional to craft developmentally appropriate arrangements for the child. A totally new and long overdue provision in this law is that the parenting arrangements plan must deal with the changing needs of the child as he/she matures. In the past, parenting plans were static documents that provided for a parenting schedule that was suitable at the time of divorce but no mechanism for consultation and modification as the child grew older and needs changed.

Another interesting item contained in the new law is somewhat tangential but important. In many households prior to the divorce being granted, the tension level is so high and parents and children suffer emotionally. The solution has always been that one adult moves out in an effort to reduce tension. However, due to fear that he/she would be perceived as abandoning the other and the home and therefore at a disadvantage in the subsequent settlement, both parties have often stayed in the home to the detriment of the child. The new law provides that if there (continued bottom of next column)

## DEBORAH NOONAN JOINS CDM

The Center for Divorce Mediation & Alternative Dispute Resolution is pleased to announce that Mediator-Attorney Deborah Noonan has joined our organization. Ms. Noonan is a 1988 graduate of Boston University School of Law and has practiced family law including mediation, collaborative divorce, and litigation. She is a Practitioner member of the Association for Conflict Resolution and the Connecticut Council for Divorce Mediation and Family Dispute Resolution. Ms. Noonan shares the Center's goal of making divorce as painless as possible for families. Ms. Noonan, her husband, Dan, and their seven children live in Norwalk.

November 2005

Dear Colleagues:

**The CENTER FOR DIVORCE MEDIATION & ALTERNATIVE DISPUTE RESOLUTION, INC. is pleased to send you this twelfth 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**

(continued from bottom of previous column)

are children in the household and one parent leaves the home voluntarily, and the Court finds that the voluntary leaving was in the best interests of the child, the Court will take that fact into account when deciding parental responsibility and custody. Parents aware of this provision in the law will be able to put the child's needs first without fearing they will be disadvantaged financially or in custody rulings by the Court.



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## **NEW CHILD SUPPORT GUIDELINES ISSUED**

On August 1, 2005, Connecticut's updated Child Support Guidelines were issued. A major change is that the Guidelines now range up to \$4,000 of net weekly income. Another change of significance to many couples we work with is, that the Court can make orders for division and payment of future lump sum items of unknown amounts such as bonuses, based on a percentage consistent with the Guidelines schedule.

The new Guidelines take into account alimony paid in determining the health care and child care contribution that each parent is required to make, in effect crediting the payor of alimony and reducing the percentage of health care and child care contribution he/she is required to make.

Another item of interest to our couples is that child care costs are limited by the Court, unless couples voluntarily agree otherwise, to those "required to provide quality care from a licensed source." The Guidelines refer families to the [www.childcareinfoline.org/professionals](http://www.childcareinfoline.org/professionals) website for information on the "reasonableness" of claimed child care costs. For example, for families in Southwestern Connecticut, the average weekly cost for an infant or toddler in center-based care is \$246.66 and for infants or toddlers in home-based care, the average cost is \$184.87.

For more information on the many changes, large and small, in the new Child Support Guidelines, consult the Judicial Department website at [www.jud.state.ct.us/Publications/ChildSupport/2005CSguidelines](http://www.jud.state.ct.us/Publications/ChildSupport/2005CSguidelines).

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## **THE DIVORCE MEDIATORS**

Mary G. Marcus, Ph.D. is a Clinical Psychologist who has had a private practice of individual, couples and family therapy for 24 years. She is an Advanced Practitioner Member of the Association for Conflict Resolution, former President of the Connecticut Council for Divorce Mediation, and a member of the American Psychological Association and the Connecticut Psychological Association.

Wally Marcus is an attorney who has practiced Family Law for 32 years. He is an Advanced Practitioner Member of the Association for Conflict Resolution, former President of the Connecticut Council for Divorce Mediation, former Chair of the Connecticut Bar Association Divorce Mediation Committee, a member of the Executive Committee of the Family Law Section, and a member of the Alternative Dispute Section of the Connecticut Bar Association.

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## **CDM OPENS ARIZONA OFFICE**

The Center for Divorce Mediation & Alternative Dispute Resolution is proud to announce that we have opened our second office in Tucson, Arizona at 5215 N. Sabino Canyon Road, 520-577-1202. We will be working with clients in both Arizona and Connecticut.

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## **PRIVATE ARBITRATION ALLOWED**

Financial issues in divorce cases in Connecticut can now be arbitrated privately instead of being decided by a judge. As of October 1, couples can request a judge to allow them to use an arbitrator of their choice to decide the financial issues in their divorce. Results of the arbitration are legally binding. Arbitrators cannot be used, however, to decide child support, visitation, or custody issues. This new approach will likely reduce the lengthy wait for trial in divorce cases, will afford greater privacy, and will probably reduce costs. According to a news story in the Connecticut Law Tribune, an intent of the new law was to limit arbitrators to attorneys but the law has no such language, and so couples are free to choose their arbitrator from any profession.

To select an arbitrator, we recommend that couples consult the membership directory of the Connecticut Council for Divorce Mediation and Family Dispute Resolution or the American Arbitration Association.

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**FREE ONE-HALF HOUR CONSULTATION**

Deborah Noonan's background is discussed on page 1.

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